

SUBJECT: HEARING PROCEDURE SECTION: CREDENTIALING POLICY NUMBER: CR-04A	EFFECTIVE DATE: 12/28/2022
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Application:

When the Credentialing Committee proposes to revoke a Provider’s credentials, and such decision triggers the Provider’s right to a Hearing as set forth in CR-04, “Practitioner Termination and Suspension Policy”, Foresight will apply the following process. Capitalized terms contained herein are defined in CR-04.

Notice of Proposed Revocation:

Foresight will provide the Provider with written notification of the proposed revocation of credentials and termination. The written notice shall be personally delivered or mailed by US mail or other verifiable delivery service to the Provider. The notice shall include the following information:

- The proposed action.
- The reason(s) for the proposed action.
- If appropriate, a statement that the Provider has the right to request a Hearing or review, at the Provider’s discretion, before a panel appointed by Foresight;
- The time limit, not less than thirty (30) calendar days, for requesting a Hearing in writing.
- A statement that the Hearing will be held within 30 calendar days after the date the Hearing request is received (unless the parties mutually agree that an extension is necessary).
- A summary of the Provider’s Hearing rights and obligations.

Hearing Request:

If the Provider does not request a Hearing within 30 calendar days of the date of the notice, the proposed action will be final and the Provider will have no additional appeal rights.

If the Provider or the provider’s attorney requests a Hearing, Foresight will schedule a Hearing. Hearing dates and times are determined by Foresight, with the Hearing occurring within thirty days of the Provider’s request.

At the time the provider requests a Hearing, the provider shall be required to notify Foresight of their decision to have attorney representation or be accompanied by an attorney. Foresight shall have legal representation present at the Hearing upon being notified by the provider of their intention to have legal representation. If the provider does not have attorney representation, Foresight will not have an attorney present.

An extension of this 30 day time frame may be agreed upon by the parties based upon availability of the panel members or other administrative logistics.

The Provider is entitled to only one Hearing.

Notice of Hearing:

The notice of Hearing shall contain the following information:

- The Provider will forfeit the right to a Hearing if the Provider fails to appear at the Hearing without good cause.
- Any materials the Provider intends to use as evidence during the Hearing (e.g. relevant medical records, articles from peer-reviewed literature, statements of support from other physicians or providers), must be provided to Foresight at least 5 business days prior to the Hearing.
- Provider’s failure to provide evidence to be presented at the Hearing may result in exclusion of the evidence from the Hearing. In the alternative and in its sole discretion, Foresight may delay the Hearing by a reasonable time if the evidence is not received within the time frame required; such delay will be communicated to the Provider in writing.

Composition of the Panel:



1. The Hearing panel will be composed of impartial individuals, attentive and objective, expediting the Hearing by being available and timely.
2. The Hearing panel shall be composed of at least 3 persons appointed by Foresight, at Foresight's sole discretion.
3. At least one member of the panel will be a Clinical Peer Reviewer.
4. The Hearing panel may consist of more than 3 persons, provided however, that the number of clinical peers on such panel shall constitute one-third or more of the total membership of the panel.
5. Neither the Medical Director nor the officer or employee members of the panel shall have acted as an accuser, investigator, fact finder or initial decision-maker in the matter coming before the panel.
6. The panel shall always consist of an odd number of individuals.

In its sole discretion, Foresight may appoint a Hearing Officer to facilitate the Hearing. The Hearing Officer may be a Foresight employee, but in no event shall such Hearing Officer be in direct economic competition with the provider who is the subject of the hearing. The Hearing Officer ensures the Hearing is conducted with due process, objectivity, impartiality, effectiveness and consistency, and is not a voting member of the panel.

Role of the Hearing Panel:

1. The Hearing panel's role is neither rehabilitation nor protection of the Provider but only to decide whether the proposed termination, revocation or limitation of credentials should be upheld.
2. Hearing panel members will avoid all ex parte communication before and after the Hearing.
3. The Hearing panel's charge is to determine if the adverse action was based upon evidence, consistent with policy, followed due process, and was appropriate.
4. The Hearing panel will review all of the admitted evidence and make appropriate findings of fact, conclusions, and determine proposed penalties, actions, or orders.
5. The Hearing panel will make a recommendation to Foresight regarding the proposed actions.

Evidence at the Hearing:

Provider's rights at the Hearing:

1. Statement of proposed action and reason for proposed action.
2. Representation by an attorney or other representative of the Provider's choice.
3. Provider may present evidence as permitted by the Hearing panel.
4. Objective and impartial hearing panel.

Foresight will also have the right to present evidence determined to be relevant by the Hearing panel.

The Hearing Officer decides all issues regarding admissibility of any and all evidence presented by either side, regardless of its admissibility in a court of law.

Please note that evidence not provided to Foresight at least 5 business days prior to the Hearing will not be offered at the Hearing.

Foresight leads the Hearing with presentation of the following:

1. The timeline of actions, notices, and responses;
2. The action(s) proposed; and
3. Citations to policies, law, precedent and other rules that justify the action.

The Provider responds with the presentation of the following:

1. Rebuttal of any information presented by Foresight, which may include documents to the facts which are the basis of the adverse action;
2. All evidence and witnesses deemed relevant by the Hearing panel; and
3. Proposed alternate penalties or conditions.



Foresight will keep a record of the Hearing, which includes the recording, transcript or summary; all admitted exhibits; the written statement (if any); the Hearing panel's decision; and all related notices.

The Provider shall be afforded the right to have a record made of the Hearing, and the Provider may obtain a copy of the record of the Hearing upon payment of any reasonable charges associated with the preparation and copying of the record.

Written Statements

The Provider may submit a written statement at the conclusion of the Hearing. Foresight asks that the Provider bring sufficient copies of the written statement for distribution to all Panel members, as well as a copy for Foresight.

If the Provider and/or Provider's representative will be attending the Hearing remotely, the written statement must be provided to Foresight in advance of the Hearing for distribution to the panel at its conclusion.

The panel convenes immediately after the conclusion of the Hearing to consider the evidence, including any written statement submitted by the Provider. Any submission made after the panel has rendered a recommendation will not be considered.

Timing of Decision

After the Hearing panel has convened, deliberated, and rendered a decision on the proposed action, Foresight shall issue a final written decision to the Provider. Possible outcomes include: reinstatement of the Provider; provisional reinstatement of the Provider subject to conditions set by Foresight; or termination of the Provider.

The decision will be rendered in a timely manner, not more than 15 business days after the adjournment of the Hearing. Thereafter, Foresight shall issue a final written decision, including a statement of the basis for the decision. Foresight shall provide a copy of this decision to the Provider by U.S. Mail or other verifiable delivery service with return receipt requested.

Effective Date of the Termination

A decision by the Hearing panel to revoke a Provider's credentials shall be effective not less than 30 calendar days after the Practitioner's receipt of the decision. In no event will the termination be effective earlier than 60 calendar days from the receipt of the initial notice of proposed termination provided to the Practitioner. The date of receipt will be presumed to be 5 calendar days from the date of the initial notice.

Finality of Decision

The decision of the Hearing panel is final. The Provider is entitled to 1 Hearing; there are no appeals.

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
Policy Update	State specific requirements	Victoria Alvarez	09/27/2022	Credentials Committee	09/28/2022
Policy Update	Clarification for NCQA standards	Victoria Alvarez	12/23/2022	Credentials Committee	12/28/2022