



# Tennessee Department of Children's Services

## Protocol for Filing TennCare Appeals on Behalf of Children In or At Risk of DCS Custody and Extension of Foster Care

### DEFINITIONS

"*Notice of Adverse Action*" or "NOAA" is the written notice from a TennCare MCO (such as TennCare Select, DentaQuest, or Magellan) that a covered TennCare service has been denied, delayed, reduced, suspended, or terminated. The NOAA informs the TennCare member of their appeal rights.

"*Parents*", as used in this protocol means legal parents or guardians of the child whose parental rights have not been terminated, that DCS is still required to make Reasonable Efforts, and DCS is still working with the parents on reunification. If there is a "No Contact" order in place against the parents, or the Family Service Worker (FSW)/Juvenile Service Worker (JSW)/Juvenile Probation Worker (JPO) has concerns that notifying a parent according to this protocol may harm the child, the FSW/JSW/JPO and Child Health staff consult with DCS Legal.

"*Regional Licensed Mental Health Clinician*", as used in this protocol refers to the mental health professional who is a member of the Child Health Unit. That person could be a psychologist, LCSW, or other mental health professional.

**\*DCS WILL NOT FILE A TENNCARE APPEAL IF THERE IS NO DOCTOR'S ORDER, PRESCRIPTION, OR RECOMMENDATION FROM A QUALIFIED HEALTH CARE PROFESSIONAL WHO HAS SEEN, EXAMINED, or TREATED THE CHILD. INSTEAD DCS STAFF WILL ASSIST IN OBTAINING AN APPOINTMENT WITH A HEALTH CARE PROVIDER WHO CAN EVALUATE THE CHILD'S NEED FOR THE SERVICE AND ORDER THE SERVICE IF DETERMINED TO BE NEEDED.\***

**\*\*DCS STAFF NEVER TELL A CHILD, FAMILY MEMBER, OR ANY ADVOCATE FOR THE CHILD NOT TO FILE A TENNCARE APPEAL OR THAT THEY CANNOT FILE A TENNCARE APPEAL.\*\***

### I. CHILDREN AT RISK OF DCS CUSTODY

DCS staff may assist in filing TennCare appeals for children at risk of entering DCS custody, if requested by the child's parents.

- A. The FSW/JSW/JPO provides the child's parents with a TennCare Medical Appeal form and contact information for the regional Health Advocacy Representative.
- B. The FSW/JSW/JPO notifies the regional Health Advocacy Representative.
- C. If requested by the child's parent or legal guardian, the Health Advocacy Representative assists the parent/legal guardian in filling out the appeal form. The contact information for the child's parents should be listed on the appeal form, not the contact info for the regional Health Advocacy Representative.

## **II. CHILDREN IN DCS CUSTODY**

### **A. Appeals for Acute Psychiatric Hospitalization**

- i. Once a child has been evaluated by Mobile Crisis and determined to be in need of acute psychiatric hospitalization, whether voluntary or involuntary hospitalization, the FSW/JSW and regional Licensed Mental Health Clinician inform the regional Health Advocacy Representative.
- ii. If no hospital bed has been found or no hospital has accepted the child within 12 hours of the Mobile Crisis determination, the regional Health Advocacy Representative ensures that the assigned TennCare MCO is contacted to seek assistance with obtaining the service. If the regional Health Advocacy Representative determines that a TennCare appeal is necessary, they may file an Urgent TennCare appeal on behalf of the child and send a copy to the FSW/JSW who informs the child's placement and parents. If an appeal is filed by the regional Health Advocacy Representative and the service is obtained prior to the hearing on the appeal, the regional Health Advocacy Representative may withdraw the appeal.
- iii. If prior to the child being admitted to a psychiatric hospital, Mobile Crisis re-evaluates the child and determines the child no longer needs hospitalization, the FSW/JSW notifies the regional Licensed Mental Health Clinician. After review of the clinical information, if the regional Licensed Mental Health Clinician is in agreement that the child no longer needs psychiatric hospitalization, they notify the regional Health Advocacy Representative to withdraw the appeal, if the regional Health Advocacy Representative filed an appeal.
- iv. When the two-day Notice of Discharge ("Grier letter") from psychiatric hospitalization is received, the FSW/JSW consults with the regional Licensed Mental Health Clinician. The Child and Family Team (CFT) meet as needed, to determine whether to appeal the discharge. An appeal is filed only if DCS staff believes the child is not clinically ready for discharge. An appeal **is not** filed to afford DCS more time to locate a discharge placement.
- v. The regional Health Advocacy Representative documents any appeal in TFACTS.

