[*Send this notice in all cases where, after considering both Medicare and Medicaid coverage, an MMP denies, or partially denies, a service, item, Part B drug, or Medicaid drug. If an MMP determines that a service, item, Part B drug, or Medicaid drug is covered, for example, under Medicaid but not under Medicare and thus is provided to the participant as requested by the participant, do NOT send this notice. Under the terms of the three-way contract, such a situation does not constitute a denial or partial denial.*]

**<FIDA-IDD Plan Name/Logo>**

**Coverage Determination Notice**

**Life Plan Update**

<Plan name> has [*Insert as applicable:* denied *or* reduced *or* stopped *or* restricted] your [*insert benefit type (list all if more than one)*]

**Name: Date:**

**Participant number:**

[*Insert other identifying information, as necessary (e.g., provider name, Participant’s Medicaid number, service subject to notice, date of service)*]

**Your Life Plan was changed and you can appeal this decision.**

Please review your proposed Life Plan (attached) for a full list of authorized services. This Life Plan includes the following changes: [*List the benefit changes below.* *For all changes to the LP that amount to a denial, stoppage, reduction, or restriction, indicate (1) the benefit(s) as previously authorized (either in the previous LP or as a temporary authorization between LP updates), and (2) the benefit(s) as currently authorized (or not).*]

**This Life Plan will take effect on: <effective date>.**

Keep reading to learn what you can do if you disagree with the services in your Life Plan. You have the right to appeal.

**Who changed your Life Plan?**

Your Life Plan was changed by your Interdisciplinary Team (IDT) [*Insert if applicable:* and <plan name>].

**Why was your Life Plan changed?**

Your Interdisciplinary Team (IDT) [*Insert if applicable:* and <plan name>] [*Insert**as applicable:* denied *or* reduced *or* stopped *or* restricted] the services listed above because: [*Provide specific rationale for the actions or decisions identified above. Include State or Federal law or coverage policy citations, where applicable, to support the decision. Include clinical rationale, if any, and indicate that the Participant may request the relevant clinical review criteria.*]

[*Where the plan has determined that the drug is covered under Medicare Part D, insert the following text:* This request was denied under your Medicare Part B benefit; however, coverage/payment for the requested drug(s) has been approved under Medicare Part D. [*Insert, as applicable, an explanation of the conditions of approval in a readable and understandable format*]. If you think Medicare Part B should cover this drug for you, you may appeal.]

**You can appeal this Life Plan update.**

You have the right to ask <plan name> to review your Life Plan by asking for an appeal. You can ask for an appeal of the decision to change your services. You may appeal even if you previously agreed to this Life Plan. You may appeal if you feel you should have different or additional items or services in your Life Plan that are not included. You can also appeal to increase services you already have in your Life Plan. <Plan name> will review your request and determine whether to give you the requested services. There are four levels of appeal. Asking <plan name> to review your Life Plan is Level 1.

**How to appeal:** Ask <plan name> for an appeal within **60 calendar days** of the postmark date of this notice. If you appeal late, we may still be able to accept your appeal if you have a good reason for missing the deadline. Refer to the section titled “How to ask for an appeal with <plan name>” for more information.

**How to keep your services while the appeal is processing:** If we are stopping, restricting, or reducing services that were previously approved, you can keep getting those services while your case is being reviewed. To qualify, ask <plan name> for an appeal within **10 calendar days** of the postmark date on this notice or by the effective date of this decision (<**effective date**>), whichever is later.You will always have 60 calendar days to file your appeal. However, if you do not want the change to your services to take effect, you must meet the 10-day deadline. If you do, your disputed services will stay as they are now while your appeal is pending.

**Anybody can request an appeal for you.**

You can have someone else file your appeal or represent you during your appeal. You can choose anyone to represent you, like a family member, friend, doctor, attorney, or an ICAN staff member (refer to the information below). Both you and the person you want to act for you must sign and date a statement confirming this is what you want. You can write a letter or use the enclosed Appointment of Representative form. Send your letter or form to us by fax or mail, or give it to your Care Manager. Keep a copy for your records. If you have any questions about naming your representative, call us at: <phone number>. TTY users call <TTY number>.

