**PROVIDER FAIR HEARING PROCESS**

**FOR PARTICIPATION IN**

**THE PROVIDER NETWORK**

**OF**

**INLAND EMPIRE HEALTH PLAN**

(Adopted September 11, 1995; Revised September 11, 2006, August 10, 2009, and July, 2015)

**FAIR HEARING PROCESS**

**FOR THE AWARD OF CONTRACTS**

**FOR PARTICIPATION IN THE PROVIDER NETWORK**

**OF INLAND EMPIRE HEALTH PLAN**

Independent Physician Associations (“IPA) and Hospital Providers (hereinafter, collectively referred to as “Provider”) of medical services who wish to be included in the provider network of the Inland Empire Health Plan (“IEHP”), and who have not been offered a contract to participate, including those providers whose contract has expired, or whose contract has been terminated by IEHP shall follow the procedure outlined below in seeking to be included or for continued participation in the IEHP provider network:

Section 1 Right of Fair Hearing Before the Board of IEHP

1. Any Provider (IPA) who has received a written response from the Chief Executive Officer, or his designee, rejecting the request to be included or to continue participation in the provider network for IEHP shall have the right to a Fair Hearing before the Board of IEHP regarding the decision of the Chief Executive Officer, or his designee.
2. The written response from IEHP, rejecting the request of a Provider (IPA) to be included or to continue participation in the provider network of IEHP shall inform the Provider(IPA) of the reason(s) for rejection and the right to a Fair Hearing before the Board of IEHP regarding the decision of the Chief Executive Officer, or his designee.
3. The Provider (IPA) shall be given ten (10) working days from the date of mailing of the response from IEHP to request a Fair Hearing before the Board of IEHP. “Date of mailing” shall be defined as the date response is deposited to the postal service and postmarked; or such other documented date of deposit to a nationally recognized express transportation company. Such request for a Fair Hearing shall be made by written response from the Provider (IPA) to the Chief Executive Officer, or his designee.
4. Providers (IPA) failing to request a Fair Hearing before the Board of IEHP within ten (10) working days from the date of mailing relinquish their right to a Fair Hearing and any other judicial review.
5. The Fair Hearing before the Board of IEHP shall be set on a regular agenda within sixty (60) calendar days, for which proper notice pursuant to the Brown Act can be given.
6. The Chief Executive Officer shall set the Fair Hearing on the agenda of a regular Board meeting of IEHP pursuant to the provisions of section 1 e. herein, and shall give written notice to the Provider (IPA) of the date, time, and place of the Fair Hearing. The notice shall include a statement that exhaustion of the administrative remedies, as set forth herein is required prior to seeking judicial review.

Section 2 Fair Hearing Position Statements

1. If the Provider (IPA) has requested a Fair Hearing, counsel for IEHP shall provide written notice to both parties requesting written statements that outline their position to be served to IEHP counsel and opposing party by a specified date and time.
2. Failure by Provider (IPA) to provide requested documentation in the timeframes indicated may be considered waiver of Provider (IPA)’s right to a Fair Hearing and any other judicial review. Such decision shall be made at the sole discretion of the Board of IEHP.

Section 3 Fair Hearing Before the Board of IEHP

1. At the time and date specified in the written response of the Chief Executive Officer, the Board of IEHP shall conduct a hearing, and shall receive evidence, including testimony from the Chief Executive Officer of IEHP, his designee, other employees of IEHP if necessary, and the Provider (IPA). The Board of IEHP may receive evidence, including testimony from any other concerned parties who desire to present evidence to the Board of IEHP regarding the request of the Provider (IPA) to be included or to continue participation in the provider network for the operations of IEHP.
2. **Any party wishing to speak on this matter must state for the record any contribution in excess of $250 made in the past twelve (12) months to any IEHP Board member, the name of the Board member receiving the contribution**.
3. The Board of IEHP shall not be limited by the technical rules of evidence in conducting the Fair Hearing.
4. The Fair Hearing shall be conducted in open session during the regular meeting of the Board of IEHP.
5. If the Provider (IPA) fails to appear at the Board meeting for the Fair Hearing, after receiving written notice of the date, time and place of the hearing from the Chief Executive Officer, or his designee, and without requesting a continuance, in writing, directed to the Chief Executive Officer, such writing to be received prior to the date of the Fair Hearing, the Provider (IPA) shall be deemed to have waived the right to a Fair Hearing.
6. The decision of whether a continuance of the Fair Hearing is granted, when requested by a Provider (IPA) at the date and time of the Fair Hearing, shall be in the sole discretion of the Board of IEHP. The Board may, in its sole discretion, decide to deny the request for the Provider (IPA) for a continuance, and proceed with the Fair Hearing.

Section 4 Actions of the Board after the Fair Hearing

1. The Board of IEHP, after the completion of the evidentiary portion of the Fair Hearing may take any of the following actions without further notice:
	1. Grant the request of the Provider (IPA) to be included in the provider network wholly, partially, or conditionally. The Board may direct the Chief Executive Officer, or designee, to negotiate and reach contractual terms and conditions, subject to Board approval, provided that the Provider (IPA) meets the Provider participation standards for inclusion, as approved by the Board.
	2. Grant the request of the Provider (IPA) to continue participation in the provider network wholly, partially or conditionally. The Board may direct the Chief Executive Officer to negotiate and reach new or renewed contractual terms and conditions, subject to Board approval, provided that the Provider (IPA) meets the Provider participation standards for continued inclusion in the provider network of IEHP, as approved by the Board.
	3. Deny the request of the provider (IPA) wholly, partially, or conditionally to be included or to continue participation in the provider network of IEHP.
	4. Continue the matter to the next regularly scheduled Board meeting, at which time the decision of the Board will be rendered.

Section 5 Exhaustion of Administrative Remedies

1. A Provider (IPA) seeking to be included in the IEHP provider network shall be required to exhaust the administrative remedies, as set forth herein, prior to seeking judicial review of the actions of IEHP, and the Board of IEHP.
2. A Provider (IPA) seeking to continue participation in the provider network for the operations of IEHP upon termination or contract expiration shall be required to exhaust the administrative remedies, as set forth herein, prior to seeking judicial review of the actions of IEHP, and the Board of IEHP.
3. The Notice of the Fair Hearing shall contain a statement that exhaustion of administrative remedies, as set forth herein, is required prior to seeking judicial review.

Section 6 Finality of the Decision of the Board

The decision of the Board of the Inland Empire Health Plan shall be final as to the request of the Provider (IPA) to be included or to continue participation in the provider network of IEHP.