### **B. Appeals for Other Urgent Services**

- i. Urgent services are those which, if the child does not receive the service in a relatively short period of time, the child's health will suffer. If the FSW/JSW or the Health Advocacy Representative are unsure about the impact on a child's health if the child does not receive the service, they consult with their regional nurse.
- ii. A TennCare appeal are handled as "Expedited" if the acute presentation of the child's medical condition is of sufficient severity that the absence of a decision about the service

**Subject: Protocol for Filing TennCare Appeals on Behalf of Children in or at Risk of DCS Custody and Extension of Foster Care**

---

within three (3) business days could seriously jeopardize the child's life, physical health, mental health, or their ability to retain, regain, or maintain full function. This determination is made by TennCare or one of its MCOs.

- iii. If an FSW/JSW is aware that a DCS child needs a denied service, or needs a service sooner than scheduled, they contact the regional Health Advocacy Representative for assistance.
- iv. The regional Health Advocacy Representative calls the designated contact at the responsible MCO for assistance with obtaining the service, or rescheduling the service to a sooner date.
- v. If the MCO contact is unable to arrange the service or arrange it sooner, the regional Health Advocacy Representative files an Urgent TennCare appeal on behalf of the child. The Health Advocacy Representative then completes the form ***DCS Filed or Authorized a TennCare Appeal for You***, securely emails a copy to the FSW/JSW and the contract provider agency if the child is placed with a contract provider. Either the Health Advocacy Representative or the Services and Appeals Tracking (S.A.T.) Coordinator mails a copy of the letter to the child (if 14 or older), the child's parents, and current foster parents, if any. The Health Advocacy Representative documents any appeal filed in TFACTS. Either the Representative or the SAT Coordinator scans and uploads a copy of the appeal form and letter to TFACTS.
- vi. An appeal is filed whether or not an NOAA was received, as long as there is a prescription or recommendation from the child's health care provider for the service.
- vii. Note that filing an appeal as "Urgent" or "Expedited" does not guarantee it will be processed as Urgent/Expedited. TennCare notifies DCS after the appeal has been filed if TennCare is going to process the appeal according to the timelines for Expedited appeals.

**C. Appeals for Non-Urgent or Routine Services**

- i. If the regional Health Advocacy Representative receives a NOAA regarding a non-urgent service for a DCS child, they consult with the FSW/JSW and regional nurse to confirm that the service is still needed.
- ii. If the FSW/JSW and regional nurse confirm the service is no longer needed, the Health Advocacy Representative completes form letter ***DCS Did Not Authorize or File A TennCare Appeal for You***, and securely emails that letter to the FSW/JSW and the contract provider agency if the child is placed with a contract provider. Either the Health Advocacy Representative or the Services and Appeals Tracking (S.A.T.) Coordinator mails a copy of the letter, NOAA, and appeal form to the child (if 14 or older), the child's parents, and current foster parents, if any. The Health Advocacy Representative documents in TFACTS why an appeal was not filed. Either the Representative or the SAT Coordinator scans and uploads a copy of the documents to TFACTS.

