

## Appeals And Hearings

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### 1.0 GENERAL

All TRICARE requirements regarding appeals and hearings shall apply to the TRICARE Overseas Program (TOP) unless specifically waived or superseded by this section or the TRICARE contract for health care support services outside the 50 United States and the District of Columbia (hereinafter referred to as the "TOP contract"). The TOP contractor is required to follow the requirements outlined in TRICARE Policy Manual (TPM) [Chapter 1, Section 4.1](#), [32 CFR 199.10](#), [32 CFR 199.15](#), [Chapter 12, Sections 1 through 6](#), and this section.

### 2.0 CONTRACTOR RESPONSIBILITIES

#### 2.1 Denial of Authorization of Payment for Treatment for Active Duty Family Members (ADFM), Retirees, and Retiree Family Members

The TOP contractor shall perform initial determinations. Initial denial determinations shall be appealed/directed to the TOP contractor. The contractor shall perform the reconsideration review, to include research and consideration of any host nation practice patterns or other cultural differences that are relevant to the case (see [paragraph 2.3](#)). If the TOP contractor upholds the denial in whole or in part, the contractor shall notify the beneficiary in writing of further appeal rights.

#### 2.2 Denial of Authorization of Payment for Treatment for Active Duty Service Members (ADSMs)

The TOP contractor shall perform initial determinations. When authorization or payment is denied by the TOP contractor, the ADSM or their appointed representative may appeal the denial to the designated Service Point of Contact (SPOC). The TOP contractor shall furnish the ADSM with clear guidance, in writing, for filing an appeal with the SPOC. If the SPOC upholds the denial in whole or in part, the SPOC will notify the ADSM of further appeal rights with the appropriate Surgeon General's office. If the denial is overturned at any level, the SPOC will notify the TOP contractor and the ADSM of the results. The TOP contractor is required to maintain a log by TRICARE Area Office (TAO) region of overturned denials.

#### 2.3 Consideration of Cultural Differences During Reconsideration Process

Prior to issuing a reconsideration determination, the TOP contractor shall conduct research to determine whether there are unique host nation practice patterns or other cultural differences unique to foreign health care that may be relevant to the beneficiary's case. The TOP contractor shall document any relevant practice patterns or cultural differences and shall consider the potential impact of these issues during the reconsideration process. This documentation shall be

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included in the file documentation identified in [Chapter 12, Section 3](#).

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