

## Ministry of Public Health

### Health Financing and Insurance Department

#### Appeals Policy and Procedures

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## 1. Executive Summary

The Mandatory Health Insurance Scheme (MHIS) shall provide compulsory defined essential health insurance benefits to all eligible visitors and expatriates in the State of Qatar. In the course of implementing and administrating the MHIS, any Stakeholder participating in the scheme such as Beneficiaries; Employers and Recruiters; Insurance Companies; Third Party Administrators ("TPAs"); Health Insurance Brokers ("Brokers"); Healthcare Service Providers ("Providers"); and/or Competent Authorities may wish to appeal against any decision taken by the Competent Authority regulating the MHIS, i.e., the Healthcare Financing and Insurance Department (HFID).

This Policy defines the Appeals Process open to all participants in the MHIS with legitimate grounds to lodge a final challenge to any official decision taken by HFID as part of the its regulatory decisions in general or decisions related to Complaints, Disputes, or Arbitration mechanism, and shall be operated and governed, as per Article No 25 of the Law No (22) of 2021 Regulating the Healthcare Services within the State ("The Law"), and the Resolution of the Minister of Public Health No (X) of 2023 defining the Chairman and members of the Appeal Committee, their remuneration, the procedures for considering any Appeal, the rules and procedures to be followed, and the mechanism for implementing its Decisions. This Policy also defines the Appeals Process steps to be taken by the Appellant/s and the terms of Reference of the Appeals Committee.

The Ministry of Public Health (MoPH), represented by HFID, is responsible for regulating the MHIS under the Law and the Regulation. For HFID to be able to fully carry out its regulatory, supervisory and enforcement duties, it will be necessary to issue decisions against parties participating in the MHIS. In order to ensure that these Stakeholders are given a final opportunity to express their opinion on any decisions taken against them by HFID, Article (25) of The Law, grants them the right to Appeal against any such decision and specifies the Appeal channels and mechanisms as well as the timelines for submitting Appeals and taking decisions on such Appeal requests.

An Appeal represents a final formal challenge to any official decision taken and communicated by HFID, lodged by the Appellant/s or any dissatisfied Stakeholder participating in the MHIS using the appropriate channels and requesting that any HFID decision be overturned or modified, and/or that related penalties be cancelled, waived, or reduced.

The purpose of the Appeals Process is to provide an independent review of any decision(s) taken by HFID against any of the regulated participants in the MHIS due to non-compliance with pertinent laws and regulation. In order for the MHIS Appeals Process to be accessible to all participants in the scheme, any decision of HFID may be subject to Appeal,

provided that the Appellant/s is/are significantly affected by such a decision and present sufficient grounds for such an Appeal to be accepted.

The Appeals Committee shall ensure that it acts consistently in all its functions and approaches thereby supporting the goals and aspirations of the MHIS as best possible. The Appeals Committee shall be fair, independent, proportionate, expert opinion-based, transparent, equally accessible to all participants in the MHIS, timely and efficient for all stakeholders involved.

The Appeals Committee shall take the form of an independent committee of arbitrators composed of members appointed by the MOPH. The Appeal Committee may appoint Subject matter Experts (SME) as deemed necessary to support the decision-taking process depending on the subject and nature of the lodged appeal. The Appeals Committee shall sit within the MoPH and shall maintain a Secretariat to provide support in verifying evidence presented as part of the Appeal and processing information related to any Appeal as directed by the Chairman of the Appeals Committee.

A wide range of authorities shall be vested in the MoPH's Appeals Committee including the power to uphold, amend or overturn any decision taken by the HFID, or to dismiss the whole or any part of any Appeal if not complying with the defined completeness or the acceptance criteria. Additionally, if new evidence or information reveals, the Appeals Committee can refer the matter back to HFID and direct it to reconsider its decision.

## 2. Introduction

### 2.1. Purpose of the Appeals Policy

According Article (25) of Law: Appeals shall be reviewed by the Appeals Committee established by the MoPH according to Article (25) of The Law, which stipulates that: *"A committee called the Appeals Committee shall be established in the Ministry to examine Appeals submitted by concerned parties pertaining to decisions issued by the Competent Department in accordance with this Law and the Regulation. A decision by the Minister shall be issued naming the Chairman and Members of the Committee and determining their remuneration. The decision shall specify the Appeal procedures and rules to be followed by and before the Committee, and the mechanisms for implementing its decisions".*

The Appeals Committee shall have the authority to cancel any decision taken by HFID and revise or over-turn such HFID decisions based on the supporting evidence presented by the Appellant/s , and to direct HFID and/or the Appellant/s to take any measures the Appeals Committee deems appropriate to implement its decision, provided that these decisions do not require any steps that HFID or the Appellant/s do not have the ability to take or apply.

