



**Department
of Health**

IB-Dual Appeals & Grievances Guidance

June 2023

Agenda

- Integrated A&G for IB-Duals - Overview
- IB-Dual A&G Guidance
- Applicable Integrated Plan (AIP) Policy
- Member Notices Overview
- Implementation Timeline
- Questions

Integrated Appeals & Grievances – IB-Dual Overview

- **Overview:** CMS developed specific appeals and grievances rules for dual eligibles in an effort to integrate what is best described as a “fragmented process” for those with Medicare and Medicaid coverage.
- Challenges for duals include:
 - Differences in notice requirements
 - Appeal Timeframes
 - Is the service covered by Medicare and/or Medicaid?
 - Aid continuing policies
- As a result of passage of BBA 2018, CMS has sought to strengthen integration requirements and unified Medicare and Medicaid A&G procedures for some D-SNPs beginning in 2021.

Integrated Appeals & Grievances – IB-Dual Overview

- Appeals & Grievances procedures for IB-Duals have followed the existing Medicaid Advantage rules since rollout of default enrollment in 2021.
- Medicaid Adv. required plans to offer Medicare and Medicaid appeal pathways – would default to Medicaid if member (or authorized rep.) did not elect a preferred appeal process.
- **New Instructions for IB-Duals:**
 - Use of Integrated Denial Notice (IDN) - CMS NDMCP 10003 template, completed as outlined in DOH's instructions when the service is covered under both Medicare and Medicaid.
 - Use of the appropriate Medicaid model notice (Approval or Initial Adverse Determination) along with the IDN as described in the DOH instructions.
 - Enrollee retains the option to choose which appeals pathway to follow when the service is covered under both Medicare and Medicaid. If enrollee does not make a choice, the appeal will default to Medicaid.
 - If enrollee chooses Medicaid fair hearing first, a Medicare appeal can still be filed within 60 days.

IB-Dual A&G Guidance Procedures

1) IB-Dual Guidance Procedures -

- DOH guidance describes use of the Integrated Denial Notice and when/where Medicaid information should be inserted in the notice. Plans will continue to utilize the existing Medicaid approval and denial notices in addition to the IDN.

2) Model Notices -

- Plan must use the appropriate Medicaid Initial Adverse Determination (IAD) notice for denial of Medicaid services.
- Plans must use the Medicaid Approval notice for the approval of Medicaid services.
- All existing model notices should continue to be used for utilization mgmt. (UM) and administrative scenarios.

3) Fair Hearing/External Appeals -

- Dual eligibles retain fair hearing rights as default if they fail to choose to appeal under Medicare vs. Medicaid.
- Dual eligibles retain right to exercise External Appeals process as applicable.

IB-Dual A&G Process – Member Notice Overview

Member Notice	To be utilized when...
Integrated Denial Notice (IDN)	<ul style="list-style-type: none"> • The service is covered under Medicare only and is being denied. • The service may be covered under <u>both</u> Medicare and Medicaid and is being denied under Medicare.
Medicaid Initial Adverse Determination Notice (IAD)	<ul style="list-style-type: none"> • The service is covered under Medicaid only and is being denied (in whole or part). • The service may be covered under both Medicare and Medicaid and is being denied under Medicare and Medicaid. (IAD enclosed with the IDN notice)
Medicaid Approval Notice	<ul style="list-style-type: none"> • The service is covered under Medicaid only and is being approved. • The service may be covered under both Medicare and Medicaid and is being denied under Medicare but approved under Medicaid. (Approval enclosed with the IDN notice)

Applicable Integrated Plan

June 2023

Applicable Integrated Plans - AIP

- **Applicable Integrated Plans (AIP)** - (as defined at 42 CFR 422.561) and the affiliated Medicaid Managed Care Organizations (MCOs) are required to unify grievance and appeals procedures for Medicare and Medicaid benefits starting in CY 2021.
- These D-SNPs must be exclusively aligned (Medicare and Medicaid managed care plan enrollees only) who are full benefit dual eligibles.
- HIDE D-SNPs that meet CMS definition of an AIP must follow the unified appeals and grievances procedures outlined by CMS.
<https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/D-SNPs>

