

Department of Public Health
and Human Services

Section:
Complaints

HEALTHY MONTANA KIDS

Subject:
Administrative Review

Supersedes: **New to HMK Manual**

General Rule – An administrative review is the first phase of the fair hearing process. A fair hearing is granted to any individual who requests a hearing because of an adverse action. An administrative review is a meeting (or phone call) between a HMK representative and the HMK applicant (or representative) conducted to:

1. resolve a dispute regarding HMK’s action; or
2. resolve a dispute regarding action taken on HMK’s behalf by Blue Cross and Blue Shield of Montana (BCBSMT) which has already gone through their ‘complaint resolution process’; and
3. avert a “fair hearing.”

ADMINISTRATIVE REVIEW

An administrative review identifies the issue related to the adverse action and, if possible, resolves the issue to the applicant’s satisfaction. To begin the administrative review process, an applicant submits a written request within 90 days of the adverse action notice date.

Upon receipt of the written complaint:

1. the Department of Public Health and Human Services’ (DPHHS) Office of Fair Hearings sends Form DPHHS-LS-007, “Administrative Review Report” to the HMK Fair Hearing Officer;
2. after the HMK Fair Hearings Officer receives Form DPHHS-LS-007, “Administrative Review Report,” an Administrative Review is conducted.

NOTE: The Administrative Review must be conducted within 20 days from the date the DPHHS Office of Fair Hearings mails the “Administrative Review Report” to HMK.

REPRESENTA- TIVES

The applicant may represent himself or herself at the Administrative Review or designate a representative.

HMK is represented by an HMK staff member who was not involved in the decision process, generally the HMK Fair Hearing Officer.

REVIEW PROCESS

The HMK Fair Hearing Officer, in association with the HMK Enrollment Manager, researches the facts of the file and determines whether the original adverse decision is upheld or overturned. The HMK Fair Hearing Officer writes a narrative explaining the outcome of the review including a summary of both the applicant's and HMK's positions.

**ADVERSE DECISION
UPHELD**

If all policies and procedures were followed correctly and no further information is provided by the applicant to impact the decision, the original decision is upheld. The HMK Fair Hearing Officer:

1. writes a summary of the applicant's and HMK's positions;
2. outlines the policies and procedures relevant to the file; and
3. documents the decision on an Administrative Review Report form (DPHHS-LS-007), and facilitates scanning and retention of primary Fair Hearing documentation.

When an applicant is not satisfied with the Administrative Review's outcome, the HMK Fair Hearing Officer will:

1. make a courtesy call to the applicant explaining the outcome of the review and notify the applicant that the Administrative Review Report will be mailed to them;
2. send Form DPHHS-LS-007, "Administrative Review Report" to the applicant with a cover letter further explaining the fair hearing process steps;
3. send a copy of the cover letter to the DPHHS Office of Fair Hearings;
4. send a stamped HMK return envelope (ATTN: Name of HMK representative) along with Form DPHHS-LS-007 to ensure the form is returned in a timely fashion;

NOTE: The applicant must check the box either waiving a fair hearing (i.e., applicant is satisfied with the administrative review outcome) or requesting a fair hearing (i.e., applicant wishes to continue the appeal process). The applicant must sign, date and return the form. The blue copy is for the applicant's records.

5. upon receipt of the signed and dated DPHHS-LS-007 Form, the HMK Fair Hearings Officer ensures all mandatory sections of the form are completed; and

6. send the form and narrative to the DPHHS Office of Fair Hearings.

NOTE: The DPHHS Office of Fair Hearings will establish a time and date for the hearing.

ADVERSE DECISION OVERTURNED

If HMK policies and procedures are not followed correctly (e.g., incorrect information was given to the applicant) and/or the applicant was able to provide additional or clarifying information causing the original adverse decision to be overturned, the administrative review is resolved in the applicant's favor. The HMK Fair Hearing Officer will:

1. make a courtesy call to the applicant explaining the outcome of the review and provide notice the Administrative Review Report will be mailed to them;
2. instruct the applicant to mail or fax all medical or dental bills for the time period in question to the HMK office;
3. complete Form DPHHS-GS-026 for each provider;
4. send the completed forms to the Department's Fiscal Bureau so providers can be paid;
5. send Form DPHHS-LS-007, with a cover letter, to the applicant with instructions to sign, date and return to HMK with the box checked that states the applicant is satisfied with the outcome of the administrative review;
6. send a stamped HMK return envelope (ATTN: Name of HMK representative) along with Form DPHHS-LS-007 to ensure the form is returned in timely fashion;
7. send a copy of the cover letter to the Office of Fair Hearings; upon receipt of the signed and dated DPHHS-LS-007 Form, ensures the applicant completed the form appropriately; and
8. forwards the form to the DPHHS Office of Fair Hearings.

INCOMPLETE PROCESS

In either adverse decision explained in this section, if the applicant does not sign, date and return the "Administrative Review Report," the Office of Fair Hearings solicits a response and, if no response is forthcoming by the date given, the case is dismissed.

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