

PI - Preparation and Management of Provider Appeals

Purpose:

Describe the preparation and management of cases entering the provider appeal process.

Identification of Roles:

IME Program Integrity (PI)—prepare and cases going through provider appeal.

Department of Human Services (DHS)—review provider requests for appeal and send approved request for appeal the Department of Inspections and Appeals (DIA).

DIA—set pre-hearing and hearing schedules and/or send letters to providers that were not granted an appeal.

Assistant Attorney General(AAG)-IME—provide legal advice and represent Iowa Medicaid Enterprise at hearings.

Performance Standards:

Prepare documents and assist in appeal hearings for all PI cases that result in an appeal by a provider

Path of Business Procedure:

All provider appeals are handled in accordance with Code of Federal Regulations, Iowa Administrative Code, Iowa Code, and Medicaid policy. When a recoupment is identified, a findings letter is sent to the provider. The provider may appeal the findings in writing within 30 calendar days from the date of the findings letter.

Providers are instructed in the PI findings letter to direct their appeal to the Department of Human Services (DHS). All provider appeals approved by the DHS are certified and sent to the Department of Inspections and Appeals (DIA) for the Administrative Law Judge (ALJ) to set a pre-hearing conference date. If the request for an appeal is not granted, the DIA sends a letter stating why the appeal was denied.

The PI staff has performance standards related to appeals. Please refer to “Performance Measures.”

Step 1. Guidelines Regarding Legal Representation in the Provider Appeals Process

- a. The Reviewer documents whether or not the provider has indicated the involvement of legal counsel and notifies the Supervisor. If the provider has obtained legal counsel, the Supervisor notifies the Assistant

Attorney General that is assigned to IME (AAG–IME) and requests support in the appeal process.

- b. If the AAG–IME assumes primary responsibility for a case, the Reviewer should not participate in future direct communication with the provider or the legal representative, unless instructed otherwise. All inquiries should be referred to the AAG–IME. The AAG–IME may interject himself or herself into the process at any time if she or he determines it appropriate.
- c. If legal counsel becomes involved at any time during the pre-hearing or formal appeals process, the Senior Reviewer, and assigned Reviewer proceed as instructed by the AAG–IME. The instructions of the AAG–IME preclude any differing instructions contained in this procedure.
- d. It is of utmost importance that the PI staff communicates regularly with the AAG–IME regarding open cases, and that the AAG–IME is included in any and all activities and/or communications related to these cases in a timely manner (same business day when possible).

Step 2. Receipt of Provider Appeal

- a. When a provider appeal certification is received by PI, the Administrative Assistant photocopies the original request. The Administrative Assistant will create an appeal folder. This folder will be kept in the file cabinet located in the Administrative Assistant’s workstation. A copy of all the documentation relating to each specific appeal will have a designated folder.
- b. The Administrative Assistant sends a copy of the appeal certification to the IME mailroom for imaging. The appeal certification then becomes a permanent part of the Onbase provider file. The Administrative Assistant provides a copy of the appeal certification to the Reviewer for placement in the case file and adds the appeal certification to the appeals folder.
- c. The Administrative Assistant will receive the Notice of Pre-hearing.
- d. The Administrative Assistant enters the appeal information onto the Appeals Log (Shared Drive P:Case Files/ Appeals/Appeal log. The Administrative Assistant is responsible for updating this log as information becomes available. Information includes:

