



Know your rights – Medicaid managed care denials and appeals

Most Medicaid members in Virginia are enrolled in a Medicaid managed care plan. This means that a Managed Care Organization (MCO) manages the delivery of the member's healthcare services. When an MCO denies coverage for a Medicaid service, or approves only a portion of what was requested, it is important to know your rights.

1. The right to receive adequate notice

You have a right to be adequately notified of an adverse benefits decision. For such notification to be adequate, it must include enough information to enable you to effectively appeal the decision. Such notice must explain what action the MCO intends to take, the reasons for that action, and the steps that you can take to appeal the adverse action.

2. The right to appeal adverse decisions

You have a right to appeal any adverse decision that affects your Medicaid benefits or your access to Medicaid services. If you are enrolled in a managed care plan, you must first file an internal appeal with your MCO. If you are still dissatisfied with the MCO's decision, then you may file an appeal with the Department of Medical Assistance Services (DMAS). A DMAS appeal hearing held before a DMAS hearing officer is called a "fair hearing."

3. The right to review information the MCO used to make its decision

You have a right to review any information that the MCO used in coming to its decision. The documents that the MCO reviewed should be kept in a case file, and you may request this file when you file for an internal appeal. Your MCO must provide this information to you without charge and sufficiently in advance of the resolution of the appeal for you to review and supplement the case file before a decision is reached. You should also be provided with the case file and a summary of the case prepared by the MCO in advance of a DMAS fair hearing.

4. The right to be represented by an attorney or a non-attorney representative

You have a right to be assisted by an authorized representative of your choice during the appeals process. Your authorized representative may be a family member, close friend, case manager, advocate, or attorney. It should be someone whom you trust to act on your behalf and who is knowledgeable about your case.

5. The right to submit evidence, present your own witnesses, and cross-examine adverse witnesses

During the appeal process, you must be afforded opportunities to submit additional evidence, such as medical records, and letters from your doctors or others with knowledge or expertise relevant to your appeal. You also have a right to bring your own witnesses to your appeal hearing and to ask questions of anyone appearing at the hearing on behalf of the MCO.