<Plan Name>

**<Name of Relevant Department**>

<Mailing Address>

Fax: <Fax>

The state created the **Independent Consumer Advocacy Network (ICAN)** to help you with appeals and other issues with the FIDA-IDD program. ICAN is independent, and the services are available to you for free. They can help answer your questions about the appeals process, give you advice, and may even represent you. Call ICAN at 1-844-614-8800. TTY users call 711, then follow the prompts to dial 844-614-8800.

**When will we decide your appeal?**

**Standard Appeal** – We will give you a written decision as fast as your condition requires but no later than [*insert appropriate timeframe for medical service/item or Part B drug/Medicaid Drug:* **30 calendar days**, **7 calendar days**] after we get your appeal.

**Fast Appeal** – You have the right to request a Fast Appeal. We will give you a decision on a Fast Appeal within 72 hours after we get your appeal. You can ask for a Fast Appeal if you or your doctor believe your health could be seriously harmed by waiting up to [*insert appropriate timeframe for medical service/item or Part B drug/Medicaid Drug:* **30 calendar days**, **7 calendar days**] for a decision.

**We will automatically give you a Fast Appeal if a doctor asks for one or if your doctor supports your request in writing.** If you ask for a Fast Appeal without support from a doctor, we will decide if your request requires a Fast Appeal. If we do not give you a Fast Appeal, we will treat your case as a Standard Appeal and give you a decision within [*insert appropriate timeframe for medical service/item or Part B drug/Medicaid Drug:* **30 calendar days**, **7 calendar days**].

**For both Standard and Fast Appeals, we can take up to 14 calendar days longer to decide** if you ask for an extension, or if delaying the decision is best for you. We can’t take extra time to make a decision if your appeal is for a Medicare Part B prescription drug. If we take this extra time to decide, we will send you a written notice to explain why.

**How to ask for an appeal with <plan name>:**

**Step 1 –** Gather your information and materials. You will need the following:

* Your name
* Address
* Participant number
* Reason(s) for appealing
* Whether you want a Standard or Fast Appeal (For a Fast Appeal, explain why you need one. It is very helpful to have a doctor submit a statement in support of your Fast Appeal.)
* Whether you want to have an in-person review
* Any evidence or information that you want us to review to support your case, such as medical records, doctors’ letters (such as a doctor’s supporting statement if you request a Fast Appeal), or other information that explains why you need the item or service. Call your doctor if you need this information.

[*If applicable, include a request for any information specific to this action that should be provided in order for the plan to render a decision on appeal.*]

You may use the attached Appeal Request Form if you wish, but it is not required.

**Step** **2 –** Send the information and materials by mail, fax, or phone. You can also deliver it in person, or give it to your Care Manager. We recommend keeping a copy of everything for your records.

[*If plan has different contact information for standard and fast appeals, plan may replace/revise the contact information below.*]

**Appeals Contact Information:**

Phone <phone number>

Regular Mail <address> <city, state zip>

Fax <fax number>

Delivery in Person <address> <city, state zip>

Contacting your Care Manager <phone number>

If you ask for a Standard Appeal by phone or by asking your Care Manager, we will send you a letter confirming your request.

You can ask to look at the medical records and other documents we used to make our decision before or during the appeal. At no cost to you, you can also ask for a copy of the guidelines we used to make our decision.

**What happens next?**

<Plan name> will review the appeal and any relevant material submitted. If you ask for an in-person review, <plan name> will contact you (and your representative, if any) to schedule it. If you are homebound, or are otherwise unable to travel because of your health, the review can be held at your location or by phone.

If our decision is in your favor, we will notify you (and your representative, if any) and tell you how and when your services will be provided.

