

Chapter 9: What to do if you have a problem or complaint (coverage decisions, appeals, complaints)

What's in this chapter?

This chapter has information about your rights. Read this chapter to find out what to do if:

- You have a problem with or complaint about your plan.
- You need a service, item, or medication that your plan has said it will not pay for.
- You disagree with a decision that your plan has made about your care.
- You think your covered services are ending too soon.

If you have a problem or concern, you only need to read the parts of this chapter that apply to your situation. This chapter is broken into different sections to help you easily find what you are looking for.

If you are facing a problem with your health or long term supports and services

You should get the health care, drugs, and other supports and services that your doctor and other providers determine are necessary for your care as a part of your care plan. You should try to work with your providers and HAP Empowered MI Health Link. **If you are still having a problem with your care or our plan, you can call the MI Health Link Ombudsman at 1-888-746-6456.** This chapter explains the different options you have for different problems and complaints, but you can always call the MI Health Link Ombudsman to help guide you through your problem. For additional resources to address your concerns and ways to contact them, see Chapter 2 for more information on ombudsman programs.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



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If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 1: Introduction

• Section 1.1: What to do if you have a problem

This chapter tells you what to do if you have a problem with your plan or with your services or payment. Medicare and Michigan Medicaid approved these processes. Each process has a set of rules, procedures, and deadlines that must be followed by us and by you.

• Section 1.2: What about the legal terms?

There are difficult legal terms for some of the rules and deadlines in this chapter. Many of these terms can be hard to understand, so we have used simpler words in place of certain legal terms. We use abbreviations as little as possible.

For example, we will say:

- “Making a complaint” rather than “filing a grievance”
- “Coverage decision” rather than “organization determination,” “benefit determination,” “at-risk determination,” or “coverage determination”
- “Fast coverage decision” rather than “expedited determination”

Knowing the proper legal terms may help you communicate more clearly, so we provide those too.

Section 2: Where to call for help

• Section 2.1: Where to get more information and help

Sometimes it can be confusing to start or follow the process for dealing with a problem. This can be especially true if you do not feel well or have limited energy. Other times, you may not have the knowledge you need to take the next step.

You can get help from the MI Health Link Ombudsman

If you need help getting answers to your questions or understanding what to do to handle your problem, you can call the MI Health Link Ombudsman. The MI Health Link Ombudsman is not connected with us or with any insurance company. They can help you understand which process to use. The phone number for the MI Health Link Ombudsman is 1-888-746-6456. The services are free. See Chapter 2 for more information on ombudsman programs.

You can get help from the State Health Insurance Assistance Program (SHIP)

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



You can also call your State Health Insurance Assistance Program (SHIP). In Michigan the SHIP is called the Michigan Medicare/Medicaid Assistance Program (MMAP). MMAP counselors can answer your questions and help you understand what to do to handle your problem. MMAP is not connected with us or with any insurance company or health plan. MMAP has trained counselors and their services are free. The MMAP phone number is 1-800-803-7174. You can also find information on MMAP's website at <http://mmapinc.org>.

Getting help from Medicare

You can call Medicare directly for help with problems. Here are two ways to get help from Medicare:

- Call 1-800-MEDICARE (1-800-633-4227), 24 hours a day, 7 days a week. TTY: 1-877-486-2048. The call is free.
- Visit the Medicare website (<https://www.medicare.gov>).

Getting help from Michigan Medicaid

You can also call Michigan Medicaid for help with problems. Call the Beneficiary Help Line Monday through Friday from 8:00 AM to 7:00 PM at 1-800-642-3195 (TTY: 1-866-501-5656), or 1-800-975-7630 if calling from an internet-based phone service.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 3: Which process to use to help with your problem

• **Section 3.1: Should you use the process for coverage decisions and appeals? Or do you want to make a complaint?**

If you have a problem or concern, you only need to read the parts of this chapter that apply to your situation. The chart below will help you find the right section of this chapter for problems or complaints.

Is your problem or concern about your benefits or coverage?	
<p>(This includes problems about whether particular medical care, long term supports and services, or prescription drugs are covered or not, the way in which they are covered, and problems related to payment for medical care, long term supports and services, or prescription drugs.)</p>	
<p>Yes.</p> <p>My problem is about benefits or coverage.</p> <p>Go to Section 4: “Coverage decisions and appeals” on page 157.</p>	<p>No.</p> <p>My problem is not about benefits or coverage.</p> <p>Skip ahead to Section 10: “How to make a complaint” on page 202.</p>

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 4: Coverage decisions and appeals

• Section 4.1: Overview of coverage decisions and appeals

The process for asking for coverage decisions and making appeals deals with problems related to your benefits and coverage. It also includes problems with payment.

NOTE: Behavioral health services are covered by your Prepaid Inpatient Health Plan (PIHP). This includes mental health, intellectual/developmental disability, and substance use disorder services and supports. Contact your PIHP for information about coverage decisions and appeals on behavioral health services.

- Detroit Wayne Mental Health Authority (800) 241-4949, TTY: (866) 870-2599, 24 hours a day, seven days a week
- Macomb County Community Mental Health (855) 966-2264, TTY: 711, 24 hours a day, seven days a week

What is a coverage decision?

A coverage decision is an initial decision we make about your benefits and coverage or about the amount we will pay for your medical services, items, or drugs. We are making a coverage decision whenever we decide what is covered for you and how much we pay. We are also making a coverage decision whenever you ask us to increase or change the amount of a service, item, or drug that you are already receiving.

If you or your providers are not sure if a service, item, or drug is covered by Medicare or Michigan Medicaid, either of you can ask for a coverage decision before you get the service, item, or drug.

What is an appeal?

An appeal is a formal way of asking us to review our coverage decision and change it if you think we made a mistake. For example, we might decide that a service, item, or drug that you want is not covered or is not medically necessary for you. If you or your provider disagree with our decision, you can appeal.

• Section 4.2: Getting help with coverage decisions and appeals

Who can I call for help asking for coverage decisions or making an appeal?

You can ask any of these people for help:

- Call your **Care Coordinator** at (888) 654-0706.
- Call **Customer Service** at (888) 654-0706.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- Talk to **your doctor or other provider**. Your doctor or other provider can ask for a coverage decision or appeal on your behalf.
- Call the **MI Health Link Ombudsman** for free help. The MI Health Link Ombudsman can help you with questions about or problems with MI Health Link or our plan. The MI Health Link Ombudsman is an independent program and is not connected with this plan. The phone number is 1-888-746-6456.
- Call the **Michigan Medicare/Medicaid Assistance Program (MMAP)** for free help. MMAP is an independent organization. It is not connected with this plan. The phone number is 1-800-803-7174.
- Talk to a **friend or family member** and ask him or her to act for you. You can name another person to act for you as your “representative” to ask for a coverage decision or make an appeal. Your designated representative will have the same rights as you do in asking for a coverage decision or making an appeal.
 - If you want a friend, relative, or other person to be your representative, call Customer Service and ask for the “Appointment of Representative” form.
- You can also get the form by visiting <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms1696.pdf> or on our website at hap.org/emp/hap-empowered/mi-health-link. The form gives the person permission to act for you. You must give us a copy of the signed form.
- **You also have the right to ask a lawyer** to act for you. You may call your own lawyer or get the name of a lawyer from the local bar association or other referral service. If you choose to have a lawyer, you must pay for those legal services. However, some legal groups will give you free legal services if you qualify. If you want a lawyer to represent you, you will need to fill out the Appointment of Representative form.
 - However, you do not need a lawyer to ask for any kind of coverage decision or to make an appeal.

● Section 4.3: Which section of this chapter will help you?

There are four different types of situations that involve coverage decisions and appeals. Each situation has different rules and deadlines. We separate this chapter into different sections to help you find the rules you need to follow. **You only need to read the section that applies to your problem:**

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- **Section 5 on page 160** gives you information if you have problems about services, items, and certain drugs (**not** Part D drugs). For example, use this section if:
 - You are not getting medical care or other supports and services that you want, and you believe our plan covers this care.
 - We did not approve services, items, or drugs that your doctor wants to give you, and you believe this care should be covered and is medically necessary.
 - **NOTE:** Only use Section 5 if these are drugs **not** covered by Part D. Drugs in the *List of Covered Drugs*, also known as the Drug list, with an “ADD” are **not** covered by Part D. See Section 6 on page 186 for Part D drug appeals.
 - You got medical care or other supports and services you think should be covered, but we are not paying for this care.
 - You got and paid for medical care or other supports and services you thought were covered, and you want to ask us to pay you back.
 - You are being told that coverage for care you have been getting will be reduced or stopped, and you disagree with our decision.
 - **NOTE:** If the coverage that will be stopped is for hospital care, home health care, skilled nursing facility care, or Comprehensive Outpatient Rehabilitation Facility (CORF) services, you need to read a separate section of this chapter because special rules apply to these types of care. See Section 8 on page 195.
- **Section 6 on page 177** gives you information about Part D drugs. For example, use this section if:
 - You want to ask us to make an exception to cover a Part D drug that is not on our Drug List.
 - You want to ask us to waive limits on the amount of the drug you can get.
 - You want to ask us to cover a drug that requires prior approval.
 - We did not approve your request or exception, and you or your doctor or other prescriber thinks we should have.
 - You want to ask us to pay for a prescription drug you already bought. (This is asking for a coverage decision about payment.)

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- **Section 7 on page 188** gives you information on how to ask us to cover a longer inpatient hospital stay if you think the doctor is discharging you too soon. Use this section if:
 - You are in the hospital and think the doctor asked you to leave the hospital too soon.
- **Section 8 on page 195** gives you information if you think your home health care, skilled nursing facility care, and Comprehensive Outpatient Rehabilitation Facility (CORF) services are ending too soon.

If you're not sure which section you should use, please call your Care Coordinator at (888) 654-0706 or Customer Service at (888) 654-0706.

If you need other help or information, please call the MI Health Link Ombudsman at 1-888-746-6456.

Section 5: Problems about services, items, and drugs (not Part D drugs)

• Section 5.1: When to use this section

This section is about what to do if you have problems with your benefits for your medical care or other supports and services. You can also use this section for problems with drugs that are **not** covered by Part D. Drugs in the Drug List with an "ADD" are **not** covered by Part D. Use Section 6 for Part D drug appeals.

This section tells what you can do if you are in any of the five following situations:

1. You think we cover a medical service or other supports and services you need but are not getting.

What you can do: You can ask us to make a coverage decision. Go to Section 5.2 on page 161 for information on asking for a coverage decision.

