

Section 23

Member Appeals

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Member Appeal/Grievance Procedures – Overview

The Blue Cross® Blue Shield® of Arizona (BCBSAZ) member dispute process covers commercial member appeals and member grievances as defined below. For Medicare Advantage member appeals and grievances, see page 23-5.

Member appeal – definition

A member appeal is an oral or written request by a member, a provider acting on behalf of a member, or a member's authorized representative to challenge a BCBSAZ¹ decision to deny a request for prior authorization or a claim for services already provided.

Member grievance – definition

A member grievance is a dispute about how BCBSAZ applied the member cost share, such as copayment, deductible, coinsurance, and level of benefits.

Issues that can be appealed or grieved

Below is a summary of issues that can be disputed through the BCBSAZ member appeal and grievance processes.

When BCBSAZ:

- Denies a request for preauthorization of a service not yet received
- Denies a claim for services already received
- Denies, reduces, or terminates the member's plan benefits
- Fails to provide or pay for a benefit covered under the member's plan
- Finds the member ineligible for a benefit under his or her plan
- Finds the member responsible for payment of cost share (copay, deductible, coinsurance, access fee, balance bill) for a plan benefit
- Finds that a service is not medically necessary
- Finds that a service is not covered because it is experimental or investigational
- Determines that the member is not eligible for coverage under the benefit plan
- Rescinds the member's coverage under the plan
- Fails to correctly process an out-of-network claim under the federal No Surprises Act (NSA) when the claim is in-scope for the NSA

Authorization to represent

Laws and benefit plans vary regarding a provider's right to initiate an appeal/grievance on behalf of a member. For most BCBSAZ plans, the following individuals are always authorized to appeal or grieve a decision and do not need any special authorization form:

- The treating provider acting on the member's behalf
- A parent acting on behalf of a minor

However, a few BCBSAZ plans for self-funded groups require specific member authorization before the provider can pursue an appeal for the member. In these cases, a provider who is appealing on a member's behalf should use the Authorized Representative Designation form (available at [azblue.com/AppealsFormsProviders](https://www.azblue.com/AppealsFormsProviders)) to send us the patient's authorization allowing the provider to receive appeal information on the patient's behalf.

¹ In some cases, we may be acting as an administrator for a self-funded group health plan, and not in our capacity as an insurer. In this section, references to BCBSAZ include any delegated vendors who may process an appeal on our behalf.

Member Appeal/Grievance Procedures – Overview

A provider initiating an appeal on behalf of a member should send the patient a copy of all information shared with us in connection with the appeal or grievance.

Note: Not all states allow providers to initiate an appeal/grievance on behalf of a member. For BlueCard® (out-of-area) members, be sure to check the member’s benefit book for appeal information.

Documentation to include when supporting a BCBSAZ member appeal/grievance

To enable us to timely and accurately respond to an appeal/grievance, providers should include the following information:

- A reference to the action or copy of the decision notice that is being appealed
- A written explanation of why the action may be incorrect, and the relief requested
- Documentation that disputed services meet the clinical criteria or pharmacy coverage guidelines
 - Clinical criteria are available on the [azblue.com](https://www.azblue.com) secure provider portal at “Practice Management > Medical Policies”
 - Pharmacy coverage guidelines are available at [azblue.com/Pharmacy](https://www.azblue.com/Pharmacy)
- All other documentation that supports the appeal, such as medical records, operative reports, and office notes

The provider and member are responsible for sending all relevant information to support a dispute and show why we should change our original decision. We do not solicit records to support an appeal/grievance. If the provider or member does not provide documentation, we will make the decision using only the information we already have.

BCBSAZ member appeal/grievance packets

We have a defined appeal/grievance process for members and their treating providers. However, some large, self-funded employer groups have benefit plans that require additional regulatory procedures and may have customized timelines and other protocols that deviate from the process used for most BCBSAZ members.