The purpose of the Appeals Process is to provide an independent review of any controversial decision taken by HFID concerning the regulated entities or other stakeholders, in matters relating to compliance with the MHIS. An Appeal for an independent review of any HFID decision may relate to any of the following perceived issues:

- Overstepping of HFID's authorities and powers.
- Non-compliance with any due requirement or process step related to supervising and regulating the MHIS.
- HFID error(s).

The Appeals Committee shall strive to protect regulated entities and stakeholders, as well as the MoPH and its reputation and shall protect HFID from being accused of partiality or unwillingness to acknowledge its own errors, thus ensuring that it is regarded as a fair and credible Regulator of the MHIS.

In this context, HFID has the power to take decisions that might significantly impact the operational and financial feasibility and sustainability of entities under its jurisdiction. The MoPH shall establish and maintain an Appeals Committee, giving regulated entities the opportunity to defend their interests in instances where the HFID is deemed to have overstepped its competencies and authorities.

## 2.2 Principles governing the Appeals Committee

The Appeals Committee shall adhere to a set of best practice principles when undertaking its functions, to ensure that it carries out its role in the most appropriate and consistent manner. The Appeals Committee shall be:

- **Fair**, adopting an independent and unbiased perspective, and taking decisions based on relevant evidence and information. The Appeals Committee should seek to ensure that all parties participating in the MHIS are on equal footing with respect to any Appeals lodged;
- **Proportionate**, in the manner in which it deals with any Appeal, as well as in any decisions it takes or with respect to sanctions or penalties it imposes in conjunction with an Appeal. Any decisions made should be proportionate to the severity of the failings that led to the contested decision of HFID that is being Appealed against;
- **Efficient**, and flexible in its proceedings related to the Appeals Process. The Appeals Committee shall seek to use its own resources, as well as leveraging the resources of the Appellant/s and the MoPH;
- **Timely**, in its processing of Appeals. The Appeals Committee shall seek to take its decisions within a reasonable period of time after a matter is escalated to its attention to minimize disruption to all MHIS participants and stakeholders;
- **Expertise-based**, and shall consult subject matter experts from its pool of experts whenever needed as efficiently as possible;
- **Transparent**, in the exercise of all of its responsibilities, functions, processes and decision taking. The Appeals Committee shall publish its decisions and the reasoning behind these. Transparency is essential to build the credibility of the Appeals Committee among the regulated entities as well as in the public eye;
- **Accessible**, by ensuring that the right to Appeal and related processes are clear and understandable to any Party/Parties wishing to Appeal against any decision taken by HFID with respect to the MHIS.

### 3. Key elements of the Appeals Policy

#### 3.1. Definitions

Term	Definition for the purposes of this Policy
Appeal	Any challenge by one or more legitimate stakeholder(s)/ participant(s) in the MHIS to any final decision of the HFID in its role as the Regulator of the schemes, or to a final ruling of the HFID Complaints and Dispute Resolution Committee, as per the due MoPH Appeals Process defined in the Appeals Policy.
Appellant/s	Stakeholder(s) participating in the MHIS such as Beneficiaries; Employers and Recruiters; Insurance Companies; Third Party Administrators ("TPAs"); Health Insurance Brokers ("Brokers"); Healthcare Service Providers ("Providers"); and/or Competent Authorities, lodging an Appeal against any decision(s) of the HFID.
Appeal Process	Defined steps to ensure that the submitted challenge has met the requirements and merits for consideration by the appeals committee, and further proceedings for adjudication and final committee decision.
Appeal Application	Legitimate application to lodge an official challenge to any decision(s) of the HFID by any participant(s) in the MHIS.
Appeals Acceptance Subcommittee	Subcommittee consist of not more than three [3] arbitrators of the Appeals Committee appointed by the Chairman of the Appeals Committee on a case-by-case basis to review any Appeals Application and ensure that it fulfills the set criteria for initiating an official Appeals Process.
Appeals Committee	An independent committee located within the MoPH but outside of the HFID structure. The Chairman, members, and terms of reference of