1. Provider Name and Number
 2. Project ID
 3. Administrative Law Judge assigned to the case
 4. Appeal Number
 5. Recoupment amount
 6. Reviewer's Name
 7. Status of the case-dates and times along with descriptions, e.g., Certified 02/19/04
 8. Known Legal Representation
- e. The Administrative Assistant sends a calendar appointment with the date of the pre-hearing conference through Microsoft Outlook. The recipients and information include, but may not be limited to, the AAG-IME (if indicated), Account Manager, Reviewer, Senior Reviewer, an available conference room, and the DHS Policy staff that may be involved. Additional information regarding the appeal may be sent with the calendar appointment or in subsequent e-mails.
- f. The Administrative Assistant provides the Reviewer with a copy of the Notice of Pre-hearing/ hearing and sends a copy to the mailroom for scanning into Onbase. A conference room is then reserved for the scheduled date and time of the hearing.
- g. The Reviewer updates the appeal information into the SURS database.
- h. The Reviewer will send a copy of the Findings Letter to the appointed Administrative Law Judge (ALJ) along with the Pre-hearing Information Letter L-200. The Pre-hearing information letter must be routed prior to sending by DHS interoffice mail.
- i. The Reviewer notifies the Administrative Assistant if the appellant has legal counsel. The Reviewer notifies the Senior Reviewer who then notifies the AAG-IME (if indicated). The Administrative Assistant flags the Appeal folder by placing a star by the provider name.
- j. The Reviewer continually updates the PI database, as information is provided.

Step 3. Preparing for the Pre-Hearing Conference

By close of business on the day prior to the pre-hearing conference, the Reviewer calls the ALJ with the telephone number where they can contact us for the pre-hearing conference. The Reviewer may be asked to supply the

names of all people to participate in the pre-hearing conference. If requested, the Reviewer also will fax the information to the ALJ.

Step 4. The Pre-hearing Conference

- a. The Senior Reviewer or designee will take the appeals calendar to the pre-hearing conference to ensure that future appointments can be made without conflicting with other scheduled events.
- b. The pre-hearing call is initiated by the ALJ. Both the DHS and the appellant upon request, supplies the ALJ with the names, position, and telephone number, of all people planning to be involved in the hearing.
- c. Generally, the Reviewer and Senior Reviewer will be present. The Account Manager may attend as available or as needed. If legal counsel is involved, the AAG-IME will be invited and may attend. Additionally, other Reviewers may attend.
- d. The Reviewer is to be prepared to identify and provide the following information.
 1. Names of the individuals the parties intend to call as witnesses
 2. General kinds of documents the parties intend to introduce as exhibits
 3. Anticipated length of the hearing
 4. Other procedural matters the parties may raise
 5. Available dates and times for future hearing related activities
- e. At the end of the pre-hearing conference, the Reviewer updates the case on the Appeals Log and in the PI Database. The Reviewer will place an entry into the log located on the left side of the Appeals folder. The information shall include the Hearing date, time, location and any issues discussed at the pre-hearing conference.
- f. The Reviewer will notify the Administrative Assistant of the scheduled hearing date. The Administrative Assistant reserves a conference room if needed for the hearing and notifies the appropriate parties.

Step 5. Preparing for Formal Appeal

- a. The Administrative Assistant sends “tickler” tasks through Microsoft Outlook to the Reviewer and Senior Reviewer to remind of dates that required exhibits or other documents are due to the ALJ or appellant.
- b. Using the “DHS Exhibit List” template (SURS AP_1), the Reviewer prepares a complete exhibit package with each exhibit clearly labeled. An index or table of contents is prepared to detail the list of exhibits. Each item that might be used in the appeal must be included in the exhibit binders.
- c. At least two weeks prior to the hearing, the parties exchange the exhibits they plan to offer at the hearing. A due date for exhibits may be established by the ALJ.
- d. Exhibits are marked at the bottom of the page using an alphanumeric sequence (e.g., 1A, 1B, 1C). All pages of the exhibits must be numbered.
- e. The Reviewer prepares the exhibit books to be sent to the print shop. The Administrative Assistant prepares and sends exhibits for copying. Two copies of all documents are requested. One for the ALJ, one for the provider (or legal counsel if represented).
- f. Exhibits provided to the appellant are prepared in a well-organized format, bound by metal binder rings.
- g. Letter template “Appeal Notification Letter Provider” (PI L-202) is utilized as the cover sheet for the exhibits presented to the appellant or the appellant’s legal counsel. Each letter and/or fax document related to appeals, as with regular review projects, must contain an Outgoing Correspondence Tracking Log Number, so that the documents are tracked appropriately.
- h. At least two weeks prior to hearing (or earlier as directed by the ALJ), the reviewer sends the ALJ one complete copy of the exhibits, as well as a list of witnesses whom the parties intend to have testify.
- i. The Reviewer and Senior Reviewer must ensure that the ALJ does not receive exhibits or case information before the appellant, or any different material than was provided to the appellant.
- j. The exhibits to the ALJ are provided in well-organized and labeled format and contained in one or more three ring binders with dividers as needed.

