

CHAPTER 9

How to Appeal a Denial



David Gates, Esq.
PA Health Law Project

Family to Family Health Information Center
a project of the PEAL Center

Appeals

- Can appeal denial, termination or reduction of Medical Assistance or CHIP eligibility or services
- Can appeal denial, termination, reduction of waiver services- only after you have a slot
- Appeal within 10 days from termination or reduction of current services continues those services pending appeal outcome.
- Denial/termination/reduction Notice provides info on how to appeal.

Types of Appeals

- From denial of MA eligibility- "Fair hearing" before DPW Administrative Law Judge
- From denial/termination/reduction of MA services by HMO or Behavioral Health MCO- Choice of:
 - grievance before HMO/ Behavioral Health MCO; or
 - "fair hearing" before DPW Administrative Law Judge
- If you lose at grievance, choice of:
 - "external review" by independent clinical reviewer; or
 - "fair hearing" before DPW Administrative Law Judge
- From termination/reduction of waiver services- "Fair hearing" before DPW Administrative Law Judge

Appeal tips

- Mail appeals by certified mail to have proof of when appeal was filed
- Try to get prescriber/evaluator and other professionals familiar w/ service at issue to testify at fair hearing or grievance. They can testify by phone.
- Pull together all relevant paperwork (evals, letters of medical necessity, notices) & send to ALJ or grievance committee
- Call PHLP @ 800-274-3258 for free advice
