Section 6	Compliance Policies	04/11/03 - Originated
Subject 6.1	General Compliance	02/02/12 - Reviewed w/ changes 01/25/06 - Reviewed w/o changes
Policy 6.1.3	**Appeal of a Determination by the Office of Institutional Compliance**	03/02/12 - Effective Compliance Office - Author

Appeal of a Determination by the Office of Institutional Compliance

Policy

A vice president, department chair, dean, or entity leader may appeal a policy, interpretation, opinion, or determination by the Office of Institutional Compliance (OIC) directly to the Executive Institutional Compliance Committee (Executive ICC). This includes, but is not limited to, conflicts or differences of opinion regarding specific policies or determinations by the OIC and the opinion or interpretation by any UTMB school, department, or other entity.

Other individuals should contact their respective leadership to begin the appeal process. As an example, a department chair may file an appeal if the department and the OIC are unable to reach an agreement related to the OIC's recommended plan for refunding the associated overpayment from a billing error.

Determinations of the ICO

Routinely the OIC may issue a policy, interpretation, opinion, or determination regarding various laws, regulations, or guidance or interpretation of rules. Examples of determinations the OIC may make include, but are not limited to:

- use of a specific Current Physician Terminology (CPT) or diagnosis code;
- Emergency Medical Treatment and Active Labor Act (EMTALA);
- teaching physician guidelines; and/or
- Health Insurance Portability and Accountability Act (HIPAA) issues.

UTMB will operate under the presumption that the OIC determination is definitive and correct. However, a UTMB department or entity may present an appeal to a determination made by the OIC. The appeal shall be presented to the Executive ICC for a final determination.

Process for Presentation of Appeal

In the event that any UTMB department or entity does not agree with the determination of the OIC regarding the interpretation of a specific law, regulation, or guidance or with a policy that has been developed, the department chair or entity leader may request an opportunity to appeal the decision of the OIC to the Executive ICC.At least two weeks prior to the meeting of the Executive ICC, the vice president, department chair, dean or entity leader requesting the opportunity to appeal the OIC's position must complete the following requirements to place the item on the agenda of the Institutional Compliance Committee.

Process for Presentation of Appeal, continued

1. Contact the OIC and request that the appeal be placed on the agenda of the Executive ICC.
2. Provide citations of all laws, regulations, policies, program memoranda, and any other material to be used in the appeal.
3. Provide copies of all documentation to be used to appeal the decision of the OIC.
4. Provide written assurance to the Executive ICC that the matter had been discussed with the Chief Compliance Officer.

Following the presentation of the appeal and the response of the OIC, the Executive ICC will make a final determination regarding the issue.

A two-thirds (2/3) majority vote of the Executive ICC quorum will be required to revise the decision of the OIC. Additionally, the Executive ICC may vote to revise the OIC policy or determination in light of discussion during the meeting.

References

IHOP 6.1.0 Institutional Compliance Plan