The specific dispute processes are explained in the appeal/grievance packet, which also includes all related forms. For most member disputes, providers will use one of two “standard” appeal packets available online at [azblue.com/AppealsFormsProviders](https://www.azblue.com/AppealsFormsProviders):

1. Standard Member Appeal/Grievance Packet 1 – for most BCBSAZ members
2. Standard Member Appeal/Grievance Packet 2 – for all self-funded employer groups, except those that have their own *customized* appeal process, including:
 - State of Arizona (group # 30855; member ID prefixes SYD and S3Z)
 - Teamsters (group # 31843 and 31844; member ID prefix TYW)
 - U-Haul (group # 026229; member ID prefix UHL)
 - IBEW (group # 038941)

For help in determining which appeal/grievance packet or process to use for a particular member, call the Medical Appeals and Grievance Department at 602-544-4938 or 1-866-595-5998.

Member Appeal/Grievance Procedures – Overview

Expedited appeals

Expedited appeals require the treating provider to certify orally or in writing that the time periods required to process standard appeals could seriously jeopardize the member's life, health, or ability to regain maximum function, cause a significant negative change in the member's medical condition at issue, or subject the member to severe pain that cannot be adequately managed without the care or treatment that is the subject of the request.

The expedited appeal form (Provider Certification Form for Expedited Appeal) is available for download at azblue.com/AppealsFormsProviders.

Exceptions to the standard appeal/grievance dispute processes and time frames

The BCBSAZ standard member appeal/grievance dispute processes and time frames *do not* apply to:

- BlueCard members from **other BCBS Plans**, which have their own member appeal procedures and time frames (some plans have a 180-day window for submitting an appeal).
- Members with a **self-funded group plan** that customizes its member appeal procedures (some use a 180-day time frame for submitting appeals).
- Enrollees in the **Federal Employee Program® (FEP®)** – Providers cannot appeal an FEP claim denial unless they are appealing on the member's behalf *with signed consent from the member*. For details, refer to the [member brochures](#) at fepblue.org. For provider disputes regarding adverse benefit determinations, refer to the provider dispute resolution processes in Section 22.
- Members with **BCBSAZ Medicare Advantage (MA) plans** – For information about MA member appeals/grievances, see page 23-5.
- **Provider grievances** – Refer to the provider dispute resolution process in Section 22 related to provider grievances.

We delegate responsibility for member appeals of some benefits to other vendors. Those vendors are also identified in the standard appeal/grievance packets at azblue.com/AppealsFormsProviders. (See next page for additional contact information for member dispute submissions.)

Written notice

- When we decide not to authorize or approve a service not yet provided, we send a written notice to the member and the treating provider. The notice informs the member of the right to appeal the decision and explains the steps of the appeal process.
- When we do not pay for a claim for a service already provided, we send a notice to the member and the in-network treating provider. The notice informs the member of the right to appeal the decision and explains the steps of the appeal process. (We do not notify out-of-network providers of post-service claim denials.)
- Additionally, we send the member and the treating provider a written notice regarding a decision on an appeal. The decision includes a statement of any additional appeal rights that may be available.

Costs

Members and treating providers are not responsible for the cost of the member appeal/grievance dispute process or the cost for an external independent review.

Member Appeal/Grievance Procedures – Overview

Contact information for submitting member appeals/grievances

Except as otherwise indicated below, send all member appeals/grievances to:

BCBSAZ Medical Appeals and Grievances Department – Mailstop A116
P.O. Box 13466
Phoenix, AZ 85002-3466
Phone: 602-544-4938 or 1-866-595-5998
Fax: 602-544-5601

Exceptions to the above contact information:

- **For self-funded group plans administered by a third-party administrator (TPA)**, the group's TPA is responsible for handling all member appeals/grievances. Send member appeals/grievances to the TPA as instructed on the remittance advice.
- **For FEP members**, refer to the benefit plan brochures at fepblue.org. For provider disputes regarding adverse benefit determinations, refer to the provider dispute resolution processes in Section 22.
- **For BlueCard (out-of-area) members** (other BCBS Plans have their own dispute procedures), send all BlueCard appeals and grievances directly to BCBSAZ. We process disputes related to claim coding and pricing and forward all other appeals to the member's BCBS Plan for resolution.