2. We did not approve care your provider wants to give you, and you think we should have.

What you can do: You can appeal our decision to not approve the care. Go to Section 5.3 on page 164 for information on making an appeal.

3. You got services or items that you think we cover, but we will not pay.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



What you can do: You can appeal our decision not to pay. Go to Section 5.3 on page 164 for information on making an appeal.

4. You got and paid for services or items you thought were covered, and you want us to reimburse you for the services or items.

What you can do: You can ask us to pay you back. Go to Section 5.5 on page 175 for information on asking us for payment.

5. We reduced or stopped your coverage for a certain service, and you disagree with our decision.

What you can do: You can appeal our decision to reduce or stop the service. Go to Section 5.3 on page 164 for information on making an appeal.

NOTE: If the coverage that will be stopped is for hospital care, home health care, skilled nursing facility care, or Comprehensive Outpatient Rehabilitation Facility (CORF) services, special rules apply. Read Sections 7 or 8 on pages 188 and 195 to find out more.

• Section 5.2: Asking for a coverage decision

How to ask for a coverage decision to get medical care or long term supports and services (LTSS)

To ask for a coverage decision, call, write, or fax us, or ask your representative or doctor to ask us for a decision.

- You can call us at: (888) 654-0706, TTY: 711
- You can fax us at: (248) 663-3771
- You can write to us at: HAP Empowered MI Health Link
PO Box 2578
Detroit MI 48202

NOTE: Your Prepaid Inpatient Health Plan (PIHP) will make coverage decisions for behavioral health, intellectual/developmental disability, and substance use disorder services and supports. Contact your PIHP for more information.

- Detroit Wayne Mental Health Authority (800) 241-4949, TTY: (866) 870-2599, 24 hours a day, seven days a week.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- Macomb County Community Mental Health (855) 996-2264, TTY: 711, 24 hours a day, seven days a week.

How long does it take to get a coverage decision?

It usually takes up to 14 calendar days after you, your representative, or your provider asked unless your request is for a Medicare Part B prescription drug. If your request is for a Medicare Part B prescription drug, we will give you a decision no more than 72 hours after we receive your request. If we don't give you our decision within 14 calendar days (or 72 hours for a Medicare Part B prescription drug), you can appeal.

Sometimes we need more time, and we will send you a letter telling you that we need to take up to 14 more calendar days. The letter will explain why more time is needed. We can't take extra time to give you a decision if your request is for a Medicare Part B prescription drug.

Can I get a coverage decision faster?

Yes. If you need a response faster because of your health, ask us to make a "fast coverage decision." If we approve the request, we will notify you of our decision within 72 hours (or within 24 hours for a Medicare Part B prescription drug).

However, sometimes we need more time, and we will send you a letter telling you that we need to take up to 14 more calendar days. The letter will explain why more time is needed. We can't take extra time to give you a decision if your request is for a Medicare Part B prescription drug.

The legal term for "fast coverage decision" is "**expedited determination.**"

Asking for a fast coverage decision:

- If you request a fast coverage decision, start by calling or faxing our plan to ask us to cover the care you want.
- You can call us at (888) 654-0706 or fax us at (248) 663-3771. For details on how to contact us, go to Chapter 2.
- You can also have your doctor or your representative call us.

Here are the rules for asking for a fast coverage decision:

You must meet the following two requirements to get a fast coverage decision:

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



1. You can get a fast coverage decision only if you are asking about coverage for services or items you have not yet received. (You cannot get a fast coverage decision if your request is about payment for medical care or an item you already got.)
2. You can get a fast coverage decision only if the standard 14 calendar day deadline (or the 72 hour deadline for Medicare Part B prescription drugs) could cause serious harm to your health or hurt your ability to function.
 - If your provider says that you need a fast coverage decision, we will automatically give you one.
 - If you ask for a fast coverage decision without your provider's support, we will decide if you get a fast coverage decision.
 - If we decide that your condition does not meet the requirements for a fast coverage decision, we will send you a letter. We will also use the standard 14 calendar day deadline (or the 72 hour deadline for Medicare Part B prescription drugs) instead.
 - This letter will tell you that if your provider asks for the fast coverage decision, we will automatically give a fast coverage decision.
 - The letter will also tell how you can file a "fast complaint" about our decision to give you a standard coverage decision instead of a fast coverage decision. For more information about the process for making complaints, including fast complaints, see Section 10 on page 204.

How will I find out the plan's answer about my coverage decision?

We will send you a letter telling you whether or not we approved coverage.

If the coverage decision is Yes, when will I get the service or item?

You will be approved (pre-authorized) to get the service or item within 14 calendar days (for a standard coverage decision) or 72 hours (for a fast coverage decision) of when you asked unless your request is for a Medicare Part B prescription drug.

If your request is for a Medicare Part B prescription drug, you will be approved (pre-authorized) to get the drug within 72 hours (for a standard coverage decision) or 24 hours (for a fast coverage decision).

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If we extended the time needed to make our coverage decision, we will approve the coverage by the end of that extended period. We can't take extra time to make our coverage decision for a Medicare Part B prescription drug.

If the coverage decision is No, how will I find out?

If the answer is **No**, we will send you a letter telling you our reasons for saying **No**.

- If we say **No**, you have the right to ask us to change this decision by making an appeal. Making an appeal means asking us to review our decision to deny coverage.
- If you decide to make an appeal, it means you are going on to the Internal Appeals process (read the next section for more information).

• Section 5.3: Internal Appeal for services, items, and drugs (not Part D drugs)

What is an appeal?

An appeal is a formal way of asking us to review a coverage decision (denial) or any adverse action that we took. If you or your provider disagree with our decision, you can appeal.

NOTE: Your Prepaid Inpatient Health Plan (PIHP) handles appeals about behavioral health, intellectual/developmental disability, and substance use disorder services and supports. Contact your PIHP for more information.

- Detroit Wayne Mental Health Authority (800) 241-4949, TTY: (866) 870-2599, 24 hours a day, seven days a week.
- Macomb County Community Mental Health (855) 996-2264, TTY: 711, 24 hours a day, seven days a week.

If you need help during the appeals process, you can call the MI Health Link Ombudsman at 1-888-746-6456. The MI Health Link Ombudsman is not connected with us or with any insurance company or health plan.

What is an adverse action?

An adverse action is an action, or lack of action, by our plan that you can appeal. This includes:

- We denied or limited a service or item your provider requested;
- We reduced, suspended, or ended coverage that was already approved;

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- We did not pay for a service or item that you think is covered;
- We did not resolve your authorization request within the required timeframes;
- You could not get a covered service or item from a provider in our network within a reasonable amount of time; or
- We did not act within the timeframes for reviewing a coverage decision and giving you a decision.

What is an Internal Appeal?

An Internal Appeal (also called a Level 1 Appeal) is the first appeal to our plan. We will review your coverage decision to see if it is correct. The reviewer will be someone who did not make the original coverage decision. When we complete the review, we will give you our decision in writing and tell you what you can do next if you disagree with the decision.

You must ask for an Internal Appeal before you can ask for an External Appeal under Section 5.4 below.

You can ask for a “standard appeal” or a “fast appeal.”

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



How do I make an Internal Appeal?

- To start your appeal, you, your representative, or your provider must contact us. You can call us at (888) 654-0706. For additional details on how to reach us for appeals, see Chapter 2.
- You can ask us for a “standard appeal” or a “fast appeal.”
- If you are asking for a standard appeal or fast appeal, make your appeal in writing or call us.
 - You can submit a request to the following address:

HAP Empowered MI Health Link
PO Box 2578
Detroit, MI 48202
 - You may also ask for an appeal by calling us at (888) 654-0706.

At a glance: How to make an Internal Appeal

You, your doctor, or your representative may put your request in writing and mail or fax it to us. You may also ask for an appeal by calling us.

- Ask **within 60 calendar days** of the decision you are appealing. If you miss the deadline for a good reason, you may still appeal.
- If you appeal because we told you that a service you currently get will be changed or stopped, **you have fewer days to appeal** if you want to keep getting that service while your appeal is processing.
- Keep reading this section to learn about what deadline applies to your appeal.

The legal term for “fast appeal” is “**expedited reconsideration.**”

Can someone else make the appeal for me?

Yes. Your doctor or other provider can make the appeal for you. Also, someone besides your doctor or other provider can make the appeal for you. First, you must complete an Appointment of Representative form. The form gives the other person permission to act for you.

To get an Appointment of Representative form, call Customer Service and ask for one, or visit <https://www.cms.gov/Medicare/CMS-Forms/CMS-Forms/downloads/cms1696.pdf>, or our website at hap.org/emp/hap-empowered/mi-health-link.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



We must get the completed Appointment of Representative form before we can review the appeal.

How much time do I have to make an Internal Appeal?

You must ask for an Internal Appeal **within 60 calendar days** from the date on the letter we sent to tell you our decision.

If you miss this deadline and have a good reason for missing it, we may give you more time to make your appeal. Examples of a good reason are: you were in the hospital, or we gave you the wrong information about the deadline for requesting an appeal.

NOTE: If you appeal because we told you that a service you currently get will be changed or stopped, **you have fewer days to appeal** if you want to keep getting that service while your appeal is processing. Read “Will my benefits continue during Internal Appeals” on page 169 for more information.

Can I get a copy of my case file?

Yes. Ask us for a copy by calling Customer Service at (888) 654-0706.

Can my provider give you more information about my appeal?

Yes. Both you and your provider may give us more information to support your appeal.

How will we make the appeal decision?

We take a careful look at all of the information about your request for coverage of medical care or other supports and services. Then, we check to see if we were following all the rules when we said **No** to your request. The reviewer will be someone who did not make the original decision.

If we need more information, we may ask you or your doctor for it.

When will I hear about a “standard” appeal decision?

We must give you our answer within 30 calendar days after we get your appeal. We will give you our decision sooner if your condition requires us to.

- However, if you ask for more time or if we need to gather more information, we can take up to 14 more calendar days. If we decide to take extra days to make the decision, we will send you a letter that explains why we need more time. We can't take extra time to make a decision if your appeal is for a Medicare Part B prescription drug.
- If you believe we should not take extra days, you can file a “fast complaint” about our decision to take extra days. When you file a fast complaint, we will give you an

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



answer to your complaint within 24 hours. For more information about the process for making complaints, including fast complaints, see Section 10 on page 205.

- If we do not give you an answer to your appeal within 30 calendar days (or within 7 calendar days after we get your appeal for a Medicare Part B prescription drug) or by the end of the extra days (if we took them), we will automatically send your case for an External Appeal if your problem is about coverage of a Medicare service or item. You will be notified when this happens. If your problem is about coverage of a Michigan Medicaid service or item, you can file an External Appeal yourself. For more information about the External Appeal process, go to Section 5.4 on page 169.

