TO: RBHA CEOs and Grievance Coordinators

FROM: Cory Nelson
Deputy Director

Margaret McLaughlin
Branch Chief of Compliance

SUBJECT: POLICY CLARIFICATION: Title XIX/XXI Notice and Appeal Requirements

DATE: August 19, 2013

This memorandum is intended to clarify the responsibilities of Regional Behavioral Health Authorities (RBHAs) and RBHA providers in meeting the Arizona Department of Health Services/Division of Behavioral Health Services’ (ADHS/DBHS) expectations regarding the following policy and provider manual sections:

- Policy and Procedures Manual Section GA 3.3, Title XIX/XXI Notice and Appeal Requirements;
- Provider Manual Section 5.1, Notice Requirement and Appeal Process for Title XIX and Title XXI Eligible Persons

Effective August 8, 2013, if a TXIX/TXXI member’s treating physician believes that a member’s continued stay is medically necessary at the end of an authorization segment, and requests continued stay on behalf of the member, but the RBHA disagrees and denies the request, the RBHA shall issue the member a 2-day advance Notice of Action if the member is inpatient, or a 10-day advance Notice of Action for any other prior authorized level of care, with the possibility for continuation of services if an appeal is timely filed.

Also effective August 8, 2013, if a TXIX/TXXI member is at the end of an authorization segment, and his/her treating physician agrees with the RBHA that continued stay is not medically necessary, but the member disagrees and requests to stay, a Notice of Action shall be issued to the member, but it shall be a denial notice with no possibility for continuation of services pending any appeal.

The Policy and Procedures and Provider Manual sections will be revised accordingly as necessary and disbursed to the T/RBHAs following the regular DBHS policy revision process. Questions regarding this clarification may be directed to Kara Burke, Manager of ADHS/DBHS Office of Grievance and Appeals, at (602) 364-4572 or kara.burke@azdhs.gov.