

PARTNERSHIP HEALTHPLAN OF CALIFORNIA

Delegation Oversight Program Description

Created May 25, 2023 / DHCS Approved August 31, 2023

The Delegation Oversight Program ensures appropriate oversight of responsibilities for which Partnership HealthPlan of California (PHC) has assigned authority externally. This program description was developed in consideration of and referenced within PHC's Compliance Plan and as such, reinforces PHC's commitment to compliance with the regulatory and accreditation standards with which we are beholden. Furthermore, PHC's Delegation Oversight Program and structure, inclusive of our program description, related policies, and oversight committees, ensures consistent assessment, assignment, and on-going monitoring of delegated responsibility, irrespective of delegate's location of operation within our service area.

The National Committee for Quality Assurance (NCQA) defines delegation as "a formal process by which an organization gives another entity the authority to perform certain functions on its behalf. Although an organization can delegate the authority to perform a function, it cannot delegate the responsibility for ensuring that the function is performed appropriately. An organization is ultimately accountable for all functions performed within its purview; whether performed by the Managed Care Organization (MCO) itself, by a delegate, or by any sub-delegates."

The Department of Health Care Services (DHCS) refers to delegated entities as "subcontractors" and defines the term as "an individual or entity who has a Subcontract with Contractor [PHC] that relates directly or indirectly to the performance of Contractor's obligations under this Contract with DHCS."

- A subcontractor agreement means a written agreement entered into by the Contractor with any other organization or person(s) who agree(s) to perform any administrative function or service for the Contractor specifically related to fulfilling obligations of the DHCS contract.
- Per 42 CFR 438.2 "A network provider is not a subcontractor by virtue of the network provider agreement"

One of PHC's primary oversight vehicles is the Delegation Oversight Review Subcommittee (DORS), which is tasked with overseeing PHC's compliance with delegation requirements as set forth by state and federal laws and regulations and contractual and accreditation requirements; in doing so, ensures delegated entities compliance.

The primary functions of DORS include, but are not limited to:

- Promotes use of criteria by the plan to assess if potential contractual arrangements are considered delegation based on DHCS and/or NCQA standards
- Oversight of pre-delegation assessments/evaluations as conducted by the PHC department with expertise in the area of responsibility for the potential delegated entity
- Maintains awareness and understanding of current and new NCQA and DHCS requirements applicable to delegated responsibilities Evaluate and as appropriate, make recommendations based on subject matter expert assessment of capacity of potential delegate to perform delegated responsibilities
- Discuss and hear recommendations on the outcome of PHC department review of regular reporting by delegated entities
- Discuss and hear recommendations on the outcome of oversight audits and monitoring activities, which includes imposition and monitoring of corrective action plans
- Make recommendation for interventions designed to ensure delegated entity compliance with governing agreements, rules, and standards
- Review and maintain knowledge of the Corrective Action Tracker for all delegates
- Discuss and hear recommendations of regular reporting from delegated entities

If opportunities for improvement are identified through the oversight (monitoring and auditing) process, the PHC department and/or Subcommittee may implement interventions or recommend corrective actions. This process shall adhere to PHC policy CMP-38 Escalation and Corrective Action.

The Delegation Oversight Review Subcommittee shall meet at least on a quarterly basis or more frequently, if

needed, to report any delegation oversight activities or concerns. DORS shall maintain written meeting minutes and disseminate minutes to its members along with a copy to the Compliance Committee.

Subcommittee Member Expectations:

- Subcommittee member or their proxy, shall be considered a subject matter expert (SME) in their respective area of focus, should be familiar with respective delegated responsibilities, and shall have the authority to act on behalf of their department to make recommendations for delegation oversight activities, escalation, and/or corrective action
- Responsible for facilitating action items and communicating pertinent information with their respective team members
- Conducts regular delegation monitoring activities and makes reports of these activities to DORS
- Implement interventions and/or recommend corrective actions as needed when opportunities for improvement are identified
- Agrees to participate in the audit process including review of audit materials, planning meetings, and development of recommendations and corrective action plans
- Recommend revocation of delegation agreements if delegated entity is unable or unwilling to meet expectations despite appropriate interventions or requests for corrective actions.

Delegation Oversight Review Subcommittee Members and Expectations:

DORS shall be comprised of subject matter experts from each department and include the following or their designee.

Associate Director of Compliance and Program Strategy
Chief Operating Officer
Manager of Regulatory Affairs and Compliance
Manager of Governance and Compliance
Compliance Auditor
Delegation Specialist
Senior Director of Provider Relations
Senior Director of Health Services
Director of Claims
Associate Director of Operational Excellence and Program/Project Management Office
Associate Director of Care Coordination
Director of Member Services
Associate Director of Utilization Management Regulations
Director, Care Coordination Operations
Manager Transportation Programs
Supervisor of Health Education

Northern Region Director of Member Service and Provider Relations
Northern Region Health Services Director
Pharmacy Services Director
Director of Utilization Management
Behavioral Health Services Administrator
Grievances and Appeals Compliance Manager
Director of Grievance and Appeals
Manager of Quality Assurance & Patient Safety
Director of Provider Relations
Sr. Manager of Regulatory Affairs
Director of Population Health
Medical Director
Senior Manager of Provider Network Education and Credentialing
Manager of Business Decisions & Analysis, Finance
Associate Director of UM Strategies
Manager of Claims

Governance

The Delegation Oversight Review Subcommittee is a subcommittee of the Compliance Committee and is not subject to Brown Act requirements. DORS shall adhere to standard committee procedures. Specifically, a quorum is achieved when a majority of the members, or their designee, are present for a scheduled meeting. As a reviewing committee, DORS may approve, including with suggested amendments, recommendations made by committee members or on referral from other committees. Actions/recommendations are deemed approved when there is quorum of members present and no objections are noted. A Compliance Department staff member will serve as Chair of DORS.

Delegation Oversight Program Policies

- CMP02 – Risk Assessments, Audits, and Monitoring
- CMP36 – Delegation Oversight & Monitoring
- CMP38 – Escalation and Corrective Action
- ADM47 – Administrative and Financial Sanctions