



Disability Law Center's Self-Advocacy Materials

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Health Care

This document is designed for people with disabilities. The information is about your legal rights and how to advocate for yourself as a resident in Massachusetts.

Contact us to request this information in an alternative format.

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Funding

DLC receives funding from government grants, private foundations, and individual contributions. For details about our funding and programs, please visit:

<http://www.dlc-ma.org/about/funding/>

MassHealth Durable Medical Equipment Prior Approval Appeals

You Will Learn About:

- Filing An Appeal
- MassHealth Prior Approval Appeal Hearings

This document includes general information about legal issues and is intended to be used for informational purposes only. These informational materials should not be taken as legal advice, and do not create an attorney-client relationship. The outcome of any particular matter will depend on a variety of factors. For specific legal problems you would need to contact an attorney.

Filing An Appeal

How Will I Know If I Am Denied Prior Authorization For Durable Medical Equipment?

If MassHealth denies your request for prior approval, it will send a written notice to the medical supplier who made the request. MassHealth must also send you a written denial notice and a form for filing an appeal. The denial notice should give reasons for the denial. It is a good idea to keep a copy of the denial notice.

How Long Do I Have To Appeal?

You have 30 days to appeal a MassHealth prior approval denial. The 30-day period starts on the date you receive the denial notice. MassHealth assumes that you receive the notice 3 days from the date on the notice. If it is past the 30 days, you can start the process over and submit a new prior authorization request. It is important to keep a copy of all of your paperwork.

How Do I Appeal?

You should receive an appeal form with your prior approval denial. You will need to fill out the form and it must be received within 30 days. You can mail or fax your appeal and the address and fax number is on the form. **MassHealth Board of Hearings must get the appeal within 30 days.** If you fax the form in, keep a copy of the fax verification and if you mail it, you can send it with tracking, so you can prove when it was received. If you need an interpreter or an accommodation you should request this on the appeal form. MassHealth will provide an interpreter free of charge.

Is It Worth Doing An Appeal?

Many prior authorization requests are denied and many cases are won on appeal. If you can get medical letters stating that you need the device, you should consider appealing.

MassHealth Prior Approval Appeal Hearings

What Happens After I Send In My Appeal Notice?

After you send in your appeal notice, the MassHealth Board of Hearings will schedule a Fair Hearing. You will get a notice in the mail telling you the date, time, and location at least 10 days prior to the hearing. If you can't attend in person, you can participate by phone. You should call the Board of Hearings and let them know you need a phone hearing and give them your phone number.

How Do I Prepare For The Hearing?

You should review the denial notice carefully to see what reason is listed. It is also a good idea to review the hearing file. The notice will let you know who to call to request the file. Once you know why you were denied, you can ask your medical provider for a letter with detailed information about why you need the specific item. You will need to prove that the item is medically necessary and that it is the least costly way to meet your need. In addition to bringing letters, you can bring witnesses to the hearing. Witnesses can be medical providers or other people that are familiar with why you need the equipment. If a witness can't make it to the hearing, they can participate by phone. You should call the Board of Hearings and let them know that you will have a witness participating by speakerphone.

What Happens At The Hearing?

MassHealth hearings are private and not open to the public, but they are tape-recorded. The hearing is in a conference room, not in a court room. A hearing officer runs the hearing and gives all witnesses an oath to tell the truth. The MassHealth consultant talks first about why MassHealth denied the request to pay for the equipment. The consultant will either be present at the hearing or on the phone.

After that, you and any witnesses you bring will have a chance to explain why the equipment is medically necessary for you. You can show the hearing officer any new doctor letter or other evidence you have. You also have the right to ask the MassHealth consultant questions.

If you want time after the hearing to get more evidence, you can ask the hearing officer for more time. The hearing officer will often approve an additional one to two weeks.

How Will I Find Out About MassHealth's Decision?

The hearing officer will review all the evidence and the testimony and make a decision. You will receive a copy of the written decision in the mail. The decision should be sent to you within 90 days of the date you asked for the hearing. But, it often takes much longer. Also, if you asked for a postponement or time after the hearing to provide more evidence, the time period for sending the hearing decision is lengthened.

The written decision will tell you whether the appeal was allowed or denied and the reasons for the decision. The written decision will also tell you that you have 30 days from the receipt of the decision to file an appeal in Superior Court if you do not agree with the decision.