Send BlueCard member appeals and grievances to:

BlueCard Host Claims – Mail Stop T201
BCBSAZ
P.O. Box 13466
Phoenix, AZ 85002
Fax: 602-864-5120

- **For Medicare Advantage members**, see contact information on page 23-6.
- **For chiropractic services administered by American Specialty Health (ASH):**

American Specialty Health (ASH)
Attn: Appeals Coordinator
P.O. Box 509001
San Diego, CA 92150-9001
Phone: 1-800-972-4226
Fax: 1-877-248-2746

Blue Cross, Blue Shield, the Cross and Shield Symbols, BlueCard, Federal Employee Program, and FEP are registered service marks of the Blue Cross Blue Shield Association, an association of independent Blue Cross and Blue Shield Plans.

ASH is a separate, independent company, contracted with BCBSAZ to provide the chiropractic network, covered chiropractic services, and related claim processing and appeal/grievance resolution.

Medicare Advantage Member Appeal/Grievance Procedures

A BCBSAZ Medicare Advantage (MA) member may file a grievance or an appeal with BCBSAZ in writing or by calling Member Services. A member may appoint any individual, such as a relative, friend, advocate, an attorney, or a healthcare provider to act as his or her representative.

A provider may not charge a member for representation in filing a grievance or appeal. Administrative costs incurred by a representative during the appeals process are not considered reimbursable.

Appointment of an authorized representative

To be appointed as an authorized representative for an MA member, both the member making the appointment and the representative accepting the appointment (including attorneys) must sign, date, and complete a representative form. Members may appoint a representative using the CMS Appointment of Representative form (CMS-1696), available from the [CMS Forms List](#).

Alternatively, a legal representative may be authorized by the court or, in accordance with state law, to act on behalf of a member. This type of appointment could include, but is not limited to, a court-appointed guardian, or an individual who has durable power of attorney for the member.

A signed Appointment of Representative form or other proof of legal representative status is required when a representative files a grievance or appeal on behalf of a BCBSAZ MA member. Per CMS guidance, a signed appointment form is valid for the grievance or appeal at hand for up to one year from the date the form is signed by both the member and the representative, unless the member indicates a shorter time frame, or revokes the appointment.

When an appointment of representative document is required, BCBSAZ will not begin a grievance or appeal review until or unless all appropriate documents are received. The time frame for processing a grievance or appeal request begins when we receive the appropriate documentation. If we don't receive the appointment documentation or other requested documentation within a reasonable period of time, the grievance or appeal will be dismissed on the grounds that a valid request was not received.

MA MEMBER GRIEVANCES (complaints)

A member (or authorized representative) may file a grievance to convey the member's dissatisfaction with BCBSAZ or a contracted provider, regardless of whether remedial actions are possible. Grievances may include concerns about:

- Operational issues such as long wait times, difficulty getting through to the health plan or a provider on the phone
- Benefits package
- Access to care
- Customer service
- Quality of care
- Interpersonal aspects of care (e.g., the demeanor of healthcare personnel or rudeness or disrespect to members)
- Adequacy of facilities

Filing an MA member grievance

An MA member (or authorized representative) may file a grievance orally or in writing within 60 calendar days after the date the event occurred. A grievance must include a complete description of the issue along with details such as date and time of the event causing the member's dissatisfaction, the location of the event, the name(s) of the people (e.g., service provider, employee, or agent) who were involved in or witnessed the event, and what circumstances caused the dissatisfaction (e.g., concerns regarding access to services, the quality of care, benefit package, aspects of health plan or provider operations or staff).