	the Committee shall be defined by a decree issued by the Minister of Public Health.
Arbitrator	Any voting member of the Appeals Committee duly and officially appointed by the Chairman of the Committee.
Subject Matter Expert (SME)	Expert with relevant qualifications and experience to an Appeal case at hand, nominated by the Chairman of the Appeals Committee, or nominated by an officially appointed Arbitrator before or during an Appeal Process to provide independent, impartial advice to the Chairman and/or the Appeals Committee.
Secretariat of the Appeals Committee; Appeals Committee Secretariat ("The Secretariat")	The first point of contact for any Appeals Applications, responsible for receiving and checking all applications for completeness (e.g., have all the required forms been filled in, has the supporting documents/ appropriate evidence been provided, etc.). The Secretariat shall also be responsible for all process related to written and official communication on behalf of the Committee with the Appellants. Moreover, the Secretariat shall manage the meetings and deliberations schedule of the Committee as per the instructions of the Chairman and other appointed Appeals Committee members ("the Arbitrators") as well as the status log for all Appeal cases.
Appeal Escalation to the Minister of Public Health	Process by which any Appellant may appeal to the Minister of Public Health against a Decision of the Appeals Committee within seven [7] working days of receiving such Decision.
Beneficiary/Beneficiaries	Any non-Qatari natural person entitled to access healthcare services by virtue of the mandatory Health Insurance scheme, in accordance with the provisions of this Law and the Regulation.



Complaint and Dispute Resolution Committee	A Committee fully independent of the Appeals Committee established by HFID to investigate and adjudicate any legitimate Complaint of any stakeholder/participant in the MHIS against another stakeholder/participant (except HFID), and to Arbitrate in Disputes between such parties.
Employer	Ministries, other government agencies, all public and Private bodies, and institutions, as well as any natural or legal person hiring employees, laborers, or domestic workers against a wage of any kind.
Insurance Company	Any National insurance company engaging in the health insurance business in Qatar, in accordance with the provisions of this Law and the Regulation
Healthcare Provider (HCP)	Governmental Healthcare Facilities providing healthcare services, as well as Private Healthcare Facilities licensed to provide such services, in accordance with the pertinent Laws of the State of Qatar.
Health Insurance Broker (HIB)	Any natural or legal person that markets and sells insurance policies against a financial consideration, in accordance with the provisions of this Law and the Regulation.
Health Financing and Insurance Department (HFID) "The Regulator"; the "Competent Authority"	Health Financing and Insurance Department of the Ministry of Public Health, mandated to develop and regulate the health insurance system, applying international best practices in order to support and achieve the multiple objectives of the healthcare sector and the National Health Strategy of the State of Qatar through the functions assigned to it.
MHIS	The health insurance system that mandatory covers the basic Healthcare Services for any legal expatriates and Visitors to the State of Qatar in accordance with the provisions of the Law and the Regulation.

Ministry of Public Health (MoPH)	Is a Qatari Ministry that is mandated to Improve the health of Qatar's population through establishing, maintaining and regulating an integrated healthcare system, managed according to world-class standards, designed to meet the needs of existing and future generations, and by adopting an effective National Health Strategy.
Regulation	The Executive Regulation pertaining to the Law No. (22) of 2021 regulating the Healthcare services within the State .
Recruiter	Any natural or legal person recruiting a natural person for the purposes of residence or employment in Qatar, in accordance with the provisions of Law No. 21 of 2015.
Third Party Administrator (TPA)	Any company that manages and settles health insurance claims in the State, in accordance with the provisions of this Law and the Regulation.

### 3.2. Scope of the Policy:

This policy is applicable to all participants in the MHIS. However, it is also applicable to parties involved in the provision of the Additional Healthcare Services, and as per The Law and the Regulation.

### 3.3. Stakeholders/Appellants:

Any participant in the MHIS has the right to Appeal against any decision issued by the HFID. Participants in the MHIS include the following entities and stakeholders:

- i. Beneficiaries covered under the MHIS
- ii. Employers or Recruiters
- iii. Insurance companies participating in the MHIS
- iv. Third Party Administrators serving Insurance companies participating in the MHIS
- v. Health Insurance Brokers advising and serving MHIS Policy Holders
- vi. Healthcare Service Providers serving Beneficiaries in the MHIS

### 3.4. Appeals Completeness Criteria

- The appeals application should be submitted within:
  - Fifteen [15] calendar days from the date when the Appealing party is notified of the contested HFID decision by official written notice.
- The Appeals application shall consist of a filled-out standard template issued by the Appeals Committee and completed by the Appellant/s. This shall include:
  - Essential information about the Appellant/s
  - Details of the HFID decision being challenged and the grounds on which the Appellant/s is/are challenging this, accompanied by the necessary evidence, and supporting documentation
  - The resolution that the Appellant/s is/are seeking
  - Any other information relevant to the Appeals Process

