# NOTICE OF ADVERSE BENEFIT DETERMINATION

# About Your Treatment Request

[Date of Letter]

[Beneficiary’s Name] [Treating Provider’s Name]

[Beneficiary’s address] [Treating Provider’s Address]

### **RE: [Select One:]**

### Psychiatric Inpatient Hospital Services

### Psychiatric Health Facility Services

### Crisis Residential Services

### Adult Residential Treatment Services

### Intensive Home-Based Services

### Day Treatment Intensive

### Day Rehabilitation

### Therapeutic Behavioral Services

Therapeutic Foster Care

[Service Provider] has asked **the Los Angeles County Mental Health Plan (the Plan)** to approve **[select one:]**

### Psychiatric Inpatient Hospital Services

### Psychiatric Health Facility Services

### Crisis Residential Services

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### Day Treatment Intensive

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We cannot approve this treatment as requested. This is because based upon our review of the information provided to us, including any assessments as applicable, the eligibility of this beneficiary is not supported for this service. Specifically, [Using plain language, insert (1) A clear and concise explanation of the reasons for the decision; (2) A description of the criteria or guidelines used, including a reference to the specific regulations or plan authorization procedures that support the action; and (3) The clinical reasons for the decision regarding medical necessity.]

We will instead approve the following treatment: [Service or service length approved].

You may appeal this decision. The enclosed “Your Rights” information notice tells you how. It also tells you where you can get help with your appeal. This also means free legal help. You are encouraged to send with your appeal any information or documents that could help your appeal. The enclosed “Your Rights” information notice provides timelines you must follow when requesting an appeal.

You may ask for free copies of all information used to make this decision. This includes a copy of the guideline, protocol, or criteria that weused to makeour decision. To ask for this, please call***the Plan***at **(800) 700-9996**.

If you are currently getting services and you want to keep getting services while we decide on your appeal, you must ask for an appeal within **10 days** from the date on this letter, or before the date your mental health plan says services will be stopped or reduced.

The Plan can help you with any questions you have about this notice. For help, you may call **the Plan Monday through Friday between 8:30 a.m. and 5:00 p.m. PST** at **(800) 700-9996**. If you have trouble speaking or hearing, please call TTY/TTD number **(562) 651-2549 anytime** for help.

If you need this notice and/or other documents from the Plan in an alternative communication format such as large font, Braille, or an electronic format, or, if you would like help reading the material, please contact **the Los Angeles County Mental Health Plan (the Plan)** by calling **(800) 700-9996**.

If the Plan does not help you to your satisfaction and/or you need additional help, the **State Medi-Cal Managed Care Ombudsman Office** can help you with any questions. You may call them **Monday through Friday, 8:00 am to 5:00 pm PST**, excluding holidays, at **1-888-452-8609**.

This notice does not affect any of your other Medi-Cal services.

[Staff signature of staff member making determination]

[Name of Staff Member, Type of Professional Degree]

[Licensure or Job Title]

Los Angeles County Department of Mental Health

Enclosed: “Your Rights”

MH 749 (Modification) 10/1/20

*NOABD Your Rights*

YOUR RIGHTS UNDER MEDI-CAL

If you need this notice and/or other documents from the Plan in an alternative communication format such as large font, Braille, or an electronic format, or, if you would like help reading the material, please contact ***DMH ACCESS Center***by calling ***800-854-7771***.

**IF YOU DO NOT AGREE WITH THE DECISION MADE FOR YOUR MENTAL HEALTH OR SUBSTANCE USE DISODER TREATMENT, YOU CAN FILE AN APPEAL. THIS APPEAL IS FILED WITH YOUR PLAN.**

**HOW TO FILE AN APPEAL**

You have **60 days** from the date of this “Notice of Adverse Benefit Determination” letter to file an appeal. **If you are currently getting treatment and you want to keep getting treatment, you must ask for an appeal within 10 days** from the date on this letter OR before the date your Plan says services will stop.You must say that you want to keep getting treatment when you file the appeal.

You can file an appeal by phone or in writing. If you file an appeal by phone, you must follow up with a written signed appeal. The Plan will provide you with free assistance if you need help.

* To appeal by phone: Contact ***Los Angeles County DMH Treatment Authorization Request Unit*** between ***8:00 am to 5:00 pm***by calling ***(213)739-7300***. Or, if you have trouble hearing or speaking, please call ***(213)738-4888*.**
* To appeal in writing: Fill out an appeal form or write a letter to your plan and send it to:

***Los Angeles County Department of Mental Health TAR Unit***

***550 South Vermont Avenue 7th Floor Los Angeles CA 90020***

Your provider will have appeal forms available. ***Los Angeles County DMH Treatment Authorization Request Unit*** can also send a form to you.

You may file an appeal yourself. Or, you can have someone like a relative, friend, advocate, provider, or attorney file the appeal for you. This person is called an “authorized representative.” You can send in any type of information you want your Plan to review. Your appeal will be reviewed by a different provider than the person who made the first decision.

Your Plan has 30 days to give you an answer. At that time, you will get a “Notice of Appeal Resolution” letter. This letter will tell you what the Plan has decided. **If you do not get a letter with the Plan’s decision within 30 days, you can ask for a “State Hearing” and a judge will review your case**. Please read the section below for instructions on how to ask for a State Hearing.

**EXPEDITED APPEALS**

If you think waiting 30 days will hurt your health, you might be able to get an answer within 72 hours. When filing your appeal, say why waiting will hurt your health. Make sure you ask for an “**expedited appeal.”**

**STATE HEARING**

If you filed an appeal and received a “Notice of Appeal Resolution” letter telling you that your Plan will still not provide the services, or **you** **never received a letter telling you of the decision and it has been past 30 days,** you can ask for a “State Hearing” and a judge will review your case. You will not have to pay for a State Hearing.

You must ask for a State Hearing within **120 days** from the date of the “Notice of Appeal Resolution” letter. You can ask for a State Hearing by phone, electronically, or in writing:

* By phone: Call **1-800-952-5253**. If you cannot speak or hear well, please call **TTY/TDD 1-800-952-8349**.
* Electronically: You may request a State Hearing online. Please visit the California Department of Social Services’ website to complete the electronic form: <https://secure.dss.cahwnet.gov/shd/pubintake/cdss-request.aspx>
* In writing: Fill out a State Hearing form or send a letter to:

**California Department of Social Services**

**State Hearings Division**

**P.O. Box 944243, Mail Station 9-17-37**

#### Sacramento, CA 94244-2430

Be sure to include your name, address, telephone number, Date of Birth, and the reason you want a State Hearing. If someone is helping you ask for a State Hearing, add their name, address, and telephone number to the form or letter. If you need an interpreter, tell us what language you speak. You will not have to pay for an interpreter. We will get you one.

After you ask for a State Hearing, it could take up to 90 days to decide your case and send you an answer. If you think waiting that long will hurt your health, you might be able to get an answer within 3 working days. You may want to ask your provider or Plan to write a letter for you, or you can write one yourself. The letter must explain in detail how waiting for up to 90 days for your case to be decided will seriously harm your life, your health, or your ability to attain, maintain, or regain maximum function. Then, ask for an **“expedited hearing”** and provide the letter with your request for a hearing.

**Authorized Representative**

You may speak at the State Hearing yourself. Or someone like a relative, friend, advocate, provider, or attorney can speak for you. If you want another person to speak for you, then you must tell the State Hearing office that the person is allowed to speak for you. This person is called an “authorized representative.”

## LEGAL HELP

You may be able to get free legal help. You may also call the local Legal Aid program in your county at **1-888-804-3536**.