

Filing a Health Insurance Appeal

NEW YORK

Medicaid Plans

Did Medicaid or your Medicaid Managed Care Organization (MCO) deny your request for mental health or substance use disorder (MH/SUD) services? If so, Medicaid may be violating your health insurance rights. You can challenge the decision by filing an appeal.

The Mental Health Parity and Addiction Equity Act (Parity Act) is a federal law that requires most Medicaid programs to provide the same level of coverage for MH/SUD care as they do for other health conditions. In other words, Medicaid cannot make it more difficult to get or stay in treatment for conditions like depression or substance use than for conditions like asthma or diabetes.

WHEN SHOULD YOU APPEAL?

- If Medicaid or your MCO denies your request for MH/SUD treatment or will only cover part of your treatment, you have the right to appeal that decision. You can also challenge Medicaid if you see any of the [Parity Act warning signs](#).

HOW CAN AN APPEAL HELP YOU?

- Medicaid's decision may be **overturned**, and you will not have to pay for the services Medicaid is supposed to cover.
- If you are receiving treatment, Medicaid will continue to pay for it **during** the appeals process if you appeal within **10 days** of the denial.

WHEN SHOULD YOU FILE AN APPEAL?

- As **soon** as you know you have been denied MH/SUD treatment.
- You must file your appeal with your MCP within **60 days** of the date on your denial letter.

WHAT SHOULD YOU DO IF YOUR CONDITION IS URGENT?

- Contact Medicaid or your MCO immediately to ask for an **expedited appeal**.

IMPORTANT TERMS

Expedited appeal: If your condition is very serious, you can ask your MCO to review your appeal and make a decision as quickly as possible. Contact your MCO to learn what counts as an "urgent condition."

Medical Necessity Criteria: A set of standards used by your MCO to decide what level of care, such as inpatient or outpatient treatment, is needed to treat your health condition.

State fair hearing: An appeal of an MCO's decision to not cover your treatment. A state fair hearing officer will decide whether Medicaid should cover your treatment and may overturn the MCO's decision in your favor.

Reason for denial: The explanation from your MCO that describes why it denied your treatment.

HOW TO FILE AN APPEAL



SEND AN APPEAL LETTER TO YOUR MCO

Explain why you need the services and include back-up medical information from your treatment provider. If you do not receive your MH/SUD services through an MCO, you may request a state fair hearing immediately.

- The denial letter from your MCO or Medicaid will tell you where to send your letter and give the deadline for filing your appeal.



REQUEST THE REASON FOR DENIAL

You have the right to know **why** your treatment was denied.

- If your MCO did not give you the reason for its denial, ask for the reason.
- Request the **Medical Necessity Criteria** your MCO used to make its decision.



GET HELP FROM YOUR TREATMENT PROVIDER

- Your treatment provider may ask your MCO to reconsider its decision before you file your appeal. If that does not fix the problem, include a **letter** from your treatment provider explaining why you need this treatment.
- Your treatment provider can file the appeal for you with your consent.



GET HELP FROM COMMUNITY HEALTH ADVOCATES

- Community Health Advocates helps consumers with insurance problems and can help you file your appeal. Call 1-888-614-5400 or go to www.communityhealthadvocates.org.

IF YOUR APPEAL IS DENIED



YOU CAN REQUEST A STATE FAIR HEARING TO REVIEW THE MCO'S DECISION

- The denial letter from your MCO will describe how to ask for a state fair hearing and the deadline for appealing.
- You can request a state fair hearing by calling the Office of Temporary and Disability Assistance at 1-518-474-8781 or 1-800-342-3334.
- You can get the state fair hearing request form by going to www.otda.ny.gov/hearings/forms/request.pdf or fill it out online at: www.errswebnet.otda.ny.gov/errswebnet/erequestform.aspx.



YOU CAN FILE A COURT ACTION

- If the state fair hearing officer denies your appeal, get legal advice about filing a court action. Community Health Advocates can help you.

MAKE COPIES OF ALL MATERIALS YOU SEND TO MEDICAID, YOUR MCO, OR THE OFFICE OF TEMPORARY AND DISABILITY ASSISTANCE. KEEP NOTES ON YOUR CONVERSATIONS. KEEP THESE MATERIALS FOR YOUR OWN RECORDS.