### 3.5. Appeal Acceptance Criteria

Three main criteria shall be fulfilled in order for the Appeals Committee to begin an official Appeals Process: (i) the contested decision must be open to Appeal, (ii) the Appellant/s has/have the right to Appeal against the contested HFID decision, and (iii) there are sufficient evidenced grounds for an Appeal to be considered to ensure that the Appeals Committee does not waste resources on frivolous Appeals, and that the Appeals Process constructively contributes to the credibility and sustainability of the MHIS.

However, if no acceptable grounds for an Appeal can be identified, the Appeals Committee shall reject the application.

Following the receipt of an Appeals application, the Appeals Committee shall organize all necessary deliberations between its Committee members, subject matter experts, and the Appellant/s (and any other stakeholder or involved party that the Committee deems necessary to involve) in order to decide whether a submitted Appeal should be officially considered.

### 3.6. Composition of the Appeals Committee

The composition of the Appeals Committee:

- The Appeals Committee is an independent committee located within the MoPH but outside of the HFID structure. The Committee is chaired by the Chairman, who in addition the other committee members are appointed by the Resolution No (X) of 2023 of the Minister of Public Health for a term of three [3] years. As well an independent non-voting Subject Matter Expert/s may be appointed by the Chairman on a case-by-case basis, if needed. The Appeals Committee shall meet whenever called by the Appeals Committee Secretariat on instruction of the Chairman to decide whether to accept any legitimately lodged Appeal and to deliberate over the due resolution thereof.
- For the Appeals Committee to exercise its functions in an effective way, its Chairman needs to ensure that it has the means to take informed and adequate decisions, and that all parties involved comply with the Appeals Process, timelines and instructions given to them. Thus, the Appeals Committee must adhere to a clear, well-communicated Appeals Process with defined timelines and guidance, and be given a range of related enforcement authority, such as the power to dismiss the whole or any part of any Appeal if the Appealing party does not follow due process or respect timelines, and the power to require cooperation and gather information material relevant to the Appeals case from all parties involved.
- The Secretariat of the Appeals Committee shall fulfil three key functions:
  - i) Act as a first point of contact for Appeals applications: the Appeals Committee Secretariat shall assess any Appeal received for completeness, i.e., with respect to the legitimacy of the Appellant/s, the required administrative and contact details, the description of the grounds for the Appeal, the appropriateness of the presented evidence, and for compliance with the due Appeal submission process. If the Appeal application is deemed complete, the Secretariat shall subsequently pass it on to the Appeals Committee directly or an Appeal Acceptance Sub-Committee – if such a subcommittee has been established on direction of the Chairman – to determine whether the application is valid, and an Appeal Process should be initiated.
  - ii) Organize Appeals proceedings and hearings, distribute the Appeal documentation to the standing Appeals Committee members as well as to the appointed subject matter experts at least three [3] days before any Committee meeting, be it physical or virtual.
  - iii) Support the subject matter experts by collecting additional information and evidence related to an Appeal.

