

TENNCARE APPEAL PROCESS

(Governed by Grier Consent Decree)

Filing an Appeal (Denial, Termination/Discharge, Suspension, Delay Of Not even a Denial or Reimbursement or Billing) see Appeal Form

Continuation of Benefits (COB) if receiving the service(s)

Managed Care Corporation (MCC) reconsiders the action (denial, termination/discharge, suspension, delay, reimbursement or billing) and sends either approval or adverse action (uphold) letter (copy to the Bureau of TennCare TennCare Solutions Unit (TSU) with all medical records and Grier notices and proff documents).

TSU either upholds or denies (or may require additional evidence, i.e. psychological or medical test or evaluation) before TSU makes a decision to uphold or overturn decision.

- If TSU overturns decision, then Bureau Legal Solutions Unit (LSU) issues a directive to MCC to provide/authorize the service (i.e., private-duty nursing) within five days of the directive issuance. (MCC may not appeal; if delays occur, then MCC must pay \$500 per day plus the cost of care).
- If TSU upholds decision, then the appeal proceeds to LSU to schedule an Administrative Law Judge (ALJ) hearing (telephone or in-person).

At ALJ hearing, then Bureau LSU attorney represents the state denial of service. Enrollee may have an attorney to represent his/her interests (advisable). . Should have expert witnesses (supporting doctors, psychologists, therapists, etc.).

- May ask for an "independent" evaluation or examination

(psychologists, doctor) to provide testimony (written evaluation) to be presented (testified) at a later date (CONTINUANCE).
ALJ must agree to this motion.

- Enrollee or his/her attorney may request a CONTINUANCE for many reasons.
- ALJ makes a decision (upholds the denial, orders that the service be approved, or a compromise decision).

If the ALJ orders the service, then LSU issues a directive to the MCC and service must be provided within five calendar days (not including holidays or weekends).

If the ALJ upholds denial of the service (and orders another service), then enrollee may continue appeal process to the Commissioner's designee (within 15 calendar days).

If the Commissioner designee upholds the denial of service, then enrollee may appeal further to the Chancery Court (Davidson county) for a decision.

If the Chancery Court upholds the denial of service, then enrollee may appeal to the Federal District Court of Middle TN.