If our answer is Yes to part or all of what you asked for, we must approve or give the coverage within 30 calendar days after we get your appeal (or within 7 calendar days after we get your appeal for a Medicare Part B prescription drug).

If our answer is No to part or all of what you asked for, we will send you a letter. If your problem is about coverage of a Medicare service or item, the letter will tell you that we automatically sent your case to the Independent Review Entity for an External Appeal. If your problem is about coverage of a Michigan Medicaid service or item, the letter will tell you how to file an External Appeal yourself. For more information about the External Appeal process, go to Section 5.4 on page 169.

When will I hear about a “fast” appeal decision?

If you ask for a fast appeal, we will give you your answer within 72 hours after we get your appeal. We will give you our answer sooner if your condition requires us to do so.

- However, if you ask for more time or if we need to gather more information, we can take up to 14 more calendar days. If we decide to take extra days to make the decision, we will send you a letter that explains why we need more time. We can't take extra time to make a decision if your request is for a Medicare Part B prescription drug.
- If you believe we should not take extra days, you can file a “fast complaint” about our decision to take extra days. When you file a fast complaint, we will give you an answer to your complaint within 24 hours. For more information about the process for making complaints, including fast complaints, see Section 10 on page 205.
- If we do not give you an answer to your appeal within 72 hours or by the end of the extra days (if we took them), we will automatically send your case for an External Appeal if your problem is about coverage of a Medicare service or item. You will be notified when this happens. If your problem is about coverage of a Michigan Medicaid

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service or item, you can file an External Appeal yourself. For more information about the External Appeal process, go to Section 5.4 on page 169.

If our answer is Yes to part or all of what you asked for, we must authorize or provide the coverage within 72 hours after we get your appeal.

If our answer is No to part or all of what you asked for, we will send you a letter. If your problem is about coverage of a Medicare service or item, the letter will tell you that we sent your case to the Independent Review Entity for an External Appeal. If your problem is about coverage of a Michigan Medicaid service or item, the letter will tell you how to file an External Appeal yourself. For more information about the External Appeal process, go to Section 5.4 on page 169.

Will my benefits continue during Internal Appeals?

If we decide to change or stop coverage for a service that was previously approved, we will send you a notice before taking the proposed action. If you file your Internal Appeal within 10 calendar days of the date on our notice or prior to the intended effective date of the action, we will continue your benefits for the service while the Internal Appeal is pending.

If you are appealing to get a new service from our plan, then you would not get that service unless your appeal is finished and the decision is that the service is covered.

• Section 5.4: External Appeal for services, items, and drugs (not Part D drugs)

If the plan says No to the Internal Appeal, what happens next?

You must ask for an Internal Appeal and get a decision from us before you can ask for an External Appeal.

If we say **No** to part or all of your Internal Appeal, we will send you an appeal denial notice. This notice is called the Notice of Appeal Decision. This notice will tell you if the service or item is usually covered by Medicare and/or Michigan Medicaid.

- If your problem is about a Medicare service or item, you will automatically get an External Appeal with the Independent Review Entity (IRE) as soon as the Internal Appeal is complete.
- If your problem is about a Michigan Medicaid service or item, you can file an External Appeal yourself with the Michigan Office of Administrative Hearings and Rules (MOAHR) and/or a request for an External Review with the Michigan Department of Insurance and Financial Services (DIFS). The Notice of Appeal Decision will tell you how to do this. Information is also on page 170.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If your problem is about a service or item that could be covered by both Medicare and Michigan Medicaid, you will automatically get an External Appeal with the IRE. You can also ask for an External Appeal with MOAHR and/or External Review with DIFS.

What is an External Appeal?

An External Appeal (also called a Level 2 Appeal) is the second appeal, which is done by an independent organization that is not connected to the plan. Medicare's External Appeal organization is called the Independent Review Entity (IRE). Michigan Medicaid's External Appeal is a Fair Hearing through the Michigan Office of Administrative Hearing and Rules (MOAHR). You also have the right to request an External Review of Michigan Medicaid service denials through the Michigan Department of Insurance and Financial Services (DIFS).

My problem is about a Michigan Medicaid covered service or item. How can I make an External Appeal?

There are two ways to make an External Appeal for Michigan Medicaid services and items: (1) Fair Hearing and/or (2) External Review.

1. Fair Hearing

You have the right to ask for a Fair Hearing from the Michigan Office of Administrative Hearings and Rules (MOAHR). A Fair Hearing is an impartial review of a decision made by our plan. You may ask for a Fair Hearing after the Internal Appeal with our plan. In addition, if you do not receive a notice about your appeal, or a decision on your appeal within the time frame the plan has to respond on your appeal, you may ask for a Michigan Medicaid Fair Hearing.

You must ask for a Fair Hearing **within 120 calendar days** from the date on the Notice of Appeal Decision.

NOTE: If you ask for a Fair Hearing because we told you that a service you currently get will be changed or stopped, **you have fewer days to file your request** if you want to keep getting that service while your Fair Hearing is pending. Read "Will my benefits continue during External Appeals" on page 173 for more information.

To ask for a Fair Hearing from MOAHR, you must complete a Request for Hearing form. We will send you a Request for Hearing form with the Notice of Appeal Decision. You can also get the form by calling the Michigan Medicaid Beneficiary Help Line at 1-800-642-3195 (TTY: 1-866-501-5656), or 1-800-975-7630 if calling from an internet-based phone service, Monday through Friday from 8:00 AM to 7:00 PM. Complete the form and send it to:

Michigan Office of Administrative Hearings and Rules (MOAHR)

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Department of Health and Human Services
PO Box 30763
Lansing, MI 48909
FAX: 517-763-0146

You can also ask for an expedited (fast) Fair Hearing by writing to the address or faxing to the number listed above.

After MOAHR gets your Fair Hearing request, you will get a letter telling you the date, time, and place of your hearing. Hearings are usually conducted over the phone, but you can ask that your hearing be conducted in person.

MOAHR must give you an answer in writing within 90 calendar days of when it gets your request for a Fair Hearing. If you qualify for an expedited Fair Hearing, MOAHR must give you an answer within 72 hours. However, if MOAHR needs to gather more information that may help you, it can take up to 14 more calendar days.

After you get the MOAHR final decision, you have 30 calendar days from the date of the decision to file a request for rehearing/reconsideration and/or to file an appeal with the Circuit Court.

2. External Review

You also have the right to ask for an External Review through the Michigan Department of Insurance and Financial Services (DIFS). You must complete our Internal Appeals process first before you can ask for this type of External Appeal.

Your request for an External Review must be submitted **within 127 calendar days** of your receipt of our Internal Appeal decision.

NOTE: If you qualified for continuation of benefits during the Internal Appeal and you ask for an External Review **within 12 calendar days** from the date of the Internal Appeal decision, you can continue to get the disputed service during the review. Read “Will my benefits continue during External Appeals” on page 173 for more information.

To ask for an External Review from DIFS, you must complete the Health Care Request for External Review form. We will send you this form with our Notice of Appeal Decision. You can also get a copy of the form by calling DIFS at 1-877-999-6442. Complete the form and send it with all supporting documentation to:

DIFS - Office of General Counsel
Health Care Appeals Section

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



PO Box 30220
Lansing, MI 48909-7720

FAX: 517-284 8838

DIFS Consumer Hotline: 877-999-6442

If your request does not involve reviewing medical records, the External Review will be conducted by the Director of DIFS. If your request involves issues of medical necessity or clinical review criteria, it will be sent to a separate Independent Review Organization (IRO).

If the review is conducted by the Director and does not require review by an IRO, the Director will issue a decision within 14 calendar days after your request is accepted. If the review is referred to an IRO, the IRO will give its recommendation to DIFS within 14 calendar days after it is assigned the review. The Director will then issue a decision within 7 business days after it receives the IRO's recommendation.

If the standard timeframe for review would jeopardize your life or health, you may be able to qualify for an expedited (fast) review. An expedited review is completed within 72 hours after your request. To qualify for an expedited review, you must have your doctor verify that the timeframe for a standard review would jeopardize your life or health.

If you disagree with the External Review decision, you have the right to appeal to Circuit Court in the county where you live or the Michigan Court of Claims within 60 days from the date of the decision.

My problem is about a Medicare covered service or item. What will happen at the External Appeal?

An Independent Review Entity (IRE) will carefully review the Internal Appeal decision and decide whether it should be changed.

- You do not need to ask for the External Appeal. We will automatically send any denials (in whole or in part) to the IRE. You will be told when this happens.
- The IRE is hired by Medicare and is not connected with this plan.
- You may ask for a copy of your file by calling Customer Service at (888) 654-0706.

The IRE must give you an answer to your External Appeal within 30 calendar days of when it gets your appeal (or within 7 calendar days of when it gets your appeal for a Medicare Part B prescription drug). This rule applies if you sent your appeal before getting medical services or items.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- However, if the IRE needs to gather more information that may benefit you, it can take up to 14 more calendar days. If the IRE needs extra days to make a decision, it will tell you by letter. The IRE can't take extra time to make a decision if your appeal is for a Medicare Part B prescription drug.

If you had “fast appeal” at the Internal Appeal, you will automatically have a fast appeal at the External Appeal. The IRE must give you an answer within 72 hours of when it gets your appeal.

- However, if the IRE needs to gather more information that may benefit you, it can take up to 14 more calendar days. If the IRE needs extra days to make a decision, it will tell you by letter. The IRE can't take extra time to make a decision if your appeal is for a Medicare Part B prescription drug.

What if my service or item is covered by both Medicare and Michigan Medicaid?

If your problem is about a service or item that could be covered by both Medicare and Michigan Medicaid, we will automatically send your External Appeal to the Independent Review Entity. You can also submit an External Appeal to the Michigan Office of Administrative Hearings and Rules (MOAHR) and/or an External Review to the Michigan Department of Insurance and Financial Services (DIFS). Follow the instructions on page 169.

Will my benefits continue during External Appeals?

If we previously approved coverage for a service but then decided to change or stop the service before the authorization expired, you can continue your benefits during External Appeals in some cases.

