

Prescription Drug - Part D

Appeals

If you are notified of a coverage determination denial by MCA, you or your appointed representative may submit an appeal within 60 calendar days from the date of the written notice. You may submit an appeal after this timeframe if you have good cause.

You may submit an appeal by calling MCA or sending a request in writing. You or your physician may request a fast (expedited) appeal if it is believed that applying the standard timeframe could seriously affect your health. If MCA does not agree, you will be notified and your redetermination will be automatically moved to the standard process.

When you or your representative requests an appeal (redetermination), a special team will review your request, collect evidence and findings which the denial was based and any additional evidence from you or your doctors. The case will then be reviewed by a different physician that made the original determination. MCA will notify you and your doctor of the redetermination decision, following the timeframes below.

If MCA fails to make a redetermination decision and notify you within the timeframe, MCA must submit your redetermination case file to IRE for review. MCA will notify you if this action should occur. You have the right to a timely redetermination (see table below) and may file an expedited grievance if we do not notify you of our decision within this timeframe (see Grievances).

If MCA notifies you of an unfavorable decision, and you disagree, you may submit an appeal to the Independent Review Entity. Additional instructions will be included in the written notice.

	DESCRIPTION	STANDARD APPEAL	EXPEDITED APPEAL
1	Redetermination by MCA	<p>Upon receipt of your appeal (redetermination), the Appeals Unit Coordinator will gather evidence on basis of the denial of the Part D prescription drug, and additional evidence from you or your representative and prescribing doctor.</p> <p>Your appeal is evaluated by a clinical expert.</p> <p>MCA will notify you by telephone as fast as your health condition requires but not later than 7 calendar days from the receipt of the appeal.</p>	<p>You or your doctor may request MCA to expedite your appeal if it believes that waiting for the standard timeframe will cause you serious harm.</p> <p>MCA will notify you of the decision by telephone as fast as your health condition requires but not later than 72 hours after receipt of your appeal.</p> <p>If MCA does not agree that your appeal requires a fast review, you will be notified that the standard timeframe will be applied.</p>
2	Independent Review Entity	If MCA upholds the original denial for your prescription drug, you may send your appeal to	You may file a fast appeal with the IRE if you or your doctor

	(IRE)	the CMS-contracted IRE within 60 calendar days of the MCA notice. The IRE will review your appeal and make a decision within 7 calendar days.	believes that waiting for the standard timeframe will cause you serious harm. The IRE will review your appeal and notify you if they do not agree that your appeal requires a fast review, and will apply the standard timeframe. If the IRE agrees, they will notify you of their decision within 72 hours from the time your appeal was received.
3	Administrative Law Judge (ALJ)	If the IRE decision is unfavorable and the amount in dispute meets the requirements, you may request a hearing with the ALJ. You must follow the instructions on the notice from the IRE.	Same as Standard Review
4	Medicare Appeals Council (MAC)	If the ALJ decision is unfavorable, you may appeal to the MAC, which is within the Department of Health and Human Services. The MAC oversees the ALJ decisions.	Same as Standard Review
5	Judicial Review	If the MAC denied your request for appeal, and the amount in dispute meets the minimum requirements, you may request judicial review of the ALJ decision. If the MAC decision is unfavorable, and the amount in controversy meets the minimum requirements, you may request judicial review of the MAC decision. You must file a civil action in a district court to request a judicial review. Refer to the MAC decision notice for more information.	Same as Standard Review

Appointment of Representative

You may to appoint someone (your doctor, family member, friend, etc.) to act on your behalf during the Appeals process. Both you and the person you selected must fill out and sign an Appointment of Representation Form and mail it or FAX it to the Appeals Department with your appeal at the address or FAX number listed below. Click [HERE](#) for the form and instructions on how to fill out the form. The completed and signed form is valid for one (1) year.

If your representative holds durable power of attorney or guardianship papers, an Appointment of Representative form is not required.