- k. Letter template “Appeal Notification Letter ALJ” (SURS L-201) is used as the cover sheet for the exhibits presented to the ALJ.

All written materials compiled by the PI Unit undergo the Quality Assurance process per the Letter and Exhibits Routing Checklist (PI F-245).

- l. The Administrative Assistant schedules a “mock” appeal with the Reviewer and, Senior Reviewer. The Senior Reviewer may request the attendance of an additional Reviewer(s) and the Operations Manager. The mock appeal will cover questions likely to be asked in the appeal, and will ensure that all necessary documentation is included in the exhibit packet submitted.

Step 6. The Formal Appeal

- a. The parties may be allowed to offer exhibits not exchanged prior to hearing at the discretion of the ALJ. If allowed, exhibits must be provided to the ALJ and the appellant per the ALJ’s instructions.
- b. The individuals representing may include, but are not limited to: AAG-IME (if indicated), the Reviewer, the Senior Reviewer, the Operations Manager, a representative from DHS Policy, Payment Integrity Specialist, and/or other reviewers, as indicated.

Step 7. After the Formal Appeal

- a. Once the hearing has been completed and the ALJ has ruled, the ALJ will issue a Proposed Decision to the DHS Department Director. Both parties have 10 days following the issuance of the Proposed Decision to request reconsideration by the DHS Department Director.
- b. The administrative assistant **must** notify the Payment Integrity Specialist or designee, in writing within two business days of the PI Unit’s receipt of any decision of ruling by the ALJ.
- c. Following the issuance of the Proposed Decision by the ALJ, the AAG-IME (if indicated), Senior Reviewer, and Reviewer will review the Proposed Decision to ensure it is acceptable.
- d. In the event the ruling is not considered acceptable, the Operations Manager or designee consults with the AAG-IME and DHS Unit Manager to consider appeal of the decision to the Director of the DHS.

- e. If approved, the Account Manager or designee will draft a letter requesting the DHS Department Director reconsider and possibly reverse the decision. This letter will be given to the designated Policy person who will present it to the Appeals Advisory Committee. It must be dated within 10 days of the date of the ALJ's decision.
- f. The Request for Reconsideration of Proposed Decision must explain why the ruling is deficient, and how the legal and supplementary references were not followed.
- g. If the final decision does not fully affirm the PI findings, the Reviewer sends a revised findings letter and explanatory spreadsheet to the provider with a copy to the ALJ.
- h. The provider also may appeal the ALJ's decision to the Director of the DHS, again with the requirement that the appeal must be requested within 10 days of the date of the ALJ's decision.
- i. If the provider does not agree with the final decision issued by the Director of the DHS, they may elect to take the case into the judicial system.
- j. The Administrative Assistant updates the case on the Appeals Log and marks as closed when the identified balance is paid in full.
- k. The Payment Integrity Specialist e-mails the AAG-IME (if indicated), Operations Manager, Senior Reviewer, and Reviewer when the case is paid in full.
- l. Refer to "Review, Changing or Closing" procedure to follow review process through to closure (Level 5 in the PI Database). The Reviewer updates the PI database and marks the case as closed when the identified balance is paid in full, as noted in the recoupment page of the PI database.

Forms/Reports:

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RFP References:

6.2.1.2.4

Interfaces:

Program Integrity Unit
State Policy Staff
Attorney General's Office

Attachments:

<\\dhsime\imeuniversal\Operational Procedures\Program Integrity\Forms and Letters\Approved Letter Templates\Other Letters\Appeal Notification Letter Prov L-2029bP.dotx>

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