- If the service is covered by Medicare and you qualified for continuation of benefits during the Internal Appeal, your benefits for that service will automatically continue during the External Appeal process with the Independent Review Entity (IRE).
- If the service is covered by Michigan Medicaid, your benefits for that service will continue if you qualified for continuation of benefits during your Internal Appeal and you ask for a Fair Hearing from MOAHR or an External Review from DIFS within 12 calendar days from the date of the Notice of Appeal Decision.
- If the service could be covered by both Medicare and Michigan Medicaid and you qualified for continuation of benefits during the Internal Appeal, your benefits for that service will automatically continue during the IRE review. You may also qualify for continuation of benefits during MOAHR and/or DIFS review if you submit your request within the timeframes listed above.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If your benefits are continued, you can keep getting the service until one of the following happens: (1) you withdraw the appeal; or (2) all entities that got your appeal (the IRE, MOAHR, and/or DIFS) decide “no” to your request. If any of the entities decide “yes” to your request, your services will continue.

How will I find out about the decision?

If your External Appeal went to the Michigan Office of Administrative Hearings and Rules (MOAHR) for a Fair Hearing, MOAHR will send you a letter explaining its decision.

- If MOAHR says **Yes** to part or all of what you asked for, we must approve the service for you as quickly as your condition requires, but no later than 72 hours from the date we receive MOAHR’s decision.
- If MOAHR says **No** to part or all of what you asked for, it means they agree with the Internal Appeal decision. This is called “upholding the decision” or “turning down your appeal.”

If your External Appeal went to the Michigan Department of Insurance and Financial Services (DIFS) for an External Review, DIFS will send you a letter explaining the Director’s decision.

- If DIFS says **Yes** to part or all of what you asked for, we must approve the service for you as quickly as your condition requires.
- If DIFS says **No** to part or all of what you asked for, it means they agree with the Internal Appeal decision. This is called “upholding the decision” or “turning down your appeal.”

If your External Appeal went to the Independent Review Entity (IRE), it will send you a letter explaining its decision.

- If the IRE says **Yes** to part or all of what you asked for, we must authorize the coverage as quickly as your condition requires, but no later than 72 hours from the date we get the IRE’s decision.
- If the IRE says **Yes** to part or all of what you asked for in your standard appeal for a Medicare Part B prescription drug, we must authorize or provide the Medicare Part B prescription drug within 72 hours after we get the IRE’s decision. If you had a fast appeal, we must authorize or provide the Medicare Part B prescription drug within 24 hours from the date we get the IRE’s decision.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If the IRE says **No** to part or all of what you asked for, it means they agree with the Internal Appeal decision. This is called “upholding the decision.” It is also called “turning down your appeal.”

What if I had different types of External Appeals and they have different decisions?

If any of the External Appeal organizations (MOAHR, DIFS, and/or the IRE) decide **Yes** for all or part of what you asked for, we will give you the approved service or item that is closest to what you asked for in your appeal.

If the decision is No for all or part of what I asked for, can I make another appeal?

If your External Appeal went to the Michigan Office of Administrative Hearings and Rules (MOAHR) for a Fair Hearing, you can appeal the decision within 30 days to the Circuit Court. You may also request a rehearing or reconsideration by MOAHR within 30 days.

If your External Appeal went to the Michigan Department of Insurance and Financial Services (DIFS) for an External Review, you can appeal to the Circuit Court in the county where you live or the Michigan Court of Claims within 60 days from the date of the decision.

If your External Appeal went to the Independent Review Entity (IRE), you can appeal again only if the dollar value of the service or item you want meets a certain minimum amount.

The letter you get from the MOAHR, DIFS, or IRE will explain additional appeal rights you may have. See Section 9 on page 201 for more information on additional levels of appeal.

NOTE: Your benefits for the disputed service will not continue during the additional levels of appeal.

• Section 5.5: Payment problems

We do not allow our network providers to bill you for covered services and items. This is true even if we pay the provider less than the provider charges for a covered service or item. You are never required to pay the balance of any bill. The only amount you should be asked to pay is any required Patient Pay Amount (PPA) for nursing home care.

If you get a bill for covered services and items, send the bill to us. **You should not pay the bill yourself.** We will contact the provider directly and take care of the problem.

For more information, start by reading Chapter 7: “Asking us to pay a bill you have gotten for covered services or drugs.” Chapter 7 describes the situations in which you may need to ask for reimbursement or to pay a bill you got from a provider. It also tells how to send us the paperwork that asks us for payment.

Can I ask you to pay me back for a service or item I paid for?

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Remember, if you get a bill for covered services and items, you should not pay the bill yourself. But if you do pay the bill, you can get a refund if you followed the rules for getting services and items.

If you are asking to be paid back, you are asking for a coverage decision. We will see if the service or item you paid for is a covered service or item, and we will check to see if you followed all the rules for using your coverage.

- If the service or item you paid for is covered and you followed all the rules, we will send you the payment for the service or item within 60 calendar days after we get your request. If you haven't paid for the service or item yet, we will send the payment directly to the provider. When we send the payment, it's the same as saying **Yes** to your request for a coverage decision.
- If the service or item is not covered, or you did not follow all the rules, we will send you a letter telling you we will not pay for the service or item, and explaining why.

What if we say we will not pay?

If you do not agree with our decision, **you can make an appeal**. Follow the appeals process described in Section 5.3 on page 164. When you follow these instructions, please note:

- If you make an appeal for reimbursement, we must give you our answer within 60 calendar days after we get your appeal.
- If you are asking us to pay you back for a service or item you already got and paid for yourself, you cannot ask for a fast appeal.

If we answer **No** to your appeal and the service or item is usually covered by Medicare, we will automatically send your case to the Independent Review Entity (IRE). We will notify you by letter if this happens.

- If the IRE reverses our decision and says we should pay you, we must send the payment to you or to the provider within 30 calendar days. If the answer to your appeal is **Yes** at any stage of the appeals process after review by the IRE, we must send the payment you asked for to you or to the provider within 60 calendar days.
- If the IRE says **No** to your appeal, it means they agree with our decision not to approve your request. (This is called "upholding the decision." It is also called "turning down your appeal.") The letter you get will explain additional appeal rights you may have. You can appeal again only if the dollar value of the service or item you want meets a certain minimum amount. See Section 9 on page 201 for more information on additional levels of appeal.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If we answer **No** to your appeal and the service or item is usually covered by Michigan Medicaid, you can ask for a Fair Hearing from the Michigan Office of Administrative Hearings and Rules (MOAHR) or an External Review from the Michigan Department of Insurance and Financial Services (see Section 5.4 on page 169).

Section 6: Part D drugs

• Section 6.1: What to do if you have problems getting a Part D drug or you want us to pay you back for a Part D drug

Your benefits as a member of our plan include coverage for many prescription drugs. Most of these drugs are “Part D drugs.” There are a few drugs that Medicare Part D does not cover but that Michigan Medicaid may cover. **This section only applies to Part D drug appeals.**

The Drug List includes some drugs with an “ADD.” These drugs are **not** Part D drugs. Appeals or coverage decisions about drugs with an “ADD” symbol follow the process in Section 5 on page 160.

Can I ask for a coverage decision or make an appeal about Part D prescription drugs?

Yes. Here are examples of coverage decisions you can ask us to make about your Part D drugs:

- You ask us to make an exception such as:
 - Asking us to cover a Part D drug that is not on the plan’s Drug List
 - Asking us to waive a restriction on the plan’s coverage for a drug (such as limits on the amount of the drug you can get)
- You ask us if a drug is covered for you (for example, when your drug is on the plan’s Drug List, but we require you to get approval from us before we will cover it for you).

NOTE: If your pharmacy tells you that your prescription cannot be filled, you will get a notice explaining how to contact us to ask for a coverage decision.

- You ask us to pay for a prescription drug you already bought. This is asking for a coverage decision about payment.

The legal term for a coverage decision about your Part D drugs is “**coverage determination.**”

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If you disagree with a coverage decision we have made, you can appeal our decision. This section tells you how to ask for coverage decisions **and** how to request an appeal.

Use the chart below to help you decide which section has information for your situation:

Which of these situations are you in?			
<p>Do you need a drug that isn't on our Drug List or need us to waive a rule or restriction on a drug we cover?</p> <p>You can ask us to make an exception. (This is a type of coverage decision.)</p> <p>Start with Section 6.2 on page 179. Also see Sections 6.3 and 6.4 on pages 180 and 181.</p>	<p>Do you want us to cover a drug on our Drug List and you believe you meet any plan rules or restrictions (such as getting approval in advance) for the drug you need?</p> <p>You can ask us for a coverage decision.</p> <p>Skip ahead to Section 6.4 on page 181.</p>	<p>Do you want to ask us to pay you back for a drug you already got and paid for?</p> <p>You can ask us to pay you back. (This is a type of coverage decision.)</p> <p>Skip ahead to Section 6.4 on page 181.</p>	<p>Have we already told you that we will not cover or pay for a drug in the way that you want it to be covered or paid for?</p> <p>You can make an appeal. (This means you are asking us to reconsider.)</p> <p>Skip ahead to Section 6.5 on page 184.</p>

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



• Section 6.2: What is an exception?

An exception is permission to get coverage for a drug that is not normally on our Drug List or to use the drug without certain rules and limitations. If a drug is not on our Drug List or is not covered in the way you would like, you can ask us to make an “exception.”

When you ask for an exception, your doctor or other prescriber will need to explain the medical reasons why you need the exception.

Here are examples of exceptions that you or your doctor or another prescriber can ask us to make:

1. Covering a Part D drug that is not on our Drug List.
 - If we agree to make an exception and cover a drug that is not on the Drug List, you will not be charged.
2. Removing a restriction on our coverage. There are extra rules or restrictions that apply to certain drugs on our Drug List (for more information, go to Chapter 5).
 - The extra rules and restrictions on coverage for certain drugs include:
 - Being required to use the generic version of a drug instead of the brand name drug.
 - Getting plan approval before we will agree to cover the drug for you. (This is sometimes called “prior authorization.”)
 - Being required to try a different drug first before we will agree to cover the drug you are asking for. (This is sometimes called “step therapy.”)
 - Quantity limits. For some drugs, we limit the amount of the drug you can have.

The legal term for asking for removal of a restriction on coverage for a drug is sometimes called asking for a **“formulary exception.”**

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



• Section 6.3: Important things to know about asking for exceptions

Your doctor or other prescriber must tell us the medical reasons

Your doctor or other prescriber must give us a statement explaining the medical reasons for requesting an exception. Our decision about the exception will be faster if you include this information from your doctor or other prescriber when you ask for the exception.

Typically, our Drug List includes more than one drug for treating a particular condition. These are called “alternative” drugs. If an alternative drug would be just as effective as the drug you are asking for and would not cause more side effects or other health problems, we will generally not approve your request for an exception.

