



SUBJECT: PROVIDER TERMINATION AND SUSPENSION
SECTION: CREDENTIALING
POLICY NUMBER: CR-04

EFFECTIVE DATE: 12/28/2022
ANNUAL REVIEW: 11/16/2022

Policy Statement:

It is the policy of Foresight to provide due process to Participating Providers who are subject to proposed termination and revocation of credentials.

Accordingly, Foresight has a hearing procedure in place allowing Participating Providers, in certain circumstances, to appeal a proposed termination and revocation of credentials.

Definitions:

Adverse Action - The action taken against a Provider's credentials approval and contractual participation for reasons including, but not limited to: Quality Concerns; substandard care; criminal charges; discipline or sanction by a governmental agency, licensing agency or licensed entity; practicing while impaired; misconduct; misrepresentation of credentials, whether by commission or omission; fraud; harassment of patients, other Providers, clinical staff, or Foresight employees; breach of confidentiality; disruptive behavior or conduct that lowers the standards of care of Foresight; violation of rules and regulations of Foresight.

Clinical Peer Reviewer - A Provider in the same discipline and the same or similar specialty as the health care provider under review.

Credentialing Committee - The committee appointed by Foresight that has been delegated the responsibility for credentialing functions. The Credentialing Committee establishes policies and procedures for the appointment, reappointment, suspension and termination of Providers from time to time.

Hearing - The hearing provided in accordance with CR-04A.

Member - An individual covered under one of the various health benefit plans offered or administered by Foresight's clients.

Participating Provider - An individual health care provider licensed and/or registered, including, without limitation, physicians, osteopaths, nurse practitioners, social workers, psychologists, mental health counselors and marriage & family therapists.

Quality Concerns - Information, facts or circumstances relating, or potentially relating, to Provider's competence or professional conduct which adversely affect, or could adversely affect the health or welfare of a member.

Medical Director - The physician appointed by Foresight whose responsibilities include the supervision of the Credentialing Program and advising Foresight on the adoption and enforcement of policies concerning services. The Foresight Medical Director or a designee shall be a Member of the Credentialing Committee.

Proposed Termination - The proposed revocation of the credentialing approval by Foresight and subsequent termination of credentialing with Foresight, pending the outcome of a hearing if one is requested.

Suspension - The immediate withdrawal, by a Medical Director, of a Provider's rights to provide services to Members pending an investigation or a hearing.

Process:



When Foresight receives information in support of a potential Adverse Action, a review will be initiated with the staff and Medical Director. Upon the recommendation of the Medical Director, a report will be presented to the Credentialing Committee, along with a recommended course of action. The Credentialing Committee will review the facts presented and will render a decision regarding the Provider's status with Foresight.

Notwithstanding the foregoing, Foresight may, in its sole discretion, implement an action or range of actions, prior to presenting a matter to the Committee, including but not limited to: corrective action plans with monitoring; conditional, time-limited credentialing; required continuing medical education or peer monitoring/mentoring, as appropriate. Alternatively, the Committee may, once an issue is presented to them, recommend any of the above actions or a range of actions prior to proposing termination.

If the Credentialing Committee's decision is a Proposed Termination, unless a Hearing Exclusion applies, as defined below, the Plan will afford the Practitioner a Hearing in accordance with CR-04A.

Hearing Exclusions:

A Hearing is not available for terminations resulting from the following:

- Foresight's decision to no longer employ the Provider;
- Except with respect to a physician, whose termination is based on his/her competence or professional conduct, terminations involving imminent harm to patient care; a determination of fraud is made by a government entity; or a final disciplinary action by a state licensing board or other governmental agency that impairs the healthcare professional's ability to practice;
- The provider is excluded from participation in the Medicaid or Medicare programs; or
- The provider has ceased to practice, for legal or other reasons.

No Retaliatory Terminations:

Foresight will not terminate solely because a provider has:

- Advocated on behalf of a member.
- Filed a complaint against Foresight.
- Appealed a decision of Foresight.
- Made a report to an appropriate governmental body regarding the policies or practices of Foresight that the provider believes may negatively impact upon the quality of, or access to care.
- Requested a Hearing or review as provided herein.

Suspensions to Conduct Investigations:

The Medical Director may summarily suspend or restrict a provider's participation for a period not longer than 30 days to conduct an investigation in any case where the Medical Director determines, in his or her sole discretion, that an Adverse Action may be warranted. Notwithstanding the foregoing, in the case where a physician's conduct is related to his/her competence or professional conduct, the Medical Director may summarily suspend or restrict participation:

- To conduct an investigation to determine the need for an Adverse Action for a period not to exceed 14 days, or
- Where the Medical Director determines in his or her sole discretion that the failure to take such action in advance of affording the hearing procedures otherwise applicable to a Proposed Termination may result in the imminent danger to the health and safety of any individual, subject to the subsequent provision of the hearing procedures applicable to a Proposed Termination. Any suspension or restriction of participation pursuant to this paragraph shall be effective immediately upon notice to the provider.

Potential outcomes of such an investigation include Proposed Termination or initiation of a corrective action plan.

Foresight's Duty to Report:

Foresight will report the occurrence of any of the following to the appropriate professional disciplinary agency within thirty (30) days:



- The termination of a participating provider for reasons relating to alleged mental or physical impairment, misconduct, or impairment of member safety or welfare;
- The voluntary or involuntary termination of employment to avoid the imposition of disciplinary measures; or
- The termination of a participating provider's employment in the case of a determination of fraud, or imminent harm to member health.

In addition, Foresight must report to the appropriate disciplinary agencies including but not limited to NPDB, Medical Board of California 805 and 805.01 reports or the appropriate licensing boards within 30 days of obtaining knowledge of any information that reasonably appears to show that a participating provider is guilty of professional misconduct.

Note: *Except as required by law, the Credentialing Committee reserves the right to grant exceptions to this policy.*



Review Reason	Comments	Reviewed By	Reviewed On	Approved By	Approved On
New Policy Format	N/A	Victoria Alvarez	11/19/2021	Credentials Committee	11/19/2021
Annual Review	N/A	Victoria Alvarez	11/16/2022	Credentials Committee	11/16/2022
Policy Update	Clarification for NCQA standards	Victoria Alvarez	12/23/2022	Credentials Committee	12/28/2022