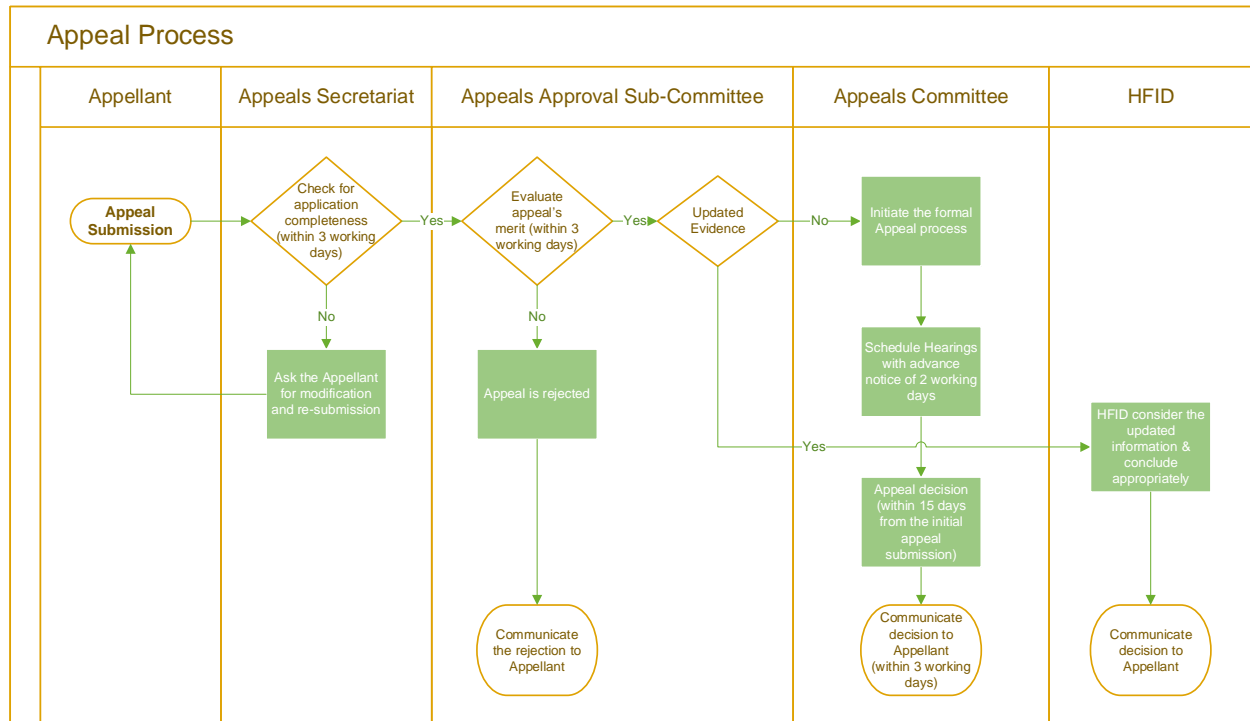
### 3.7. Role and Responsibilities of the Appeals Committee:

The Appeals Committee shall review any received Appeal and decide whether:

- i. The subject of the Appeal falls within the Appeals Committee's jurisdiction;
- ii. The Appellant/s has/have the legal right to Appeal the decision in question taken by HFID's
- iii. The Appeals Committee or the Appeal Acceptance Sub-Committee appointed by the Chairman deems that the Appellant/s has/have been significantly affected by the challenged HFID decision.
- iv. The Appeal application provides sufficient grounds for an Appeal;
- v. Any irregularities in the Appeal application justify a refusal to accept the Appeal a priori (e.g., if the Appeal was submitted after the applicable deadline of Fifteen {15} Calendar days.

## 4. The Appeals Process

### Process Flow



If new evidence is presented that would potentially have led the HFID to take a different decision, the Appeals Committee may refer the decision back to the HFID for reconsideration



## Description

S No.	Stage	Description
1	Receipt of Appeals application	<ul style="list-style-type: none"> <li>An official MoPH Appeals Process is triggered whenever a legitimate and complete appeal application is received by the Appeals Committee (Secretariat).</li> <li>The application must fulfil the Appeals Completeness Criteria listed in Section (3.4) above.</li> </ul>
2	Application completeness check	<ul style="list-style-type: none"> <li>Within three [3] working days, the Secretariat of the Appeals Committee shall verify whether the Appeals application is complete, and all administrative requirements have been fulfilled. If the Appeal submission is deemed incomplete or non-compliant with due process, the Secretariat shall instruct the Appellant/s accordingly and return the application to the sender without delay.</li> <li>If the application is deemed complete, the Secretariat shall pass on the Appeal application to the Appeal Acceptance Subcommittee appointed by the Chairman of the Appeals Committee (if needed), which shall determine its validity.</li> </ul>
3	Initial Appeals Committee (or Appeal Acceptance Subcommittee) meeting	<ul style="list-style-type: none"> <li>The Appeal Committee or its duly appointed Appeal Acceptance Subcommittee shall meet to review the legitimacy of the Appeal as such, without prejudice to the final ruling in the matter at hand. This review shall determine whether the Appeals Committee shall initiate an official Appeal Process in reaction to the received Appeal application.</li> <li>The Appeals Committee or appointed Subcommittee shall request from the Appellant/s (and from any concerned additional stakeholders) that all information deemed relevant to the appeal case at hand and not</li> </ul>



