

SMMCAC

Complaints, Appeals, and Fair Hearings Subcommittee

Aug. 17, 2023



[An introduction to the state fair hearing process](#)

Presentation by Wendy Proctor, HHSC

- The HHSC fair and Fraud Hearings Department receives appeal requests contesting benefits and services from SNAP, TANF, and Medicaid. Hearing officers are impartial, the hearing is informal, and the rules of evidence are not strictly applied.
- Process:
 - An MCO has 30 days to process an internal appeal for an MCO denial of a request for services.
 - If the member is not satisfied with the internal appeal, the member can request a State Fair Hearing and/or External Medical Review (EMR) with the Independent Review Organization (IRO).
 - The IRO reviews all of the information that the MCO provides that was used to make the determination.
 - Depending on the outcome of the EMR, the member can continue to a state fair hearing or withdraw from the state fair hearing.
 - At the state fair hearing, the MCO will present the evidence that was used to make the determination. The member may submit new evidence that was not provided by the MCO. The member may also testify and may have witnesses testify on their behalf. The member may also ask questions of the MCO representatives.
- Q: *Is there a timeframe to submit new information to the hearing officer?* As early as possible. The info needs to have time to get funneled to the MCO.
- Q: *Is there a special hearing form?* No. You can submit something in writing, you can call your MCO
- Q: *What's the training for fair hearing officers?* Wide variety of backgrounds: RNs, LVNs, teachers, attorneys. In training, they look at policies, reviewing previous decisions, and listening to old appeals.
- Q: *Do you have non-English options?* Yes, we do offer interpreter services.

- Q: *How is new information handled?* Everything gets looked at. Even changes in circumstance since the first appeal. This also gives the MCO an opportunity to act upon the new information.

[HHSC report: Medicaid Managed Care Denial and Appeals Process Study](#)

Presented by Latoya King-Escalante, MCCO at HHSC

- Report came out in Dec. 2022, so note this data is pre-EMR
- From Rider 36 (87R) that required HHSC examine 2014-2021 data for appeals and denials, and examine best practices. Includes STAR+PLUS, STAR Kids, and STAR Health
- HHSC conducted a 4-question multi-state survey. Only Kentucky, Maine, Massachusetts, and Tennessee responded. Maine doesn't have managed care. All states require members maintain services during their appeal, as does Texas.
- Members had minimal issues with MCO process.
 - The main challenge is understanding what is and is not a covered benefit.
 - Disputes for therapy services was most common
 - Members have challenges providing requested additional supporting documentation

[MCO provider complaints report](#)

Barbara Benavidez, Research Manager, MCCO at HHSC

- Managed Care Contracts and Oversight
- For FY23, MCCO received 2,818 total contacts related to provider complaints. 1,199 have been confirmed (substantiated) and 755 are still pending.
 - STAR received the most complaints, by program: 1,410. STAR+PLUS received 900 complaints.
 - Trends: "Denial of claim" totalled 1,500 of those complaints and 687 were substantiated. 115 were related to credentialing and 29 were substantiated.
- Q: *What does "confirmed" mean in these slides?* Substantiated. Generally meaning an MCO incorrectly denied something.
- Q: *Credentialing issues - that's the state, right?* Not the MCOs? That's correct.
- Q: *What action is taken when an MCO is at fault?* It varies. There could be a corrective action plan or more oversight.

- Q: *Of those substantiated complaints, do you track those that had a satisfactory resolution?* We will involve other areas like policy and legal, depending on the complaint. We want to make sure policies are being interpreted correctly. The MCO is supposed to overturn the decision if it's determined the policy isn't being followed. This is the final action.

Action items and future agenda topics

- No action items or topics