We will say Yes or No to your request for an exception

- If we say **Yes** to your request for an exception, the exception usually lasts until the end of the calendar year. This is true as long as your doctor continues to prescribe the drug for you and that drug continues to be safe and effective for treating your condition.
- If we say **No** to your request for an exception, you can ask for a review of our decision by making an appeal. Section 6.5 on page 184 tells how to make an appeal if we say **No**.

The next section tells you how to ask for a coverage decision, including an exception.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



• Section 6.4: How to ask for a coverage decision about a Part D drug or reimbursement for a Part D drug, including an exception

What to do

- Ask for the type of coverage decision you want. Call, write, or fax us to make your request. You, your representative, or your doctor (or other prescriber) can do this. You can call us at (888) 654-0706 or fax us at (313) 664-8045.
- You or your doctor (or other prescriber) or someone else who is acting on your behalf can ask for a coverage decision. You can also have a lawyer act on your behalf.
- Read Section 4 on page 158 to find out how to give permission to someone else to act as your representative.

You do not need to give your doctor or other prescriber written permission to ask us for a coverage decision on your behalf.

- If you want to ask us to pay you back for a drug, read Chapter 7 of this handbook. Chapter 7 describes times when you may need to ask for reimbursement. It also tells how to send us the paperwork that asks us to pay you back for our share of the cost of a drug you have paid for.
- If you are asking for an exception, provide the “supporting statement.” Your doctor or other prescriber must give us the medical reasons for the drug exception. We call this the “supporting statement.”
- Your doctor or other prescriber can fax or mail the statement to us. Or your doctor or other prescriber can tell us on the phone, and then fax or mail a statement.

If your health requires it, ask us to give you a “fast coverage decision”

At a glance: How to ask for a coverage decision about a drug or payment

Call, write, or fax us to ask, or ask your representative or doctor or other prescriber to ask. We will give you an answer on a standard coverage decision within 72 hours. We will give you an answer on reimbursing you for a Part D drug you already paid for within 14 calendar days.

- If you are asking for an exception, include the supporting statement from your doctor or other prescriber.
- You or your doctor or other prescriber may ask for a fast decision. (Fast decisions usually come within 24 hours.)
- Read this section to make sure you qualify for a fast decision! Read it also to find information about decision deadlines.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



We will use the “standard deadlines” unless we have agreed to use the “fast deadlines.”

- A **standard coverage decision** means we will give you an answer within 72 hours after we get your doctor’s statement.
- A **fast coverage decision** means we will give you an answer within 24 hours after we get your doctor’s statement.

The legal term for “fast coverage decision” is “**expedited coverage determination.**”

You can get a fast coverage decision only if you are asking for a drug you have not yet received. (You cannot get a fast coverage decision if you are asking us to pay you back for a drug you already bought.)

You can get a fast coverage decision **only if using the standard deadlines could cause serious harm to your health or hurt your ability to function.**

If your doctor or other prescriber tells us that your health requires a “fast coverage decision,” we will automatically agree to give you a fast coverage decision, and the letter will tell you that.

- If you ask for a fast coverage decision on your own (without your doctor’s or other prescriber’s support), we will decide whether you get a fast coverage decision.
- If we decide that your medical condition does not meet the requirements for a fast coverage decision, we will use the standard deadlines instead.
 - We will send you a letter telling you that. The letter will tell you how to make a complaint about our decision to give you a standard decision.
 - You can file a “fast complaint” and get a response to your complaint within 24 hours. For more information about the process for making complaints, including fast complaints, see Section 10 on page 205.

Deadlines for a “fast coverage decision”

- If we are using the fast deadlines, we must give you our answer within 24 hours. This means within 24 hours after we get your request. Or, if you are asking for an exception, 24 hours after we get your doctor’s or prescriber’s statement supporting your request. We will give you our answer sooner if your health requires it.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If we do not meet this deadline, we will send your request to Level 2 of the appeals process. At Level 2, an Independent Review Entity will review your request.
- **If our answer is Yes** to part or all of what you asked for, we must give you the coverage within 24 hours after we get your request or your doctor's or prescriber's statement supporting your request.
- **If our answer is No** to part or all of what you asked for, we will send you a letter that explains why we said **No**. The letter will also explain how you can appeal our decision.

Deadlines for a “standard coverage decision” about a drug you have not yet received

- If we are using the standard deadlines, we must give you our answer within 72 hours after we get your request. Or, if you are asking for an exception, after we get your doctor's or prescriber's supporting statement. We will give you our answer sooner if your health requires it.
- If we do not meet this deadline, we will send your request on to Level 2 of the appeals process. At Level 2, an Independent Review Entity will review your request.
- **If our answer is Yes** to part or all of what you asked for, we must approve or give the coverage within 72 hours after we get your request or, if you are asking for an exception, your doctor's or prescriber's supporting statement.
- **If our answer is No** to part or all of what you asked for, we will send you a letter that explains why we said **No**. The letter will also explain how you can appeal our decision.

Deadlines for a “standard coverage decision” about payment for a drug you already bought

- We must give you our answer within 14 calendar days after we get your request.
- If we do not meet this deadline, we will send your request to Level 2 of the appeals process. At Level 2, an Independent Review Entity will review your request.
- **If our answer is Yes** to part or all of what you asked for, we will make payment to you within 14 calendar days.
- **If our answer is No** to part or all of what you asked for, we will send you a letter that explains why we said **No**. The letter will also explain how you can appeal our decision.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



• Section 6.5: Level 1 Appeal for Part D drugs

- To start your appeal, you, your doctor or other prescriber, or your representative must contact us.
- If you are asking for a standard appeal, you can make your appeal by sending a request in writing. You may also ask for an appeal by calling us at (888) 654-0706 or faxing us at (248) 663-3774.
- If you want a fast appeal, you may make your appeal in writing or you may call or fax us.
- Make your appeal request **within 60 calendar days** from the date on the notice we sent to tell you our decision. If you miss this deadline and have a good reason for missing it, we may give you more time to make your appeal. For example, good reasons for missing the deadline would be if you have a serious illness that kept you from contacting us or if we gave you incorrect or incomplete information about the deadline for requesting an appeal.
- You have the right to ask us for a copy of the information about your appeal. To ask for a copy, call Customer Service at (888) 654-0706.

At a glance: How to make a Level 1 Appeal

You, your doctor or prescriber, or your representative may put your request in writing and mail or fax it to us. You may also ask for an appeal by calling us.

- Ask **within 60 calendar days** of the decision you are appealing. If you miss the deadline for a good reason, you may still appeal.
- You, your doctor or prescriber, or your representative can call us to ask for a fast appeal.
- Read this section to make sure you qualify for a fast decision! Read it also to find information about decision deadlines.

The legal term for an appeal to the plan about a Part D drug coverage decision is plan **“redetermination.”**

If you wish, you and your doctor or other prescriber may give us additional information to support your appeal.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If your health requires it, ask for a “fast appeal”

- If you are appealing a decision our plan made about a drug you have not yet received, you and your doctor or other prescriber will need to decide if you need a “fast appeal.”
- The requirements for getting a “fast appeal” are the same as those for getting a “fast coverage decision” in Section 6.4 on page 181.

Our plan will review your appeal and give you our decision

The legal term for “fast appeal” is “**expedited redetermination.**”

- We take another careful look at all of the information about your coverage request. We check to see if we were following all the rules when we said **No** to your request. We may contact you or your doctor or other prescriber to get more information. The reviewer will be someone who did not make the original coverage decision.

Deadlines for a “fast appeal”

- If we are using the fast deadlines, we will give you our answer within 72 hours after we get your appeal, or sooner if your health requires it.
- If we do not give you an answer within 72 hours, we will send your request to Level 2 of the appeals process. At Level 2, an Independent Review Entity will review your request.
- **If our answer is Yes** to part or all of what you asked for, we must give the coverage within 72 hours after we get your appeal.
- **If our answer is No** to part or all of what you asked for, we will send you a letter that explains why we said **No** and how to appeal our decision.

Deadlines for a “standard appeal”

- If we are using the standard deadlines, we must give you our answer within 7 calendar days after we get your appeal, or sooner if your health requires it, except if you are asking us to pay you back for a drug you already bought. If you are asking us to pay you back for a drug you already bought, we must give you our answer within 14 calendar days after we get your appeal. If you think your health requires it, you should ask for a “fast appeal.”

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If we do not give you a decision within 7 calendar days, or 14 days if you asked us to pay you back for a drug you already bought, we will send your request to Level 2 of the appeals process. At Level 2, an Independent Review Entity will review your request.
- **If our answer is Yes** to part or all of what you asked for:
 - If we approve a request for coverage, we must give you the coverage as quickly as your health requires, but no later than 7 calendar days after we get your appeal or 14 days if you asked us to pay you back for a drug you already bought.
 - If we approve a request to pay you back for a drug you already bought, we will send payment to you within 30 calendar days after we get your appeal request.
- **If our answer is No** to part or all of what you asked for, we will send you a letter that explains why we said **No** and tells how to appeal our decision.

● **Section 6.6: Level 2 Appeal for Part D drugs**

If we say **No** to part or all of your appeal, you can choose whether to accept this decision or make another appeal. If you decide to go on to a Level 2 Appeal, the Independent Review Entity (IRE) will review our decision.

- If you want the IRE to review your case, your appeal request must be in writing. The letter we send about our decision in the Level 1 Appeal will explain how to request the Level 2 Appeal.
- When you make an appeal to the IRE, we will send them your case file. You have the right to ask us for a copy of your case file by calling Customer Service at (888) 654-0706.

At a glance: How to make a Level 2 Appeal

If you want the Independent Review Entity to review your case, your appeal request must be in writing.

- Ask **within 60 calendar days** of the decision you are appealing. If you miss the deadline for a good reason, you may still appeal.
- You, your doctor or other prescriber, or your representative can request the Level 2 Appeal.
- Read this section to make sure you qualify for a fast decision! Read it also to find information about decision deadlines.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- You have a right to give the IRE other information to support your appeal.
- The IRE is an independent organization that is hired by Medicare. It is not connected with this plan and it is not a government agency.
- Reviewers at the IRE will take a careful look at all of the information related to your appeal. The organization will send you a letter explaining its decision.

The legal term for an appeal to the IRE about a Part D drug is **“reconsideration.”**

Deadlines for “fast appeal” at Level 2

- If your health requires it, ask the Independent Review Entity (IRE) for a “fast appeal.”
- If the IRE agrees to give you a “fast appeal,” it must give you an answer to your Level 2 Appeal within 72 hours after getting your appeal request.
- If the IRE says **Yes** to part or all of what you asked for, we must authorize or give you the drug coverage within 24 hours after we get the decision.