		<p>included in the submitted application (if any) be sent to it in advance of the initial Appeal Committee meeting, so that this can be reviewed and taken into account in the decision to proceed or not with the appeal (see point iii below).</p> <ul style="list-style-type: none"> <li>• The Appeal Committee or appointed Subcommittee may invite the Appellant/s and/or any other additional stakeholder involved in any way with the issue at hand to attend the initial Appeal Committee meeting (in person or remotely) if deemed necessary to determine the validity of the submitted Appeals application.</li> <li>• Possible outcomes of the initial conference are:             <ol style="list-style-type: none"> <li>i. If, as a result of this initial meeting the Appeals Committee or Subcommittee concludes that the Appellant/s has/have                 <ul style="list-style-type: none"> <li>• exhausted their capabilities to resolve the underlying issue(s) bilaterally,</li> <li>• exhausted the official complaints process related to MHIS provided by the Complaints and Dispute Resolution Committee of the HFID,</li> <li>• the right to Appeal,</li> <li>• referenced sufficient grounds for such an Appeal,</li> </ul>                 and that there are no other issues that stand in the way of initiating an official Appeal, the Appeals Committee shall declare the Appeal application to be valid and proceed to the next step of the Appeals Process.               </li> <li>ii. If, as a result of the initial meeting, the Appeals Committee or Subcommittee concludes that an official Appeal is not warranted, the Appeal shall be rejected due to insufficient grounds for Appeal and the Appeals Committee Secretariat</li> </ol> </li> </ul>
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		<p>shall notify the Appellant/s as well as HFID and other involved parties of its decision.</p> <p>iii. If, as a result of the initial meeting, the Appeals Committee receives new evidence or information, which was not available to HFID at the time of taking its now contested decision, and which might have led to a different decision being taken; and if there is a valid reason why the information was not available to HFID at the time, the Appeals Committee shall refer the case (back) to HFID for reconsideration of its decision based on the new evidence or information. In such cases, the Appeals Committee shall consider the matter to be delegated to HFID's responsibility and the submitted appeal application to be closed. The Secretariat of the Appeals Committee shall notify all relevant parties (i.e., the Appellant/s , HFID, and any other involved participants in the MHIS of its decision.</p>
4	Appeals Committee notifies all parties	<ul style="list-style-type: none"> <li>• If the Appeals application is deemed valid by the Appeals Committee or Appeal Acceptance Subcommittee, the Appeals Committee Secretariat shall notify all relevant parties (i.e., the Appellant/s ; HFID; and any involved participants in the MHIS) that an official Appeals Process has been initiated, and provide information on next steps.</li> <li>• The Chairman of the Appeals Committee may nominate the necessary subject matter experts who shall be invited to join the deliberations of the Appeals Committee (based on their experience and availability) regarding the Appeal at hand and advise the Appeals Committee with respect to relevant technical matters.</li> </ul>
5	Preliminary hearing	<ul style="list-style-type: none"> <li>• The Appeals Committee Chairman and members shall decide on a case-by-case basis whether a preliminary hearing shall be called with all or some representatives of the Appellant/s and one or more Appeals Committee members, and all or a specific subject matter experts to discuss specific technical questions related to the Appeal at hand. The</li> </ul>

		<p>main purpose of such a preliminary hearing should be for the participating parties to discuss or clarify any technical questions which are deemed relevant to the Appeal at hand in preparation for the subsequent main hearing.</p>
6	Hearing	<ul style="list-style-type: none"> <li>• The Appeals Committee shall notify the Appellant/s involved in the Appeals Process of the time and location of the Appeals hearing(s) at least ten [3] working days in advance.</li> <li>• Both the Appellant/s and HFID shall then appear before the Appeals Committee to present their case. Both parties may be represented at such hearing(s) related to the appeal at hand by any person(s) of their choice, given approval of such designated representatives by the Appeals Committee Secretariat.</li> <li>• Any designated representative of the Appeal party/parties previously convicted by the Courts of the State of Qatar of any offences related to participation in the MHIS or any other criminal offences giving rise to doubts about the credibility of their evidence shall be excluded from attending any proceedings of the Appeals Committee.</li> <li>• The Appeals Committee may additionally invite any relevant involved party/parties to its hearing(s) to present evidence or information, as well as any Subject Matter Expert(s) deemed useful to the proceedings at any time in the process before taking any final decision(s) in any Appeals cases at hand.</li> <li>• The Appeals Committee shall be empowered to conduct all hearings in the manner it considers most suitable.</li> </ul>
7	Decision	<ul style="list-style-type: none"> <li>• After the hearing(s) required by the Appeals Committee is/are concluded, the Committee Chairman (or his/her deputy in case of absence) shall communicate the Committee's decision to the Appellant/s, HFID and any other party involved in the Appeal Process, either directly</li> </ul>