Applicable Integrated Plans

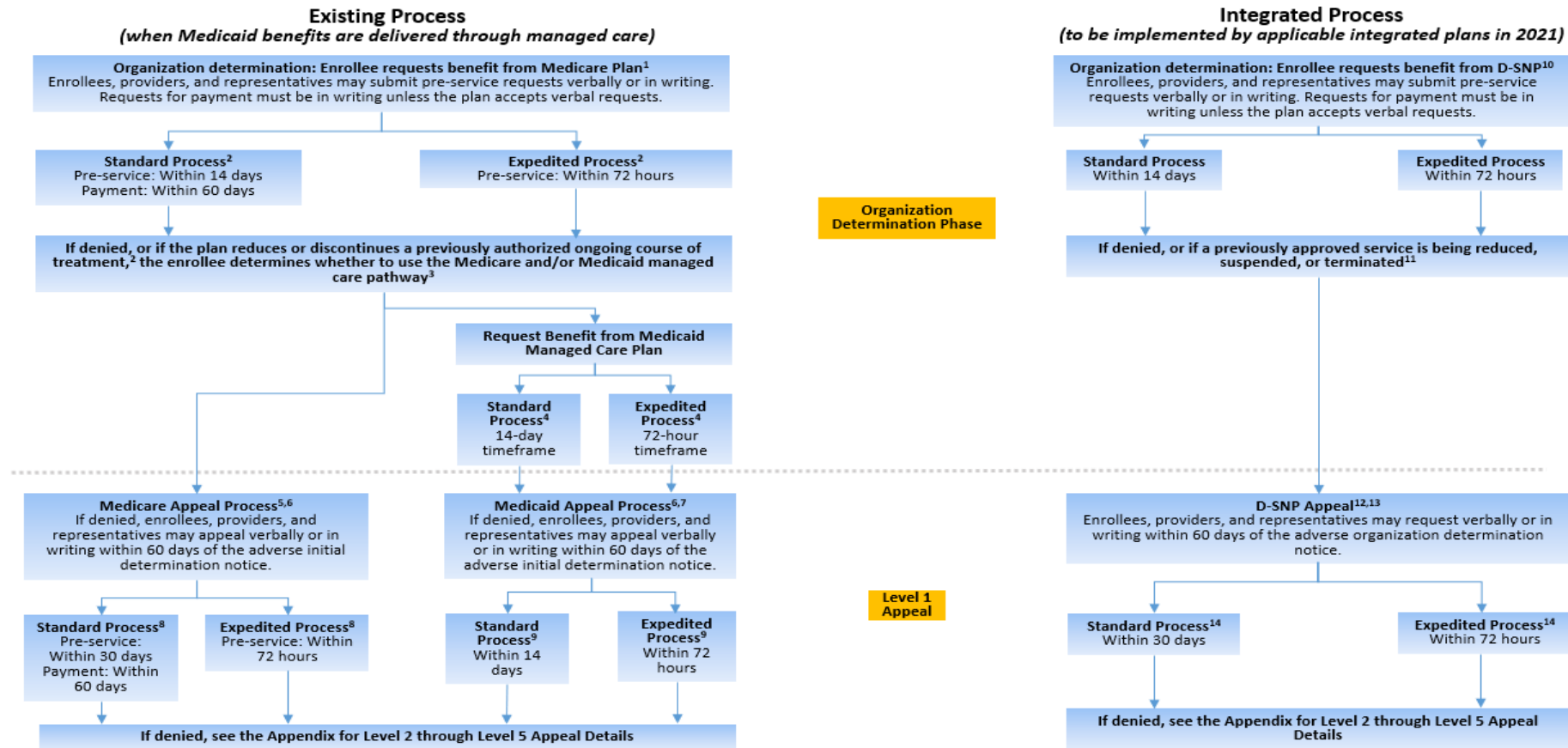
- CMS Coverage Decision Letter (released 12/7/20) developed for AIPs to use when making an organization determination.
- Plans must follow Part C Reporting Requirements and any state specific reporting for appeals and grievances.
- Continuation of benefits rights available to enrollees when appealing a Medicare Part C or Medicaid benefit.

Reminder:

- Member Notices must include NYS Ombudsman information – ie. ICAN language.
- Members continue to be eligible for State Fair Hearing and External Appeal rights.

Appeals Comparison Flowchart

Appeals: Comparison of Existing and New Integrated Processes for Individuals Enrolled in Applicable Integrated Plans



Implementation Timeline

IB-Dual D-SNP (non-exclusive)

- Plans must begin to use new process outlined within 60 days of the date of DOH distribution of the IB-Dual integrated instructions.

Applicable Integrated Plan (AIP)

- IB-Dual D-SNP designated as applicable integrated plan must use unified appeals and grievances process per CMS.
- Plans should refer to CMS guidance and template notice.

Reminder

- Plans must continue to follow all Medicaid appeals and grievances rules for Medicaid only services.

June 2023

Questions???

- Questions regarding IB-Dual A&G process/policy:
 - Please send to dualintegration@health.ny.gov

- Questions regarding Medicaid model notices:
 - Please send to bigaplans@health.ny.gov

Resources

- DOH Website:

https://www.health.ny.gov/health_care/managed_care/plans/appeals/index.htm

- CMS Resources:

<https://www.cms.gov/Medicare-Medicaid-Coordination/Medicare-and-Medicaid-Coordination/Medicare-Medicaid-Coordination-Office/D-SNPs>

<https://www.cms.gov/medicare/medicare-general-information/bni/downloads/integrated-denial-notice-forms-pdf-and-word-january-2017.zip>

<https://www.cms.gov/medicare/medicare-general-information/bni/madenialnotices>