If our decision is **not** in your favor, or if we fail to decide by our deadline, we will notify you (and your representative, if any) in writing. Your case will be automatically sent to the state’s **Office of Administrative Hearings** **(OAH)**. This is Level 2 in the four level FIDA-IDD Appeals process. If your initial appeal was filed with <plan name> in time to keep your benefits unchanged, you can also continue to receive the disputed service while the OAH reviews your appeal. If the OAH denies your request, the written decision will explain your additional appeal rights.

[*If applicable, plan must send a copy of this notice to relevant parties (e.g. representative, designated caregiver, etc.) and include the following text:*

A copy of this notice has been sent to: <name>

<address> <city, state zip>

<phone number>]

**Get help & more information**

(TTY users call 711, then use the phone numbers below)

| * <Plan name>   Website: <plan website>  Toll Free Phone: <phone number>  TTY users call: <TTY number>  <days and hours of operation>   * Independent Consumer Advocacy Network (ICAN)   633 Third Ave, 10th Floor  New York, NY 10017  Website: [icannys.org](http://icannys.org)  Email: [ICAN@cssny.org](mailto:ICAN@cssny.org)  Toll Free Phone: 1-844-614-8800  8:00am – 8:00pm, Monday – Sunday | * 1-800-MEDICARE (1-800-633-4227)   TTY users call: 1-877-486-2048  24 hours a day, 7 days a week   * NYS Department of Health   Bureau of Managed Long Term Care  Toll Free Phone: 1-866-712-7197   * NYS Office for People With Developmental Disabilities (OPWDD)   Toll Free Phone: 1-866-946-9733   * Medicare Rights Center   Toll Free Phone: 1-800-333-4114  Community Health Access to Addiction and Mental Healthcare Project (CHAMP)  633 Third Ave, 10th Floor  New York, NY 10017  Website: [www.cssny.org/programs/entry/community-health-access-to-addiction-and-mental-healthcare-project-champ](http://www.cssny.org/programs/entry/community-health-access-to-addiction-and-mental-healthcare-project-champ)  Email: [ombuds@oasas.ny.gov](mailto:ombuds@oasas.ny.gov)  Phone: 1-888-614-5400 (TTY Relay Service: 711) |
| --- | --- |

[*Plan must include all applicable disclaimers as required in the State-specific Marketing Guidance*.]

You can get this document for free in other formats, such as large print, braille, or audio. Call [*insert Participant Services toll-free phone and TTY numbers and days and hours of operation*]. The call is free.

<Plan name>

**APPEAL REQUEST FORM**

**Mail this form to**: <Address> **Fax to**: <Fax number>

<City, State Zip> **Email to**: <Email address>

**Participant Information** [*the plan should auto-populate the Participant’s Information*]

Name: <First Name> <MI> <Last Name>

Participant ID: <Participant ID>

Address: <Address> <City, State Zip>

Home Phone: <Home Phone> Cell Phone: <Cell Phone>

Date of Birth: <DOB>

**Requester (if different from above)**

Name: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ E- mail: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_

Address: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Fax #: ( \_ )\_\_\_\_\_\_\_\_\_\_\_\_\_

City: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ State: \_\_\_\_\_\_ Zip Code: \_\_\_\_\_\_\_\_\_\_ Phone #: ( \_ )\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Does the Requester intend to represent the Participant? ⬜ YES ⬜ NO

**Appeal Information**

Today’s date: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Service you are appealing: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reason for requesting appeal: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

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⬜ I request an In-Person Review. If checked, is participant homebound? ⬜ YES ⬜ NO

⬜ Is an Interpreter needed? ⬜ YES ⬜ NO Language: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

⬜ I need an accommodation for my disability for this appeal. The accommodation(s) I need are:

\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

⬜ I enclosed additional documents for consideration for the appeal.

⬜ I request a FAST APPEAL because my health could be seriously harmed if the decision takes 30 days.

⬜ I request copies of my medical record and any documentation used to make the determination. Please send these documents to:

⬜ Me ⬜ My representative (above)

⬜ I request the clinical guidelines and/or other rules or regulations used to make my determination. Please send these documents to:

⬜ Me ⬜ My representative (above)