Medicare Advantage Member Appeal/Grievance Procedures

A member (or authorized representative) can call or send a written grievance to the BCBSAZ MA Grievance and Appeals Department at:

BCBSAZ Medicare Advantage Grievance and Appeals Department
 P.O. Box 29234
 Phoenix, AZ 85038-9234
 Phone: 1-800-446-8331 (TTY 711)
 Fax: 602-544-5656

MA member grievance review process

The MA Grievance and Appeals Department conducts an investigation concerning the member's grievance. During this process, we will contact any providers or departments related to the member's grievance, address the grievance as quickly as possible, and respond to the member (or authorized representative) verbally or in writing no later than 30 calendar days after receiving the grievance. We may extend the timeframe by up to 14 calendar days if the member requests an extension or if we justify a need for additional time and the delay is in the member's best interest. If the member has filed an expedited grievance (based on CMS criteria), we will respond to the member (or authorized representative) within 24 hours.

Providers must comply with BCBSAZ investigation efforts in a timely manner so that the CMS timelines for processing member grievances can be met.

MA MEMBER APPEALS (requests for reconsideration)

A member (or authorized representative) has the right to file an appeal to request reconsideration of an adverse decision made by BCBSAZ. Appeals may be filed about:

- A decision to deny or delay in providing, arranging for, or approving healthcare services
- A disagreement about the cost-share amount assigned by the Plan to the member

Member appeal procedures include reconsideration/redetermination by BCBSAZ and may also include, under certain escalated circumstances, reconsideration by an independent review entity (IRE), a hearing before administrative law judges (ALJs), review by the Medicare Appeals Council, and a judicial review.

Filing an MA member appeal

According to CMS guidance, an MA member (or authorized representative) may file an appeal orally or in writing within 60 calendar days from the date of a denial notice. If the appeal is filed beyond the 60 calendar-day time frame and good cause is not provided, we will dismiss the case. All member appeals (requests for reconsideration/redetermination) are acknowledged in writing to the member and the authorized representative; or directly to the legal representative.

An appeal should include an explanation of why the original decision should be reconsidered, along with relevant documents, such as a copy of the adverse organization determination (denial), medical records, and any other documentation that support the appeal.

A member (or authorized representative) can call or send a written request for appeal/reconsideration to the BCBSAZ MA Grievance and Appeals Department at:

BCBSAZ Medicare Advantage Grievance and Appeals Department
 P.O. Box 29234
 Phoenix, AZ 85038-9234
 Phone: 1-800-446-8331 (TTY 711)
 Fax (Pre-service Part C & D Appeals): 602-544-5655
 Fax (Standard Part C Claim Appeals): 602-544-5656
 Fax (Standard Part D Claim Appeals): 602-544-5657

Medicare Advantage Member Appeal/Grievance Procedures

Typical review process for MA member Part C appeals

BCBSAZ has 30 calendar days to process a standard appeal for medical services that have not yet been provided, and 60 calendar days to process an appeal for reimbursement/payment for services that have already been provided. As part of this process, we will make every effort to obtain all necessary medical records and other information before making a decision. The member (or authorized representative) will be notified in writing of the decision and any additional rights available within the allowed time frame.

If the member, the member's representative, or a treating provider requests an expedited appeal for medical services not yet provided, we will make a decision within 72 hours of the request. In certain situations, if it is in the member's best interest, an extension of up to 14 days may be taken. The member (or authorized representative) will be notified orally of the decision, followed by a written notice within three calendar days of the oral notice. If the expedited appeal request does not meet criteria to be processed as expedited, it will be changed to a standard appeal time frame. The member (or authorized representative) will be notified in writing of this change and of the right to file an expedited grievance about the decision.

Review process for standard MA pre-service appeals related to Part D prescription drugs

BCBSAZ has seven calendar days to process a request for a standard pre-service redetermination regarding Part B and D prescription drugs. During this process, we will make every effort to obtain all necessary records and other information before making a decision. The member (or authorized representative) will be notified in writing of the decision and any additional appeal rights within the allowed time frame.

If BCBSAZ approves a request to expedite a redetermination of a Part D prescription drug, a decision will be made within 72 hours of the request. The member (or authorized representative) will be notified in writing of the final decision. If a request to expedite a redetermination does not indicate that the member's life, health, or ability to regain maximum function could be jeopardized, we may transfer the request to the standard redetermination process. The member (or authorized representative) will be notified in writing within three calendar days of the decision to apply the standard redetermination process and the right to file an expedited grievance about the decision.