		<p>at the end of the final hearing or in writing within three [3] working days of the decision being taken.</p> <ul style="list-style-type: none"> <li>The Appeals Committee shall give reasons for its decision, and the decision shall be effective from the time it is officially pronounced and duly communicated</li> </ul>
8	<b>Appeal Escalation</b>	<ul style="list-style-type: none"> <li>However, beyond the official Appeals Process described above, and as per the Law any Appellant/s shall have the right to escalate any Appeal duly rejected by the MoPH Appeals Committee to the Minister of Public Health within seven [7] working days of receiving such rejection.</li> <li>The Minister of Public Health shall issue a final ruling within ten [10] working days of receiving such an escalation.</li> <li>If no communication is received by the Appellant/s within this timeline the Appeal escalation shall be considered duly rejected.</li> </ul>

At any point in the process, the Appeals Committee shall be able to carry out the following actions:

- While all the information relevant to the Appeals case should have been included in the accepted appeal application, or submitted at the initial Appeals Committee meeting, the Committee shall reserve the right to request any additional information it deems material to the Appeal case from the Appellant/s, HFID, and any other legitimately involved stakeholder. The Appeals Committee shall request such information in writing, and specify the time frame within which the information shall be provided.
- The Appeals Committee shall have the power to give directions in relation to any procedural matters as it considers appropriate. Directions may relate to issues such as adding or substituting any party or parties, the disclosure of documents, and the provision of statements by witnesses and/or SMEs.

The Appeals Committee may decide to restart any Appeal Process if there is any evidence that any involved party or stakeholder has been hindered or deterred from attending any Appeals Committee hearing or from presenting essential evidence, or if the Appeals Committee was obstructed in conducting an informed Appeal Process by any party or stakeholder in the exercise of any of its functions.

## 5. Enforcement powers of the Appeals Committee

In order for the Appeals Committee to operate a smooth and fair Appeals Process, all the parties involved in any Appeal must comply with all requirements, directions and timelines governing the process. As a result, a range of enforcement powers have been vested in the Appeals Committee to ensure compliance with the Appeals Process.

A party involved in an Appeals Process shall be considered in breach of the requirements of the Appeals Process in the following cases:

- Failure to comply with any direction of the Appeals Committee;
- Failure to comply with the timelines specified by the Appeals Committee;
- Failure to attend a duly scheduled and communicated Appeals Committee hearing;
- Willful withholding of information requested by the Appeals Committee;

To remedy any breach, and potentially compel any party to comply with its decisions and instructions, the Appeals Committee has the authority to exercise the following enforcement powers:

- i. Confirm/amend/revoke any decision of the HFID;
- ii. Reject the appeal application;
- iii. Taking new overriding decisions based on the presented supporting evidence, and/or
- iv. Direct HFID and/or the Appellant/s to take any measures it deems appropriate to issue/implement its decision(s), provided that such decision(s) do not prescribe any steps that HFID or the Appellant/s cannot take or apply.

If an Appeal uncovers new evidence or information, which was not available to HFID when taking its initial, now contested decision, and which might have led to a different decision had it been available to HFID, then the Appeals Committee shall refer the matter back to HFID and direct it to reconsider its decision based on the now available new evidence or information.

It shall be the responsibility of HFID to ensure that any decision of the Appeals Committee is implemented; and implemented without undue delay.

## 6. Supporting powers of the Appeals Committee

To achieve the fairest and best outcomes, the Appeals Committee shall be empowered to take informed and appropriate decisions, as well as operate the Appeals Process in an effective and efficient way. These vested powers shall enable the Appeals Committee to:

- Require full cooperation of all parties involved in the Appeal issue(s) and of any other entities involved in any Appeal;
- Gather information material related to any Appeal from the Appellant/s , HFID, and any other involved entity;
- Summon any person to attend any duly scheduled and communicated Appeals Committee hearing and/or to give evidence, and if requested, to provide any information or evidence, and/or present any item in his/her possession relating to the subject of the Appeal;
- Appoint one or more SME(s) to assist in Appeals proceedings;
- Require any witness of fact, or any expert witness, auditor, or inspector to give evidence;
- Publish information at its own discretion, provided it does not contain any sensitive commercial or financial information that could harm the interests of any party involved in the Appeal.

The powers of the Appeals Committee shall be restricted to the due and appropriate processing of Appeals over which it has jurisdiction, and the handing down of related enforcement tasks and obligations to HFID.