Deadlines for “standard appeal” at Level 2

- If you have a standard appeal at Level 2, the Independent Review Entity (IRE) must give you an answer to your Level 2 Appeal within 7 calendar days after it gets your appeal, or 14 days if you asked us to pay you back for a drug you already bought.
- If the IRE says **Yes** to part or all of what you asked for, we must authorize or give you the drug coverage within 72 hours after we get the decision.
- If the IRE approves a request to pay you back for a drug you already bought, we will send payment to you within 30 calendar days after we get the decision.

What if the Independent Review Entity says No to your Level 2 Appeal?

No means the Independent Review Entity (IRE) agrees with our decision not to approve your request. This is called “upholding the decision.” It is also called “turning down your appeal.”

If you want to go to Level 3 of the appeals process, the drugs you are requesting must meet a minimum dollar value. If the dollar value is less than the minimum, you cannot appeal any further. If the dollar value is high enough, you can ask for a Level 3 appeal. The letter you get from the IRE will tell you the dollar value needed to continue with the appeal process.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 7: Asking us to cover a longer hospital stay

When you are admitted to a hospital, you have the right to get all hospital services that we cover that are necessary to diagnose and treat your illness or injury.

During your covered hospital stay, your doctor and the hospital staff will work with you to prepare for the day when you leave the hospital. They will also help arrange for any care you may need after you leave.

- The day you leave the hospital is called your “discharge date.”
- Your doctor or the hospital staff will tell you what your discharge date is.

If you think you are being asked to leave the hospital too soon, you can ask for a longer hospital stay. This section tells you how to ask.

• Section 7.1: Learning about your Medicare rights

Within two days after you are admitted to the hospital, a caseworker or nurse will give you a notice called “An Important Message from Medicare about Your Rights”. If you do not get this notice, ask any hospital employee for it. If you need help, please call Customer Service at (888) 654-0706 . You can also call 1-800-MEDICARE (1-800-633-4227), 24 hours a day, 7 days a week. TTY users should call 1-877-486-2048. The call is free.

Read this notice carefully and ask questions if you don’t understand. The “Important Message” tells you about your rights as a hospital patient, including your rights to:

- Get Medicare-covered services during and after your hospital stay. You have the right to know what these services are, who will pay for them, and where you can get them.
- Be a part of any decisions about the length of your hospital stay.
- Know where to report any concerns you have about the quality of your hospital care.
- Appeal if you think you are being discharged from the hospital too soon.

You should sign the Medicare notice to show that you got it and understand your rights. Signing the notice does **not** mean you agree to the discharge date that may have been told to you by your doctor or hospital staff.

Keep your copy of the signed notice so you will have the information in it if you need it.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- To look at a copy of this notice in advance, you can call Customer Service at (888) 654-0706. You can also call 1-800 MEDICARE (1-800-633-4227), 24 hours a day, 7 days a week. TTY users should call 1-877-486-2048. The call is free.
- You can also see the notice online at <https://www.cms.gov/Medicare/Medicare-General-Information/BNI/HospitalDischargeAppealNotices.html>.
- If you need help, please call Customer Service or Medicare at the numbers listed above.

• Section 7.2: Level 1 Appeal to change your hospital discharge date

If you want us to cover your inpatient hospital services for a longer time, you must request an appeal. A Quality Improvement Organization will do the Level 1 Appeal review to see if your planned discharge date is medically appropriate for you.

In Michigan, the Quality Improvement Organization is called Livanta. To make an appeal to change your discharge date, call Livanta at: 1-888-524-9900 (TTY: 1-888-985-8775).

Call right away!

Call the Quality Improvement Organization **before** you leave the hospital and no later than your planned discharge date. “An Important Message from Medicare about Your Rights” contains information on how to reach the Quality Improvement Organization.

- **If you call before you leave**, you are allowed to stay in the hospital after your planned discharge date without paying for it while you wait to get the decision on your appeal from the Quality Improvement Organization.
- **If you do not call to appeal**, and you decide to stay in the hospital after your planned discharge date, you may have to pay all of the costs for hospital care you get after your planned discharge date.
- **If you miss the deadline** for contacting the Quality Improvement Organization about your appeal, you can make your appeal directly to our plan instead. For details, see Section 7.4 on page 192.

At a glance: How to make a Level 1 Appeal to change your discharge date

Call the Quality Improvement Organization for your state at 1-888-524-9900 and ask for a “fast review”.

Call before you leave the hospital and before your planned discharge date.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



We want to make sure you understand what you need to do and what the deadlines are.

- **Ask for help if you need it.** If you have questions or need help at any time, please call Customer Service at (888) 654-0706. You can also call the Michigan Medicare/Medicaid Assistance Program (MMAAP) at 1-800-803-7174. You can also get help from the MI Health Link Ombudsman by calling 1-888-746-6456.

What is a Quality Improvement Organization?

It is a group of doctors and other health care professionals who are paid by the federal government. These experts are not part of our plan. They are paid by Medicare to check on and help improve the quality of care for people with Medicare.

Ask for a “fast review”

You must ask the Quality Improvement Organization for a **“fast review”** of your discharge. Asking for a “fast review” means you are asking the organization to use the fast deadlines for an appeal instead of using the standard deadlines.

The legal term for “fast review” is “immediate review.”

What happens during the fast review?

- The reviewers at the Quality Improvement Organization will ask you or your representative why you think coverage should continue after the planned discharge date. You don't have to prepare anything in writing, but you may do so if you wish.
- The reviewers will look at your medical record, talk with your doctor, and review all of the information related to your hospital stay.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- By noon of the day after the reviewers tell us about your appeal, you will get a letter that gives your planned discharge date. The letter explains the reasons why your doctor, the hospital, and we think it is right for you to be discharged on that date.

The legal term for this written explanation is called the “**Detailed Notice of Discharge.**” You can get a sample by calling Customer Service at (888) 654-0706. You can also call 1-800-MEDICARE (1-800-633-4227), 24 hours a day, 7 days a week. TTY users should call 1-877-486-2048. The call is free. Or you can see a sample notice online at <https://www.cms.gov/Medicare/Medicare-General-Information/BNI/HospitalDischargeAppealNotices.html>

What if the answer is Yes?

- If the Quality Improvement Organization says **Yes** to your appeal, we must keep covering your hospital services for as long as they are medically necessary.

What if the answer is No?

- If the Quality Improvement Organization says **No** to your appeal, they are saying that your planned discharge date is medically appropriate. If this happens, our coverage for your inpatient hospital services will end at noon on the day *after* the Quality Improvement Organization gives you its answer.
- If the Quality Improvement Organization says **No** and you decide to stay in the hospital, then you may have to pay for your continued stay at the hospital. The cost of the hospital care that you may have to pay begins at noon on the day after the Quality Improvement Organization gives you its answer.
- If the Quality Improvement Organization turns down your appeal and you stay in the hospital after your planned discharge date, then you can make a Level 2 Appeal.

• Section 7.3: Level 2 Appeal to change your hospital discharge date

If the Quality Improvement Organization has turned down your appeal and you stay in the hospital after your planned discharge date, then you can make a Level 2 Appeal. You will need to contact the Quality Improvement Organization again and ask for another review.

Ask for the Level 2 review **within 60 calendar days** after the day when the Quality Improvement Organization said **No** to your Level 1 Appeal. You can ask for this review only if you stayed in the hospital after the date that your coverage for the care ended.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



In Michigan, the Quality Improvement Organization is called Livanta. You can reach Livanta at: 1-888-524-9900 (TTY: 1-888-985-8775).

- Reviewers at the Quality Improvement Organization will take another careful look at all of the information related to your appeal.
- Within 14 calendar days of receipt of your request for a second review, the Quality Improvement Organization reviewers will make a decision.

At a glance: How to make a Level 2 Appeal to change your discharge date

Call the Quality Improvement Organization for your state at 1-888-524-9900 and ask for another review.

What happens if the answer is Yes?

- We must pay you back for our share of the costs of hospital care you got since noon on the day after the date of your first appeal decision. We must continue providing coverage for your inpatient hospital care for as long as it is medically necessary.
- You must continue to pay your share of the costs and coverage limitations may apply.

What happens if the answer is No?

It means the Quality Improvement Organization agrees with the Level 1 decision and will not change it. The letter you get will tell you what you can do if you wish to continue with the appeal process.

If the Quality Improvement Organization turns down your Level 2 Appeal, you may have to pay the full cost for your stay after your planned discharge date.

• Section 7.4: What happens if I miss an appeal deadline?**You can appeal to us instead**

If you miss appeal deadlines, there is another way to make Level 1 and Level 2 Appeals, called Alternate Appeals. But the first two levels of appeal are different.

NOTE: Your Prepaid Inpatient Health Plan (PIHP) handles appeals about behavioral health, intellectual/developmental disability, and substance use disorder services and supports. This includes Alternate Appeals for inpatient mental health care. Contact your PIHP for more information.

- Detroit Wayne Mental Health Authority (800) 241-4949, TTY: (866) 870-2599, 24 hours a day, seven days a week.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- Macomb County Community Mental Health (855) 966-2264, TTY: 711, 24 hours a day, seven days a week.

Level 1 Alternate Appeal to change your hospital discharge date

If you miss the deadline for contacting the Quality Improvement Organization, you can make an appeal to us, asking for a “fast review.” A fast review is an appeal that uses the fast deadlines instead of the standard deadlines.

- During this review, we take a look at all of the information about your hospital stay. We check to see if the decision about when you should leave the hospital was fair and followed all the rules.
- We will use the fast deadlines rather than the standard deadlines for giving you the answer to this review. This means we will give you our decision within 72 hours after you ask for a “fast review.”
- **If we say Yes to your fast review**, it means we agree that you still need to be in the hospital after the discharge date. We will keep covering hospital services for as long as it is medically necessary. It also means that we agree to pay you back for our share of the costs of care you got since the date when we said your coverage would end.
- **If we say No to your fast review**, we are saying that your planned discharge date was medically appropriate. Our coverage for your inpatient hospital services ends on the day we said coverage would end.
 - If you stayed in the hospital after your planned discharge date, then you may have to pay the full cost of hospital care you got after the planned discharge date.
- To make sure we were following all the rules when we said **No** to your fast appeal, we will send your appeal to the “Independent Review Entity.” When we do this, it means that your case is automatically going to Level 2 of the appeals process.

At a glance: How to make a Level 1 Alternate Appeal

Call our Customer Service number and ask for a “fast review” of your hospital discharge date.

We will give you our decision within 72 hours.