**Subject: Protocol for Filing TennCare Appeals on Behalf of Children in or at Risk of DCS Custody and Extension of Foster Care**

- iii. If the FSW/JSW and regional nurse confirm that the child still needs the service, the FSW/JSW determines if the child and parents want the service.
- iv. If the child is 14 years old or older, the FSW/JSW confirms that the child wants the service.
- v. If the child is under 14 years of age, the FSW/JSW confirms that the child's parents are in agreement that the child needs the service.
- vi. If either the child or parents want the service, the FSW/JSW informs the Regional Health Advocacy Representative who files an appeal. The Health Advocacy Representative then completes the form letter [\*\*\*DCS Authorized or Filed a TennCare Appeal For You\*\*\*](#), securely emails a copy to the FSW/JSW and the contract provider agency if child placed with a contract provider. Either the Health Advocacy Representative or the Services and Appeals Tracking (S.A.T.) Coordinator mails a copy of the letter to the child (if 14 or older), the child's parents, and current foster parents, if any.
- vii. The regional Health Advocacy Representative documents the appeal in TFACTS. The letter is scanned and uploaded into TFACTS.
- viii. If a youth (14 or older), or the parents are not in agreement that the child needs the service or they refuse the service, and DCS staff believes the child does need the service, DCS staff consult with DCS legal counsel as to next steps.

**D. Appeals for Orthodontia, Wisdom Teeth Extraction, Crowns, and Anesthesia**

- i. DCS will not file an appeal for orthodontia (braces), wisdom teeth removal, crowns, or anesthesia for a dental procedure unless there is some indication that the child meets at least one of the medical necessity criteria according to TennCare Guidelines. If DCS does not file an appeal, the regional Health Advocacy Representative completes the form letter [\*\*\*DCS Did Not Authorize or File a TennCare Appeal for You\*\*\*](#), securely emails a copy of the letter to the FSW/JSW and the contract provider agency if child placed with a contract provider. Either the Health Advocacy Representative or the Services and Appeals Tracking (S.A.T.) Coordinator mails a copy of the letter, NOAA, and appeal form to the child (if 14 or older), the child's parents, and current foster parents, if any. The Health Advocacy Representative documents in TFACTS why an appeal was not filed. Either the Representative or the SAT. Coordinator scans and uploads a copy of the documents to TFACTS.
- ii. If the child meets at least one of the medical necessity criteria OR it cannot be ascertained from the NOAA and/or other information whether the child meets at least one of the medical necessity criteria, then the regional Health Advocacy Representative notifies the FSW/JSW of the NOAA. The FSW/JSW then ascertains whether the child (of 14 years old or older) and the child's parents (if rights not terminated) want the child to have the service. If the child and/or parents want the service, then the regional Health Advocacy

**Subject: Protocol for Filing TennCare Appeals on Behalf of Children in or at Risk of DCS Custody and Extension of Foster Care**

---

Representative files the appeal. The Health Advocacy Representative then completes the form letter [DCS Authorized or Filed a TennCare Appeal for You](#), securely emails a copy to the FSW/JSW and the contract provider agency if child placed with a contract provider. Either the Health Advocacy Representative or the Services and Appeals Tracking (S.A.T.) Coordinator mails a copy of the letter to the child (if 14 or older), the child's parents, and current foster parents, if any. The Health Advocacy Representative documents any appeal filed in TFACTS. Either the Representative or the SAT. Coordinator scans and uploads a copy of the appeal form and letter to TFACTS.

- iii. If an appeal is filed based on paragraph ii. above and TennCare's medical necessity review determines there is no medical necessity for the service, the regional Health Advocacy Representative withdraws the appeal and does not make a legal referral.
- iv. If the prescribing provider filed the TennCare appeal on behalf of the child, DCS will not withdraw the appeal.

**NOTE:** If, after receiving a NOAA pursuant to letters C and D of this section, the regional Health Advocacy Representative confirms that the child has already received the service, no further action is needed. The regional Health Advocacy Representative documents in TFACTS why an appeal was not filed or why any other correspondence was not sent.

**III. YOUNG ADULTS IN EXTENSION OF FOSTER CARE**

- A. Youths who have aged out of foster care and are receiving Extension of Foster Care (EFC) services are legal adults. DCS staff cannot file a TennCare appeal on their behalf without the young adult's permission.
- B. DCS staff may assist an EFC recipient in filing their own appeal if requested.
- C. The contact information for the EFC recipient should be listed on the appeal form so that all communication from TennCare about the appeal goes to the young adult.