



Medicare Advantage pre-service denials

Date: _____

Helpline caller:

The Medicare Rights Center is a national, nonprofit organization. We help older adults and people with disabilities through education, advocacy, and counseling. We are not a government agency, nor are we connected to any insurance plan or company.

You recently called our helpline for assistance with a Medicare Advantage denial of service. You have the right to appeal, which is a formal request that your plan review its initial decision. In most cases, you can appeal any time you believe that your plan's decision to deny, reduce, or terminate medically necessary care was incorrect.

This packet contains additional information we discussed in our phone call regarding your Medicare Advantage appeal, including:

- An overview of the appeal process
- Tip sheet
- Sample appeal letter
- Sample provider letter

If you have more questions or concerns, please call us again at 800-333-4114.

Sincerely,

Helpline counselor

Appealing your plan's decision to deny payment

If you have a Medicare Advantage Plan and you were denied coverage for a health service or item before you received the service or item, you can appeal to ask your plan to reconsider its decision. An appeal is a formal request you make if you disagree with a coverage or payment decision.

You can request a fast (expedited) appeal if you or your doctor feel that your health could be seriously harmed by waiting the standard timeline for appeal decisions. Your plan must approve your request to expedite before it will follow the expedited timeline. To file an expedited Medicare Advantage appeal for a Part A or Part B denial, follow the steps below.

1. Read your Notice of Denial of Medical Coverage.

Before you can start your appeal, you will need to get an official written decision from your plan, called a Notice of Denial of Medical Coverage. You are typically first told verbally that your plan will not cover a service or item when you or your doctor call to confirm coverage before the service is provided.

If the plan tells you that the service or item will not be covered, they should send you the Notice of Denial of Medical Coverage. You should receive this written denial within 14 days. If you disagree with your plan's decision, you should file an appeal. The notice should explain what you need to do to appeal.

2. Request a redetermination (appeal).

Follow the appeal instructions on the notice you received from your plan. Send your appeal to the address written on your Notice of Denial of Medical Coverage. Make sure to file your appeal within 60 days of the date on the notice.

You will most likely need to send a letter to the plan explaining why you need the service or item. If possible, also speak to your provider and ask for their help with the appeal process. You may also want to ask your provider to write a letter of support, explaining why you need care and addressing the plan's concerns.

Note: If you do not receive a Notice of Denial of Medical Coverage within two weeks and your plan does not inform you that it extended its decision deadline, you can file an appeal without it. Start your appeal by sending a letter to your plan explaining that it has been two weeks since you initially requested an item or service, and you have not received a denial notice.

3. Get your plan's decision.

Your plan should make a decision within 72 hours. If your appeal is successful, your service or item will be covered. If your appeal is denied, you have the right to continue appealing.

4. Get an independent review.

If your appeal is denied, you can move on to the next level by appealing to the Independent Review Entity (IRE) within 60 days of the date listed on your plan denial notice. Your plan should automatically forward your appeal to the IRE. The IRE should make a decision within 72 hours of the date on your plan denial notice.

You can call the IRE to check on your appeal, or to mail more information. The IRE is also known as MAXIMUS Federal Services, and their phone number is 585-348-3300.

Note: If your plan misses the 30-day decision deadline, your appeal will be considered denied, and your plan should automatically forward your appeal to the IRE.

5. Continue to additional levels of appeal.

If your appeal is denied and your health service or item is worth a certain amount, you can choose to appeal to the Office of Medicare Hearings and Appeals (OMHA) level. You must file your OMHA level appeal within 60 days of the date on your IRE denial letter.

If you decide to appeal to the OMHA level, you may want to contact a lawyer or legal services organization to help you with this or later steps in your appeal—but that is not required.

If your appeal is denied, you have the right to continue appealing to the Council and then to Federal District Court. Be aware that at each level there are separate requirements for when you must file the appeal and how much the health service or item must be worth to appeal.



Getting Medicare right

Tips for appealing

Below are a few tips to help you while you are appealing.

- Before you start your appeal, make sure you fully read all the letters and notices sent by your plan.
 - Call your Medicare Advantage Plan to learn why your health service or item is being denied, if the information was not provided. Their phone number should be on the back of your plan benefits card. Your appeal letter should address the reason(s) for denial stated by the plan.
 - Call your doctor to make sure there was not an error before appealing.
 - Keep any notices you receive from your plan and write down the names of any representatives you speak to, the date and time you spoke, and what you spoke about.
- Many plans let you appeal either in writing or over the phone. We recommend writing an appeal letter and sending it to your plan by mail or fax.
- You can strengthen your appeal by including a letter from your doctor in support of your appeal.
- Make sure you file each appeal in a timely manner.
 - Call your plan to make sure it got your appeal.
 - If there is a reason you cannot submit your appeal within the timeframe, see whether you are eligible for a **good cause extension**. Otherwise, your appeal may not be considered.
- Keep a copy of all documents sent and received during the process.
 - If possible, send your appeal certified mail or delivery confirmation.
 - Do not send the original copies of important documents.

Note: If your plan has poor customer service, you face administrative problems (such as the plan taking too long to file your appeal or failing to deliver a promised refund), or you run into other issues, you can choose to file a grievance (a formal complaint). To file a grievance, contact your plan and send a letter to their Grievance and Appeals department.

If you have additional questions about the appeal process, there are resources to help you understand your rights. Contact your State Health Insurance Assistance Program (SHIP) for free information and assistance. To find your SHIP's helpline number, visit

<https://www.shiptacenter.org/>.

Sample general appeal letter

[Date]
[Your name]
[Your address]

Appeals & Grievance Department
[Name of Medicare Advantage Plan]
[Plan address]

Re: [Your name]
Medicare plan:
Medicare number:
Provider:
Claim number: [Claim number for denied service/s]
Date/s of service:
Total charge: [Amount being denied]

Dear sir/madam:

I am writing to appeal [name of Medicare Advantage Plan]'s denial of coverage for [denied service]. Your denial of coverage is not reasonable because [Explain why the service is medically necessary. Include personal information about your case, illness and treatment history, explanation of the health service or item, the health care providers involved, and what you feel needs to be done. If possible, get a letter from your health care provider(s) confirming that the service is medically necessary and explaining why.]

As a result, [name of Medicare Advantage Plan] must cover this [denied service]. Please review your decision. If you have any questions or need additional information, please contact me at [your number]. Thank you for your prompt attention to this matter.

Sincerely,
[Your name]

Attachments: [List, if any]

Sample provider's appeal letter

[Print on your letterhead, attach copies of any relevant medical records, and return to client]

[Date]

Appeals & Grievance Department

[Plan name]

[Plan address]

Re:[Patient name and date of birth]

Date/s of service:

Total cost of services:

Dear sir/madam,

I write on behalf of my patient, [patient name].

[Patient name] has been under my care for [amount of time]. They are diagnosed with [diagnosis/es]. In order to appropriately treat [patient name]'s medical condition, I [ordered/performed] [treatment/item/service (CPT #)].

[Name of service] is medically necessary for [patient name] because [reasons]. If they cannot receive this treatment, [consequences of not receiving treatment].

Accordingly, please reconsider your denial of coverage for this medically necessary [treatment/service/item].

Please contact me should you require any additional information. I can be reached at [phone number].

Sincerely,

[Your name]

[Your title]

Attachments: [List, if any]