

Subgrantee Service Providers Appeal Policy and Procedure

Policy: CO.2.04

Effective Date: 9/30/2010

Revised: 8.1.2022

Approved: *Tom Antis*, CEO

Reviewed: 10.10.2023

1.0 POLICY:

- 1.1 The following appeals procedure is to be employed by Senior Resources on any actions which are rejections including probation, suspension or termination, in part or in whole of existing or proposed contracts or agreements involving funds and under the jurisdiction and control of Senior Resources.
- 1.2 Any agency whose application to provide services under contractual agreement has been denied (in part or in whole) by Senior Resources or whose contractual agreement has been placed on probation, suspended or terminated may appeal this decision to the Board of Directors' Chairperson and Chief Executive Officer (CEO).

2.0 PROCEDURE:

- 2.1 The following steps will be taken and must be conducted within an aggregated time frame of sixty (60) calendar days.
- 2.2 A written notice to the applicant/service provider will be sent within seven (7) calendar days of action and will include:
 - a. Notice of Senior Resources action to place on probation, suspend, terminate, or deny a contract;
 - b. Notification of the right to appeal;
 - c. Notification that information or criteria on which the Senior Resources action was based is available for review by affected parties in accordance with requests for proposals or bids and award procedures;
 - d. Notification that the affected party may appear in person or by a designated representative at the appeal hearing on Senior Resources' action.
- 2.3 Any agency having the right to appeal shall provide a written notice of appeal and request for an appeal's hearing to the CEO of Senior Resources within ten (10) calendar days of receiving the written notice of action taken and right to appeal. A copy of the request to appeal will be submitted by Senior Resources' CEO to the Board Chairperson and the Director of Michigan's Bureau of Aging, Community Living, and Supports (ACLS Bureau) within seven (7) calendar days of receipt.
- 2.4 Appeal requests made by public or private organizations shall certify that the appeal is officially endorsed and initiated by the organization's governing body and be signed by the appellant's Board Chairperson (or ruling body president). The written requests shall include the following:
 - a. Senior Resources' action which is being appealed. Please note: appellant /provider must clearly state the specific action that is being appealed.
 - b. Grounds upon which the appeal is being made. Please note: The appellant /provider must cite and list justifiable grounds for appealing the decision. Grounds must pertain to the proposal or the procedures for evaluation or assessment.
 - c. Any procedural step not followed will result in denial of request for appeal. Written notice of denial of appeal shall be given to appellant within fourteen (14) calendar days of receipt of the appeal.
- 2.5 Upon receiving the request, Senior Resources' Board Chairperson reserves the right to appoint a special committee to hear the appeal if applicable, and to specify the degree of authority it may exercise. If no committee is appointed, the appeal will be heard by the CEO and Board Chairperson. Board members affiliated with or having a conflict of interest regarding the appealing agency may not serve on the committee or vote on the appeal.

- 2.6** The CEO and Chairperson shall inform the Board of Directors' Executive Committee (unless the Board has appointed a special Appeal Review Committee) of the appeal, acknowledging that procedural steps have been met, and recommending a review hearing.
- 2.7** A hearing shall be scheduled no later than thirty (30) calendar days after the appeal was received. A notice of the hearing shall be mailed to the concerned parties not less than ten (10) calendar days prior to the hearing date. The notice shall include:
- a.** Date, time, and place of hearing;
 - b.** Statement of issue being heard;
 - c.** Request for submission of written documentation which is relevant to the appeal;
 - d.** Rules of conduct; and
 - e.** Rights of the applicant/provider.
- 2.8** Senior Resources' CEO and Board Chairperson or Appeal Review Committee may dismiss an appeal under any of the following circumstances:
- a.** Appeal was not signed and initiated by duly authorized official;
 - b.** The request was not submitted within the time allowed;
 - c.** The appellant fails to follow the appeals procedure steps;
 - d.** The request is withdrawn by the appellant through written communication before a final decision is made;
 - e.** The applicant/provider fails to appear or be represented at the scheduled hearing.
- 2.9** Written notice will be given by the Board Chairperson within fourteen (14) days to the appellant stating the reasons for dismissal.
- 2.10** Hearings will be conducted to review items in dispute and seek clarification or resolution to the issue. The appellant shall be given an opportunity to present oral and written arguments on pertinent issues, to bring witnesses, and present evidence. A record of such a meeting, including relevant facts, will be maintained in the Senior Resources office.
- 2.11** The decision shall be communicated in writing to the appellant within five (5) working days following the review hearing.
- 2.12** The appellant is then notified that the decision may be appealed by written request within ten (10) calendar days to the full Board of Directors of Senior Resources by appearing in person before the full Board at the next regularly scheduled meeting.
- 2.13** The final decision of the full Board of Directors will be communicated in writing to the appellant and ACLS Bureau within five (5) business days following their decision. Their decision shall be considered final and the appellant shall be referred to ACLS Bureau's Appeal Procedure.
- 2.14** Any rejection recommendation that is supported by the Board of Directors may result in a reissuance of Request for Proposal or Bid, and the process will be reopened for that service category and/or geographical area only.
- 2.15** The appellant is notified that the decision of the full Board of Directors may be appealed within ten (10) calendar days to ACLS Bureau or to binding arbitration in accordance with the provisions of the American Arbitration Association or a similar recognized professional arbitration organization. The decision of the arbitrator is binding and is not appealable to ACLS Bureau. The arbitrator shall determine the distribution of costs between parties. ACLS Bureau appeal procedures shall be available to appellant from Senior Resources.
- 2.16** When the Senior Resources decision being appealed results in a change in existing providers for any service or project area, the appeal proceedings must be completed through final full Board of Directors decision by no later than thirty (30) days before the beginning of the fiscal year. If completion of the local appeal is not accomplished within the time frame, the contract of the existing provider must be extended until the appeal process through the state level has been completed. The exact length of the contract extension shall be determined by the Director of the ACLS Bureau.

3.0 REVISIONS:

Date:	Location:	Revisions:
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8.1.2022	Throughout	Aging and Adult Services Agency or AASA changed to Aging and Community Living Supports Agency or the ACLS Bureau