

## Kids on TennCare have a right to all the health care they need.



## What to do if TennCare won't give your child the health care they need.



Does your child have TennCare? Then TennCare must pay for all the health care that is medically necessary for your child.

### TennCare only pays if the care is:

- Ordered by a doctor\*, and
- Needed to find out what's wrong or to treat it, and
- Safe and it works (effective), and
- Not an experiment, and
- The cheapest care that is enough (adequate).



When someone's care meets these rules, TennCare calls it **medically necessary**.

Most of the time, if the doctor\* orders the care, your child gets it. For some types of care, the doctor will need to get TennCare's OK first. Your health plan or mental health plan will look at the care the doctor is asking for. The health plan will OK or say NO to the care. Sometimes the health plan will talk to your child's doctor to find out why the care is needed. What if TennCare says this care is not covered? Your child has a right to it if he or she needs it.

\* When we say "doctor," it means a doctor, nurse practitioner, midwife, physician's assistant, therapist, dentist, etc.

## What if TennCare won't pay for the care?

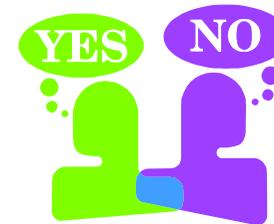
It might be because the doctor needed to get TennCare's OK for the care first. If he didn't get TennCare's OK first, they may say no to the care.

## Does TennCare want to stop or change the care your child gets? Does TennCare plan to say "no" to new care?

Then TennCare must tell you in writing first. Is the care a new service? Then TennCare has up to **21 days** to decide if you can get the care. They also must tell you if there will be a delay in getting the care. Is your child already getting the care? Then TennCare must tell you at least **30 days** before they stop or cut the care or stop paying.

What if the doctor or hospital giving the care is refusing, ending or changing the care? Then they only have to give you **2 working**

**days** notice. Working days are Monday through Friday, not holidays or weekends.



From the day you get the letter from TennCare, you have **30 days** to appeal.

## Want to keep getting the care during the appeal?

Then you must appeal within **10 days** of getting TennCare's letter changing the care. Has the care already stopped? Then you can ask TennCare to start it again while the appeal is being decided. Be sure to say you want to keep getting the care.

## Your child can't get care during the appeal IF:

- The care is called "non-covered" by TennCare.

## TennCare must write you before it changes, stops or says "no" to care. TennCare **MUST** write you saying:

- What kind of care it is and how much your child gets, and
- Who ordered the care, and
- Why the care was denied, changed, or stopped, and
- Who helped the health plan decide, and
- What medical records were used to decide, and
- Why the care is not covered or not needed, and
- How to appeal.

## You can appeal if you don't agree with what TennCare wants to do.

An **appeal** is a way to fix a mistake or get a new decision. You can appeal **IF**:

- TennCare **won't pay for care, or**
- TennCare **stops care, or**
- TennCare OKs **less care than your doctor ordered, or**
- TennCare **stops care** for a short while, **or**
- You have to **wait to get care, or**
- You **cannot find a doctor** to see your child.

### There are 3 ways to appeal:

1. **Call** 1-800-878-3192. Write down the name of the person you talk to and the date and time you call.
2. **OR Fax** a letter to 1-888-345-5575. Keep the paper that shows when the fax was sent.
3. **OR Write** to:  
TennCare Solutions Unit  
P.O. Box 593  
Nashville, TN 37202  
Save a copy of your letter.

### You must have a good reason to appeal.

TennCare calls a good reason a "valid factual dispute." It is not a good reason if you just want the service.

TennCare may say you don't have a good reason for the appeal. If so, they will ask for more information. You must answer **in 10 days** or the appeal will end. The 10 days start from the date you get the letter.

What if you answer but TennCare thinks you don't have a good reason to appeal? The appeal will end. But you can go to Chancery Court.

What if TennCare decides you do have a good reason? Then you will win the appeal **OR** get a hearing.

TennCare can change the reason why they denied, changed, or stopped services. They can only do this one time. They **must** do it before they send you the letter telling you about the hearing.

If you get a hearing, you will get a letter. The letter tells you the date, time and place for your hearing. It tells you what the hearing is about. All of the papers TennCare will use for the hearing will be with the letter.



TennCare will set up a phone hearing. You have the right to ask for an in-person hearing.

### Your Hearing Rights:

- The reason TennCare stopped, changed or denied care is in the hearing letter. TennCare can't change the reason after you get this letter.
- You can give the judge more reasons why your child should get the care.
- You can have a lawyer or a non-lawyer help you at the hearing.
- You can look at TennCare's facts about your case before the hearing.
- You can ask TennCare's witnesses questions.
- You can have a witness speak for your child. This is someone who can say why your child needs the care, like a doctor.



### After the Hearing:

- The judge will mail you a decision.
- You have **15 days** to appeal if TennCare wins.
- TennCare can appeal if you win.
- The judge's decision will tell you where and how to appeal.
- The judge will write a Final Order saying what he decided.
- You can appeal to Chancery Court within **60 days** of the Final Order.



Advocates for Families in Need

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Legal Aid Society of Middle Tennessee and the Cumberlandlands helped make this brochure easy to read.