## 7. The Appeals Policy– Standard Operating Protocols

Responsibility of the Appeals Committee (and its Secretariat)	Responsibility of the Appellant/s	Responsibility of other parties involved in the Appeal
<ul style="list-style-type: none"> <li>• Provide clear information about the Appeals Process and related requirements that the appeal application must fulfil</li> <li>• Manage the Appeals Process in an efficient, proportionate, timely, and fair way, and as described in the process chart above</li> <li>• Investigate any Appeal application as to whether it is deemed to be valid and warrant initiation of an official appeals process</li> <li>• Notify the Appellant/s and HFID, as well as any other involved party of any hearings and any directions regarding procedural matters</li> <li>• Sourcing any Subject Matter Experts deemed useful or necessary to involve in its deliberations</li> <li>• Ensure that the arbitrators adhere to due process</li> <li>• Notify the appellant and any other involved party of its decisions throughout the process as well as of its final decision on the</li> </ul>	<ul style="list-style-type: none"> <li>• Submit all relevant information and evidence required for the Appeal application and fulfil any administrative requisites</li> <li>• Comply with the process as specified by the Appeals Committee as well as with any direction received from The Committee during the process</li> <li>• Submit any information relevant to the case and requested by the Appeals Committee during the process</li> <li>• Not submit frivolous and/or incomplete appeal applications</li> <li>• Attend all hearings and conferences as required by the Appeals Committee</li> <li>• Comply with all Appeals Committee decisions, including its final decision</li> <li>• All information provided during the process shall be complete, accurate and not misleading</li> </ul>	<ul style="list-style-type: none"> <li>• Comply with the Appeals Policy and procedures as defined by the MoPH and the Appeals Committee</li> <li>• Provide any information or evidence requested by the Appeals Committee in relation to the Appeal within the time frame specified</li> <li>• All information or evidence provided in relation to the Appeal shall be complete and accurate</li> </ul>



<p>appeal, and give reasons for its final decision</p> <ul style="list-style-type: none"> <li>• Publish its final decision if deemed desirable or useful</li> <li>• If the Appeals Committee's final decision requires any regulated entity to take action, HFID shall ensure that the regulated entity complies with the decision, and if necessary, enforce compliance using its existing authorities and powers</li> <li>• Provide public information about its work on an annual basis</li> </ul>		
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## Appendix

### Responsibilities and Authorities

#### 1. Role and Responsibilities of the Chairman of the Appeal Committee:

- Ensuring that the Appeal Committee has the means to take informed and adequate decisions, and that all parties involved in the Appeal comply with the Appeals Process, timelines and instructions given to them.
- Appointing the Appeal Acceptance Sub-Committee case-by-case by nominating three arbitrators from among the permanent members of the Appeals Committee based on their expertise and availability and allocating any accepted Appeal cases to them.
- Appointing/Directing Appeal Committee to consult SMEs on case-by case basis to support the Committee in the proceedings and in taking informed decisions.
- Conducting a review and approving the decision of Appeal Acceptance Sub-Committee, and if required, directing the Sub-Committee to reconsider its decision.
- Approving the final decision taken by the appeals committee.

#### 2. Appeal Acceptance Sub-Committee:

The Appeal Acceptance Subcommittee shall have the following roles and responsibilities:

- Carry out a high-level review of Appeals applications and to decide whether an application is valid and thus warrants the initiation of an Appeals Process.
- Provide clear information to the Appellant/s about the Appeals Process and the requirements that the Appeals application must fulfil.
- Direct the Secretariat of the Appeals Committee to summon the Appealing person or entity if needed, for further clarification.
- Provide clear reasoning to the Appellant/s in case their Appeal is rejected and not escalated to the Appeals Committee.

In case an Appeal is rejected by the Appeal Approvals Sub-Committee, the Appellant/s shall be given an opportunity to revisit the application and address the concerns highlighted by the Subcommittee.

### 3. Secretariat of the Appeals Committee:

- Act as a first point of contact for appeals applications: the secretarial staff would be responsible for reading all applications and checking them for completeness (e.g., have all the required forms been filled in, has the supporting documents/ appropriate evidence been provided , etc.). If the appeals application is complete, the Secretariat shall then pass it on to the Appeals Acceptance Sub-Committee to determine whether the application is valid, and an Appeals Process should be initiated.
- Organize Appeals proceedings such as conferences and hearings and prepare the necessary documentation for the Arbitrators and appointed Subject Matter Experts to be able to decide at every step of the Appeals Process.
- Support the arbitrators by collecting and analyzing information and documents related to an Appeal.