The legal term for “fast review” or “fast appeal” is “**expedited appeal.**”

Level 2 Alternate Appeal to change your hospital discharge date

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



We will send the information for your Level 2 Appeal to the Independent Review Entity (IRE) within 24 hours of when we give you our Level 1 decision. If you think we are not meeting this deadline or other deadlines, you can make a complaint. Section 10 on page 202 tells how to make a complaint.

During the Level 2 Appeal, the IRE reviews the decision we made when we said **No** to your “fast review.” This organization decides whether the decision we made should be changed.

- The IRE does a “fast review” of your appeal. The reviewers usually give you an answer within 72 hours.
- The IRE is an independent organization that is hired by Medicare. This organization is not connected with our plan and it is not a government agency.
- Reviewers at the IRE will take a careful look at all of the information related to your appeal of your hospital discharge.
- If the IRE says **Yes** to your appeal, then we must pay you back for our share of the costs of hospital care you got since the date of your planned discharge. We must also continue our coverage of your hospital services for as long as it is medically necessary.
- If the IRE says **No** to your appeal, it means they agree with us that your planned hospital discharge date was medically appropriate.
- The letter you get from the IRE will tell you what you can do if you wish to continue with the review process. It will give you the details about how to go on to a Level 3 Appeal, which is handled by a judge.

At a glance: How to make a Level 2 Alternate Appeal

You do not have to do anything. The plan will automatically send your appeal to the Independent Review Entity.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 8: What to do if you think your home health care, skilled nursing care, or Comprehensive Outpatient Rehabilitation Facility (CORF) services are ending too soon

This section is about the following types of care only:

- Home health care services.
- Skilled nursing care in a skilled nursing facility.
- Rehabilitation care you are getting as an outpatient at a Medicare-approved Comprehensive Outpatient Rehabilitation Facility (CORF). Usually, this means you are getting treatment for an illness or accident, or you are recovering from a major operation.
 - With any of these three types of care, you have the right to keep getting covered services for as long as the doctor says you need it.
 - When we decide to stop covering any of these, we must tell you before your services end. When your coverage for that care ends, we will stop paying for your care.

If you think we are ending the coverage of your care too soon, **you can appeal our decision**. This section tells you how to ask for an appeal.

• **Section 8.1: We will tell you in advance when your coverage will be ending**

You will get a notice at least two calendar days before we stop paying for your care. This is called the Notice of Medicare Non-Coverage.

- The written notice tells you the date when we will stop covering your care.
- The written notice also tells you how to appeal this decision.

You or your representative should sign the written notice to show that you got it. Signing it does **not** mean you agree with the plan that it is time to stop getting the care.

When your coverage ends, we will stop paying for your care.

• **Section 8.2: Level 1 Appeal to continue your care**

If you think we are ending coverage of your care too soon, you can appeal our decision. This section tells you how to ask for an appeal.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Before you start your appeal, understand what you need to do and what the deadlines are.

- **Meet the deadlines.** The deadlines are important. Be sure that you understand and follow the deadlines that apply to things you must do. There are also deadlines our plan must follow. (If you think we are not meeting our deadlines, you can file a complaint. Section 10 on page 202 tells you how to file a complaint.)
- **Ask for help if you need it.** If you have questions or need help at any time, please call Customer Service at (888) 654-0706. Or call the Michigan Medicare/Medicaid Assistance Program (MMAP) at 1-800-803-7174.

During a Level 1 Appeal, a Quality Improvement Organization will review your appeal and decide whether to change the decision we made. In Michigan, the Quality Improvement Organization is called Livanta. You can reach Livanta at: 1-888-524-9900 (TTY: 1-888-985-8775). Information about appealing to the Quality Improvement Organization is also in the Notice of Medicare Non-Coverage. This is the notice you got when you were told we would stop covering your care.

At a glance: How to make a Level 1 Appeal to ask the plan to continue your care

Call the Quality Improvement Organization for your state at 1-888-524-9900 and ask for a “fast-track appeal.”

Call before you leave the agency or facility that is providing your care and before your planned discharge date.

What is a Quality Improvement Organization?

It is a group of doctors and other health care professionals who are paid by the federal government. These experts are not part of our plan. They are paid by Medicare to check on and help improve the quality of care for people with Medicare.

What should you ask for?

Ask them for a “fast-track appeal.” This is an independent review of whether it is medically appropriate for us to end coverage for your services.

What is your deadline for contacting this organization?

- You must contact the Quality Improvement Organization no later than noon of the day after you got the written notice telling you when we will stop covering your care.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If you miss the deadline for contacting the Quality Improvement Organization about your appeal, you can make your appeal directly to us instead. For details about this other way to make your appeal, see Section 8.4 on page 199.

The legal term for the written notice is “**Notice of Medicare Non-Coverage.**”

To get a sample copy, call Customer Service at (888) 654-0706 or 1-800-MEDICARE (1-800-633-4227), 24 hours a day, 7 days a week. TTY users should call 1-877-486-2048. The call is free. Or see a copy online at

<https://www.cms.gov/Medicare/Medicare-General-Information/BNI/MAEDNotices.html>

What happens during the Quality Improvement Organization’s review?

- The reviewers at the Quality Improvement Organization will ask you or your representative why you think coverage for the services should continue. You don’t have to prepare anything in writing, but you may do so if you wish.
- When you ask for an appeal, the plan must write a letter to you and the Quality Improvement Organization explaining why your services should end.
- The reviewers will also look at your medical records, talk with your doctor, and review information that our plan has given to them.
- Within one full day after reviewers have all the information they need, they will tell you their decision. You will get a letter explaining the decision.

The legal term for the letter explaining why your services should end is “**Detailed Explanation of Non-Coverage.**”

What happens if the reviewers say Yes?

- If the reviewers say **Yes** to your appeal, then we must keep providing your covered services for as long as they are medically necessary.

What happens if the reviewers say No?

- If the reviewers say **No** to your appeal, then your coverage will end on the date we told you. We will stop paying our share of the costs of this care.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- If you decide to keep getting the home health care, skilled nursing facility care, or Comprehensive Outpatient Rehabilitation Facility (CORF) services after the date your coverage ends, then you will have to pay the full cost of this care yourself.

• **Section 8.3: Level 2 Appeal to continue your care**

If the Quality Improvement Organization said **No** to the appeal **and** you choose to continue getting care after your coverage for the care has ended, you can make a Level 2 Appeal.

During the Level 2 Appeal, the Quality Improvement Organization will take another look at the decision they made at Level 1. If they say they agree with the Level 1 decision, you may have to pay the full cost for your home health care, skilled nursing facility care, or Comprehensive Outpatient Rehabilitation Facility (CORF) services after the date when we said your coverage would end.

In Michigan, the Quality Improvement Organization is called Livanta. You can reach Livanta at: 1-888-524-9900 (TTY: 1-888-985-8775). Ask for the Level 2 review **within 60 calendar days** after the day when the Quality Improvement Organization said **No** to your Level 1 Appeal. You can ask for this review only if you continued getting care after the date that your coverage for the care ended.

- Reviewers at the Quality Improvement Organization will take another careful look at all of the information related to your appeal.
- The Quality Improvement Organization will make its decision within 14 calendar days of receipt of your appeal request.

At a glance: How to make a Level 2 Appeal to require that the plan cover your care for longer

Call the Quality Improvement Organization for your state at 1-888-524-9900 and ask for another review.

Call before you leave the agency or facility that is providing your care and before your planned discharge date.

What happens if the review organization says Yes?

- We must pay you back for our share of the costs of care you got since the date when we said your coverage would end. We must continue providing coverage for the care for as long as it is medically necessary.

What happens if the review organization says No?

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



- It means they agree with the decision they made on the Level 1 Appeal and will not change it.
- The letter you get will tell you what to do if you wish to continue with the review process. It will give you the details about how to go on to the next level of appeal, which is handled by a judge.

• **Section 8.4: What if you miss the deadline for making your Level 1 Appeal?**

You can appeal to us instead

If you miss appeal deadlines, there is another way to make Level 1 and Level 2 Appeals, called Alternate Appeals. But the first two levels of appeal are different.

Level 1 Alternate Appeal to continue your care for longer

If you miss the deadline for contacting the Quality Improvement Organization, you can make an appeal to us, asking for a “fast review.” A fast review is an appeal that uses the fast deadlines instead of the standard deadlines.

- During this review, we take a look at all of the information about your home health care, skilled nursing facility care, or care you are getting at a Comprehensive Outpatient Rehabilitation Facility (CORF). We check to see if the decision about when your services should end was fair and followed all the rules.
- We will use the fast deadlines rather than the standard deadlines for giving you the answer to this review. We will give you our decision within 72 hours after you ask for a “fast review.”
- **If we say Yes** to your fast review, it means we agree that we will keep covering your services for as long as it is medically necessary. It also means that we agree to pay you back for our share of the costs of care you got since the date when we said your coverage would end.
- **If we say No** to your fast review, we are saying that stopping your services was medically appropriate. Our coverage ends as of the day we said coverage would end.

At a glance: How to make a Level 1 Alternate Appeal

Call our Customer Service number and ask for a “fast review.”

We will give you our decision within 72 hours.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



If you continue getting services after the day we said they would stop, **you may have to pay the full cost** of the services.

To make sure we were following all the rules when we said No to your fast appeal, we will send your appeal to the “Independent Review Entity.” When we do this, it means that your case is automatically going to Level 2 of the appeals process.

The legal term for “fast review” or “fast appeal” is “expedited appeal.”

Level 2 Alternate Appeal to continue your care for longer

We will send the information for your Level 2 Appeal to the Independent Review Entity (IRE) within 24 hours of when we give you our Level 1 decision. If you think we are not meeting this deadline or other deadlines, you can make a complaint. Section 10 on page 202 tells how to make a complaint.

During the Level 2 Appeal, the IRE reviews the decision we made when we said **No** to your “fast review.” This organization decides whether the decision we made should be changed.

- The IRE does a “fast review” of your appeal. The reviewers usually give you an answer within 72 hours.
- The IRE is an independent organization that is hired by Medicare. This organization is not connected with our plan, and it is not a government agency.
- Reviewers at the IRE will take a careful look at all of the information related to your appeal.
- **If the IRE says Yes** to your appeal, then we must pay you back for our share of the costs of care. We must also continue our coverage of your services for as long as it is medically necessary.
- **If the IRE says No** to your appeal, it means they agree with us that stopping coverage of services was medically appropriate.

At a glance: How to make a Level 2 Alternate Appeal to require that the plan continue your care

You do not have to do anything. The plan will automatically send your appeal to the Independent Review Entity.

