



Commonwealth of Massachusetts
Executive Office of Health and Human Services
Division of Medical Assistance
600 Washington Street
Boston, MA 02111

MassHealth
Eligibility Letter 80
January 1, 2001

TO: Division Staff
FROM: Wendy E. Warring, Commissioner
RE: Appeal Rights for Behavioral Health and MCO Enrollees

The Division has revised its managed care requirements at 130 CMR 508.000 and its fair hearing rules at 130 CMR 610.000 to clarify that enrollees of the Division's behavioral health contractor may appeal the contractor's determination to deny, reduce, modify, or terminate a covered service, after exhausting all remedies available through the contractor's internal appeal processes.

These revisions also establish that enrollees of managed care organization (MCO) contractors may appeal the MCO's determination to deny, reduce, modify, or terminate a covered service, after exhausting all remedies available through the contractor's internal appeal processes.

These regulations were filed as an emergency, and are effective January 1, 2001.

MANUAL UPKEEP

<u>Insert</u>	<u>Remove</u>	<u>Trans. By</u>
508.006	508.006	E.L. 51
610.031	610.031	E.L. 64
610.033	610.033	E.L. 64
610.035	610.035	E.L. 64

Trans. by E.L. 80

**MASSHEALTH
MANAGED CARE REQUIREMENTS**

**Chapter 508
Page 508.006**

Rev. 01/01/01

508.006: Right to a Fair Hearing

Members are entitled to a fair hearing under 130 CMR 610.000 et seq. to appeal:

(A) the Division's determination that the MassHealth Standard member is required to enroll with a MassHealth managed care provider under 130 CMR 508.001(A);

(B) a determination by the Division's behavioral health contractor, under 130 CMR 508.003(A), or by one of the Division's managed care organization (MCO) contractors, under 130 CMR 508.001(B)(2)(b), to deny, reduce, modify, or terminate a covered service, if the member has exhausted all remedies available through the contractor's internal appeals process;

(C) the Division's denial of a request for an out-of-area MassHealth managed care provider under 130 CMR 508.002(F); or

(D) the Division's disenrollment or transfer of a member from a MassHealth managed care provider under 130 CMR 508.002(G).

(130 CMR 508.007 through 508.015 Reserved)