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Owner Dorian Johnson:  
Customer Service  
Due Process  
Manager  
Policy Area Customer Service

## Second Opinion Procedure

### PROCEDURE PURPOSE

It is the policy of Detroit Wayne Integrated Health Network (DWIHN) to follow all Federal and State requirements regarding denial of inpatient behavioral health treatment or denied entry into the community behavioral health system. This policy is in place to ensure that all persons and/or their legal/ authorized representatives requesting/receiving behavioral health services have consistent access to second opinion rights.

### EXPECTED OUTCOME

To provide procedural and operational guidance to DWIHN staff, Crisis Service Vendors, contracted service providers and subcontractors which will facilitate the development and implementation of second opinion rights.

### PROCEDURE

1. DWIHN, DWIHN's contracted service providers and Crisis Service Vendors shall:
  - a. Ensure the right to a second opinion is accessible to individuals receiving or requesting public behavioral health services and supports, at no cost.
  - b. Ensure all individuals are educated as it relates to their right to receive a Second Opinion. Effectively address decisions that impact the individuals, the individual's access to or satisfaction with services and supports.
  - c. Ensure this written procedure is developed to reflect MDHHS requirements.
  - d. Ensure participation of individuals with the authority to require corrective action, can implement corrective action when applicable.
  - e. Ensure staff is appropriately trained specific to due process procedures including

Second Opinion, Local Appeals and Local Dispute Resolution.

- f. Ensure expedited processes are accessible for service denials and individuals are made aware of their right to Second Opinions whenever initial access to all community mental health services is denied.
- g. Make accessible brochures and informational materials related to Local Appeal/ Local Dispute Resolution processes and procedures which include the right to Second Opinion.
- h. Ensure individuals and families are aware of their rights and are notified that they may file recipient rights complaints pursuant to Chapter 7 and 7a of the Code. There is no requirement that the grievance, local appeal or local dispute resolution process be exhausted prior to filing of a Recipient Rights complaint.
- i. Ensure the person rendering the Second Opinion, Local Appeal or Local Dispute Resolution is not the same person(s) who made the initial decision.
- j. Ensure reports of Second Opinion determinations are reviewed by the DWIHN's Quality Improvement Program to identify opportunities for improvement

2. DWIHN shall:

- a. Assure that staff, its direct contractors and subcontractors are compliant with access to second opinion procedures,
- b. Include all necessary language in contracts and requiring contractor's language complies with State and Federal requirements.
- c. Providing technical assistance and training on the Second Opinion rights to promote the resolution of concerns as well as support and enhance services.
- d. Reviewing requests for Second Opinion from service provider/direct contractor initial review and denial decisions.
- e. Ensure individuals are aware of their right to access the Local Appeal/State Fair Hearing/Alternative Dispute Resolution process

3. Denial of Access to Community Mental Health Service

- a. DWIHN's Access Center shall:
  - 1. Make screening and eligibility determinations regarding access to community mental health services.
  - 2. Ensure all applicants, his/her legal guardian or the applicant's parent in the case of a minor are informed of their right to request a Second Opinion.
  - 3. Ensure the Second Opinion is rendered face to face or via telehealth by a psychiatrist not involved in the initial eligibility determination, including a child psychiatrist for children and adolescents.
  - 4. Ensure the Second Opinion is processed in compliance with Section 705 of the Code and resolved within five business days.
  - 5. Ensure the applicant is aware that he/she may not file a recipient rights complaint for denial of services suited to conditions as he/she does not have standing as a recipient of mental health services.

6. Ensure applicants are aware of the right to file a Recipient Rights complaint if the request for a Second Opinion is denied.
7. Maintain accurate records for tracking of all requests for Second Opinion and provide monthly report.  
Ensure all staff are trained and maintain current knowledge of Second Opinion rights and procedures for applicants seeking mental health service.

4. Denial of Psychiatric Hospitalization:

a. DWIHN/The Crisis Screening Entity for Children and Adults shall:

1. Ensure access to the Second Opinion process for the individual, his/her legal representative, when hospitalization is denied.
2. Ensure the individual, legal representative must request the second opinion within 24 hours of the denial. They can request verbally for a Second opinion after receiving notice of denial of admission for inpatient psychiatric services.
3. Once the executive director of the Crisis Screening Entity receives the request for a Second Opinion, an additional evaluation will be arranged with a psychiatrist, other physician or licensed psychologist to be performed within 3 business days excluding Sundays and legal holidays.
4. Ensure a physician not involved in the initial denial of inpatient hospitalization completes the Second Opinion evaluation.
5. If the conclusion is different from the initial decision, DWIHN's Executive Officer or Appointee shall make a decision based upon all clinical information available as expeditiously as possible.
6. The executive director's decision shall be confirmed in writing to the individual who requested the second opinion, and the confirming document shall include the signatures of the Executive Director and/or His/Her Appointee and Chief Medical Officer or Medical Director for verification that the decision was made in conjunction with the medical director/chief medical officer.
7. If an individual is assessed and found not to be clinically suitable for hospitalization, the crisis screeners shall provide information regarding alternative services and the availability of those services, and make appropriate referrals.
8. Ensure all appropriate staff are aware that an individual or someone representing the individual, who is denied access to a Second Opinion, may file a Recipient Rights complaint with the DWIHN's Office of Recipient Rights (ORR).
9. Ensure all appropriate staff are aware that denial of a Second Opinion to active individuals receiving behavioral health services may result in the filing of a Chapter 7 complaint alleging a violation of his/her right to treatment suited to condition.

10. Ensure the Medicaid Fair Hearing process is offered to an individual or their legal representative, if a psychiatric hospitalization is denied and the individual/guardian/parent of minor wishes to contest an unfavorable Second Opinion decision. (Medicaid Provider Manual Section 8.2)
5. Second Opinion Requests Outside of the Michigan Mental Health Code Requirements
    - a. If a member is requesting a second opinion regarding services not covered in the scope of the Michigan Mental Health Code, the individual will have no more than 30 calendar days to contact DWIHN's Customer Service(CS) Unit in writing and request a second opinion. The Second Opinion review will be resolved within 30 calendar days unless an extension is requested. The CS Due Process Department will review each request received and will submit the requests to the necessary departments as is needed for review. A written notice will be provided to the inquirer including the title and credentials of the individual that made the decision. The letter regarding the decision will go out no later than two (2) calendar days after the second opinion decision has been rendered.

## PROCEDURE MONITORING & STEPS

Who monitors this procedure:	Dorian Johnson, MA LLPC
Department:	Customer Service
Frequency of monitoring:	Annually
Reporting provided to:	Customer Service Director
<b>Comments: This procedure is attached to the <a href="#">Customer Service Enrollee/Member Appeal Policy</a></b>	

### Approval Signatures

Step Description	Approver	Date
Policy Admin Review	Allison Smith: Project Manager, PMP	02/2023