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**Addendum A      RESERVED FOR FUTURE USE**

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***Addendum B***

**RESERVED FOR FUTURE USE**

**I**



# Appeals and Hearings

III.B.2

Chapter

7

## 2. Requests for Extension

There must have been a denial of an appeal, due to lack of timely filing, before an extension can be considered. Contractors and the NQMC shall return all requests for extension of the appeals filing deadline to the requesting party if an appeal has not been denied due to lack of timely filing. The contractor and the NQMC shall inform the requesting party that the request for extension may not be considered until a request for reconsideration has been received.

## C. Receipt and Control of Appeals

### 1. Date Stamp

All reconsideration requests shall be stamped with the actual date of receipt within three (3) workdays of receipt by the contractor.

### 2. Control

The contractor shall establish a single centralized appeals department and establish and maintain a single automated system for the control, location, and aging of appeals received. Appeals may be processed at more than one location but all appeals shall be managed and controlled by the centralized appeals department. The automated system shall ensure the contractor's ability to respond to inquiries on a timely basis and shall enable management to identify and respond to appeal delay problems. The contractor is responsible for ensuring issuance of complete and accurate determinations on all reconsiderations within the time frames set forth in the Operations Manual.

### 3. Acknowledgment of Receipt of Request for Reconsideration

The contractor shall provide an interim written response for all reconsiderations not processed to completion by the date required, advising the appealing party of the estimated date of issuance of the reconsideration determination. A preprinted postcard may be used if information covered by the Privacy Act is not disclosed.

### 4. Timeliness Standards

Sections IV., V., and VI. of this chapter include standards relating to timely issuance of reconsideration determinations and timely submission of appeal case files to the NQMC and to the Office of Appeals and Hearings. Standards are expressed in either calendar days or working days. To determine whether timeliness has been met relating to a standard expressed in working days, the first working day following receipt by the contractor or NQMC of the request for reconsideration, or request for the appeal file, is counted as day one of the timeliness requirement. To determine whether timeliness has been met relating to a standard expressed in calendar days, the first calendar day following receipt by the contractor or NQMC of the request for reconsideration is counted as day one of the timeliness requirement.

## D. Review Procedures

### 1. New Review Required

The reconsideration shall be a thorough and independent new review, made by a different individual than the person who made the initial determination. Persons

responsible for reconsiderations shall have the background, training and authority to review complex benefit issues requiring a high degree of critical judgment. When possible, an entirely different and appropriate section with different supervision, such as an appeal section, a utilization review section, a medical review section, or a quality assurance section should conduct the reconsideration. The name and title of the individual performing the reconsideration review shall be indicated in the Appeal Summary Log (Figure 3-7-A-3).

## **2. Development and Documentation**

### **a. Additional Documentation**

The contractor and the NQMC shall request and make every reasonable effort to obtain any documentation required to arrive at a proper reconsideration determination. This includes follow-up letters or documented telephone calls if requested information is not received. An appeal involving inpatient admission or length of stay may require obtaining the entire hospital record. Whenever records are required, the contractor or the NQMC shall request such records directly from the provider. Written or verbal statements made by beneficiaries regarding their medical conditions are not a substitute for medical records. If there are no extenuating circumstances alleged and no added information furnished or referenced, the contractor or the NQMC may make the determination on the information available in its records. Improperly developed or incomplete appeal files received by TMA may be returned to the contractor or the NQMC for additional development, completion, and, if appropriate, issuance of a revised reconsideration determination. Due to the time constraints involved in expedited preadmission/preprocedure appeals, fully documenting a case file may not be possible. Requirements for documenting case files for expedited preadmission/preprocedure appeals is addressed in Section IV. of this chapter.

### **b. Medical Review**

Utilization review staff qualifications are addressed in OPM Part Three, Chapter 3, Section I.A.4.c. The review shall be dated and include the signature and legibly printed name of the reviewer, and clinical specialty, (e.g., DO, MD). If the appeal file is forwarded to the NQMC or TMA, a completed "Professional Qualifications" form (See Figure 3-7-A-4) for each second level medical reviewer shall be included in the appeal file.

## **3. File Documentation (In Other Than Provider Termination Cases)**

The contractor and the NQMC shall carefully review the initial determination and all pertinent evidence and documentation obtained at reconsideration in light of the applicable provisions of 32 CFR 199, this manual, the TRICARE/CHAMPUS Policy Manual, and all other relevant guidelines and instructions issued by TMA. The reconsideration determination shall be based on the facts of the case as shown in the evidence and shall be supported by appropriate citations from 32 CFR 199, which shall be cited in the reconsideration determination.

### **a. File Content**

The contractor and the NQMC shall document all determinations made at the reconsideration level in sufficient detail so that, if the next level of appeal is pursued, a subsequent reviewer shall be provided with a clear and complete picture of all actions taken on the case to that point. All material related to the