

**IMPORTANT:** Each health insurance company has an identified appeal process – often times the health insurance policy limits the numbers of appeals that can be made. It is important to contact the health insurance company directly to learn their process and work with your transplant center on any appeals.

## Chapter Five

### Getting Help with Denials of Coverage and Appeals

*Before you begin to challenge a denial of coverage, you need to understand the appeals process, the specific reason for the denial and the guidelines used in making the decision. Staff at your transplant center will help you work with your health insurance company. The NMDP's Office of Patient Advocacy can also help.*

#### Coverage decisions

The people who review your request for coverage use the guidelines established by the health insurance company. If you have a self-funded policy, go to your employer or Third Party Administrator for a decision. The reviewer will base his or her decision on answers to the following questions:

- What is the severity of your illness?
- What type of treatment will you receive?
- Is the treatment the “standard of care” for your circumstance?
- What is the extent of the care that you will receive?
- Does the anticipated treatment meet the policy's guidelines?
- Does the treatment setting or center meet the policy's guidelines?

If the reviewer believes that your request does not fall within the guidelines established by the policy, the reviewer will deny coverage for the procedure. If you receive a letter of denial for treatment and/or you begin treatment without approval, your insurance company will not pay for this treatment.

Even if your doctor believes the procedure is medically necessary, this does not guarantee that it is authorized by the health insurance company. The reviewers for the policy may feel that the procedure is experimental and not supported by established medical research. Or, the reviewer may approve the treatment but believe it would be better implemented at a different hospital or transplant center than the one you requested. The guidelines for treatment may vary from policy to policy, so a procedure or treatment center approved under one policy may not be approved under another one. Getting approval may take extra efforts, but may improve your chances of having your request for treatment funded. Your transplant center will help you.

## The appeals process

You may have been denied coverage for any of the reasons listed on the previous page or for other reasons. However, you don't have to accept the reviewer's first answer as their final answer. You can appeal a denial of coverage. The appeals process may take time and effort, but it can help you get the coverage you request for a medical procedure.

Use whatever support you can to help you through this process so you can focus on health and healing.

- The transplant center financial representatives and coordinator will help you work with your health insurance company representatives to try to get coverage. Be sure to speak with them about any concerns with your coverage or appeals.
- Friends and family can make phone calls and keep records during the appeals process. Be sure you have signed a release to let someone else speak on your behalf.
- You can also contact the NMDP's Office of Patient Advocacy for help with the appeals process at **1 (888) 999-6743**, or e-mail [patientinfo@nmdp.org](mailto:patientinfo@nmdp.org).

## Appealing denials

If you and your transplant center receive a letter of denial, be sure to get the following information from your health insurance company:

- A specific reason for the denial
- A detailed explanation of the guidelines that were used in the decision to deny your treatment request

After you receive this information, speak with your transplant center staff to help you with the appeals process.



Herschel, transplant recipient

The appeals process may take time and effort, but it can help you get the coverage that you request for a medical procedure.



### Getting legal counsel

You can find a lawyer several ways. You can contact the bar association in your city or state for referrals. You also can contact The American Association for Justice (formerly the Association of Trial Lawyers of America) for referrals in your area at **1 (800) 424-2725** or **justice.org**. The “Patient Resources” section on pages 38–44 also contains other sources to help with legal issues.

## Getting legal advice or taking legal action

If you have been unsuccessful in the initial appeals process, you will need to decide what steps to take next. The available alternatives will largely depend upon the terms of your insurance policy. This could mean, among other things, pursuing a second appeal or filing a grievance with the insurance company, or perhaps even taking formal legal action in the courts. In any case, you should always act as quickly as possible in order to avoid missing a deadline established by the insurance company or by law.

Making these decisions means finding out what rights you have to challenge the insurance company’s decision and how and when you can exercise those rights. Because this can be very complex, you might want to hire a lawyer to assist you. Be aware, though, that legal action can be time consuming and expensive. It also can be emotionally draining. You should be well informed before you decide to take legal action.

### The Process

To help make the process go as smoothly and quickly as possible, it’s important to ask the right questions when you meet with a lawyer.

#### Examples of questions you might ask:

- Have you handled health insurance cases in the past?
- Have you handled health insurance cases in my state?
- Have you dealt with my health insurance company before?
- Have you handled marrow or cord blood transplant cases before?
- Have you handled health insurance cases similar to this one? Have you handled cases with this diagnosis, specific treatment or disputed area of coverage? (Disputed areas of coverage might include donor or cord blood unit search costs, procurement costs or actual marrow or cord blood transplant admission costs.)
- How were these cases resolved? (Also, ask the lawyer how he or she compares to other lawyers handling similar cases.)
- How do you charge? Can you estimate total charges, including expenses? Will you take the case on a contingency basis? (A contingency basis means the lawyer gets paid from the money recovered by the health insurance company. If the lawyer does not win the case, he or she does not get paid. Note that if the lawyer takes a percentage of the settlement or judgment, the patient must raise that amount to finish paying for the transplant.)

## When you meet with a lawyer

**Remember to bring as much information about your case as possible, including:**

- Notes about phone conversations with health insurance company representatives, including the person you spoke to and the date of your conversation
- Copies of your health insurance policy language and related policy information
- Copies of denial letters from the health insurance company, appeal letters that you sent, and any letters you sent or received from the company about your case
- Medical documentation that justifies your need for a transplant.

After you meet with your lawyer and review your materials, you can decide whether or not to go ahead with legal action. You should also decide if you feel comfortable with this lawyer. Ask yourself, “Can I work with this person if I choose him/her to represent me?”

## You are not alone

Whether you are working with the NMDP’s Office of Patient Advocacy or with representatives from your transplant center, or talking with friends and family, remember that you are not alone. Use this booklet to gather information and seek help from the sources available to you.

Finally, please remember that while the purpose of this booklet is to provide helpful information for understanding insurance coverage and determination decisions, the information contained in this booklet is not a substitute for the legal judgment and advice of a qualified attorney. The NMDP’s Office of Patient Advocacy encourages anyone with legal questions to contact a licensed attorney for assistance.