The letter you get from the IRE will tell you what you can do if you wish to continue with the review process. It will give you details about how to go on to a Level 3 Appeal, which is handled by a judge.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 9: Appeal options after Level 2 or External Appeals

• Section 9.1: Next steps for Medicare services and items

If you made a Level 1 or Internal Appeal and a Level 2 or External Appeal for Medicare services or items, and both your appeals have been turned down, you may have the right to additional levels of appeal. The letter you get from the Independent Review Entity will tell you what to do if you wish to continue the appeals process.

Level 3 of the appeals process is an Administrative Law Judge (ALJ) hearing. The person who makes the decision in a Level 3 appeal is an ALJ or an attorney adjudicator. If you want an ALJ or attorney adjudicator to review your case, the item or medical service you are requesting must meet a minimum dollar amount. If the dollar value is less than the minimum level, you cannot appeal any further. If the dollar value is high enough, you can ask an ALJ or attorney adjudicator to hear your appeal.

If you do not agree with the ALJ or attorney adjudicator's decision, you can go to the Medicare Appeals Council. After that, you may have the right to ask a federal court to look at your appeal.

If you need assistance at any stage of the appeals process, you can contact the MI Health Link Ombudsman. The phone number is 1-888-746-6456.

• Section 9.2: Next steps for Michigan Medicaid services and items

You also have more appeal rights if your appeal is about services or items that might be covered by Michigan Medicaid.

If your appeal went to the Michigan Office of Administrative Hearings and Rules (MOAHR) for a Fair Hearing, MOAHR will send you a letter explaining its decision. If you disagree with the MOAHR final decision, you have 30 calendar days from the date of the decision to file a request for rehearing/reconsideration and/or to file an appeal with the Circuit Court. Please call MOAHR at 1-877-833-0870 for information about requirements you must meet to qualify for a rehearing/reconsideration.

If your appeal went to the Michigan Department of Insurance and Financial Services (DIFS) for an External Review, DIFS will send you a letter explaining the Director's decision. If you disagree with the decision, you have the right to appeal to Circuit Court in the county where you live or the Michigan Court of Claims within 60 calendar days from the date of the decision.

If you need help at any stage of the appeals process, you can contact the MI Health Link Ombudsman. The phone number is 1-888-746-6456.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Section 10: How to make a complaint

What kinds of problems should be complaints?

The complaint process is used for certain types of problems only, such as problems related to quality of care, waiting times, and customer service. Here are examples of the kinds of problems handled by the complaint process.

Complaints about quality

- You are unhappy with the quality of care, such as the care you got in the hospital.

Complaints about privacy

- You think that someone did not respect your right to privacy, or shared information about you that is confidential.

Complaints about poor customer service

- A health care provider or staff was rude or disrespectful to you.
- HAP Empowered MI Health Link staff treated you poorly.
- You think you are being pushed out of the plan.

Complaints about accessibility

- You cannot physically access the health care services and facilities in a doctor or provider's office.
- Your provider does not give you a reasonable accommodation you need such as an American Sign Language interpreter.

At a glance: How to make a complaint

You can make an internal complaint with our plan and/or an external complaint with an organization that is not connected to our plan.

To make an internal complaint, call Customer Service or send us a letter.

There are different organizations that handle external complaints. For more information, read Section 10.2 on page 205.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Complaints about waiting times

- You are having trouble getting an appointment or waiting too long to get it.
- You have been kept waiting too long by doctors, pharmacists, or other health professionals or by Customer Service or other plan staff.

Complaints about cleanliness

- You think the clinic, hospital or doctor's office is not clean.

Complaints about language access

- Your doctor or provider does not provide you with an interpreter during your appointment.

Complaints about communications from us

- You think we failed to give you a notice or letter that you should have received.
- You think the written information we sent you is too difficult to understand.

Complaints about the timeliness of our actions related to coverage decisions or appeals

- You believe that we are not meeting our deadlines for making a coverage decision or answering your appeal.
- You believe that, after getting a coverage or appeal decision in your favor, we are not meeting the deadlines for approving or giving you the service or paying you back for certain medical services.
- You believe we did not forward your case to the Independent Review Entity on time.

The legal term for a “complaint” is a **“grievance.”**

The legal term for “making a complaint” is **“filing a grievance.”**

Are there different types of complaints?

Yes. You can make an internal complaint and/or an external complaint. An internal complaint is filed with and reviewed by our plan. An external complaint is filed with and reviewed by an

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



organization that is not affiliated with our plan. If you need help making an internal and/or external complaint, you can call the MI Health Link Ombudsman at 1-888-746-6456.

NOTE: Behavioral health services are covered by your Prepaid Inpatient Health Plan (PIHP). This includes mental health, intellectual/developmental disability, and substance use disorder services and supports. Contact your PIHP for information about internal complaints on behavioral health services.

- Detroit Wayne Mental Health Authority (800) 241-4949, TTY: (866) 870-2599, 24 hours a day, seven days a week.
- Macomb County Community Mental Health (855) 966-2264, TTY: 711, 24 hours a day, seven days a week.

• Section 10.1: Internal complaints

To make an internal complaint, call Customer Service at (888) 654-0706. You can make the complaint at any time unless it is about a Part D drug. If the complaint is about a Part D drug, you must make it **within 60 calendar days** after you had the problem you want to complain about.

- If there is anything else you need to do, Customer Service will tell you.
- You can also write your complaint and send it to us. If you put your complaint in writing, we will respond to your complaint in writing.
- You may file a grievance within 60 calendar days of the date of the circumstance giving rise to the grievance. There is no filing limit for complaints concerning quality of care. Note: The 60-day limit may be extended for good cause. Include in your written request the reason why you could not file within the 60-day timeframe.

The legal term for “fast complaint” is “**expedited grievance.**”

If possible, we will answer you right away. If you call us with a complaint, we may be able to give you an answer on the same phone call. If your health condition requires us to answer quickly, we will do that.

- We answer most complaints within 30 calendar days. If we need more information and the delay is in your best interest, or if you ask for more time, we can take up to 14

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



more calendar days (44 calendar days total) to answer your complaint. We will tell you in writing why we need more time.

- If you are making a complaint because we denied your request for a “fast coverage decision” or a “fast appeal,” we will automatically give you a “fast complaint” and respond to your complaint within 24 hours.
- If you are making a complaint because we took extra time to make a coverage decision or appeal, we will automatically give you a “fast complaint” and respond to your complaint within 24 hours.

If we do not agree with some or all of your complaint, **we will tell you** and give you our reasons. We will respond whether we agree with the complaint or not.

• Section 10.2: External complaints

You can tell Medicare about your complaint

You can send your complaint to Medicare. The Medicare Complaint Form is available at: <https://www.medicare.gov/MedicareComplaintForm/home.aspx>.

Medicare takes your complaints seriously and will use this information to help improve the quality of the Medicare program.

If you have any other feedback or concerns, or if you feel the plan is not addressing your problem, please call 1-800-MEDICARE (1-800-633-4227), 24 hours a day, seven days a week. TTY/TDD users can call 1-877-486-2048. The call is free.

You can tell Michigan Medicaid about your complaint

You can also send your complaint to Michigan Medicaid. You can call the Beneficiary Help Line Monday through Friday from 8:00 AM to 7:00 PM at 1-800-642-3195 (TTY: 1-866-501-5656), or 1-800-975-7630 if calling from an internet-based phone service.

You can file a complaint with the Office for Civil Rights

You can make a complaint to the Department of Health and Human Services’ Office for Civil Rights if you think you have not been treated fairly. For example, you can make a complaint about disability access or language assistance. The phone number for the Office for Civil Rights is 1-800-368-1019. TTY users should call 1-800-537-7697. You can also visit <http://www.hhs.gov/ocr> for more information.

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



You may also contact the local Office for Civil Rights office at:

223 N. Michigan Avenue, Suite 240
Chicago, IL 60601
Phone: (800) 368-1019
Fax: (202) 619-3818
TDD: (800) 537-7697

You can also contact the Michigan Department of Civil Rights at:

110 W. Michigan Ave., Suite 800
Lansing, MI 48933
Phone: 517-335-3165
Fax: 517-241-0546
TTY: 517-241-1965

You may also have rights under the Americans with Disability Act and under Michigan's Persons with Disabilities and Elliott-Larsen Civil Rights Act. You can contact the MI Health Link Ombudsman for assistance. The phone number is 1-888-746-6456.

You can file a complaint with the Quality Improvement Organization

When your complaint is about quality of care, you also have two choices:

- If you prefer, you can make your complaint about the quality of care directly to the Quality Improvement Organization (without making the complaint to us).
- Or you can make your complaint to us **and** to the Quality Improvement Organization. If you make a complaint to this organization, we will work with them to resolve your complaint.

The Quality Improvement Organization is a group of practicing doctors and other health care experts paid by the federal government to check and improve the care given to Medicare patients. To learn more about the Quality Improvement Organization, see Chapter 2.

In Michigan, the Quality Improvement Organization is called Livanta. The phone number for Livanta is 1-888-524-9900 (TTY: 1-888-985-8775).

You can tell the MI Health Link Ombudsman about your complaint

The MI Health Link Ombudsman also helps solve problems from a neutral standpoint to make sure that our members get all the covered services that we are required to provide. The MI Health Link

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.



Ombudsman is not connected with us or with any insurance company or health plan. The phone number is 1-888-746-6456. The services are free.

You can tell the State of Michigan about your complaint

If you have a problem with HAP Empowered MI Health Link, you can contact the Michigan Department of Insurance and Financial Services (DIFS) at 1-877-999-6442, Monday through Friday from 8:00 AM to 5:00 PM. The call is free. You can also send an email to DIFS at: difs-HICAP@michigan.gov.

For complaints about how your provider follows your wishes, contact:

Michigan Department of Licensing and Regulatory Affairs
Bureau of Professional Licensing
ATTN: Complaint Intake Section
611 W. Ottawa Street
PO Box 30670
Lansing, MI 48909-8170
Phone: 517-241-0205
E-mail: BPL-Complaints@Michigan.gov
FAX: 517-241-2389

To file a complaint against a licensed nurse, visit:

http://www.michigan.gov/lara/0,4601,7-154-72600_73836---,00.html

To file a complaint against all other licensed health professionals, visit:

http://www.michigan.gov/documents/lara/lara_ED_200PKT_AllegationPkt_477156_7.pdf

If you have questions, please call HAP Empowered MI Health Link at (888) 654-0706, seven days a week, 8 a.m. to 8 p.m. TTY/TDD users dial 711. The call is free. **For more information**, visit <https://www.hap.org/emp/hap-empowered/mi-health-link>.

