



Outline for Sample Appeal Letter for Medical Necessity Denial of ABA

1) Introductory section, who are you, who do you represent (refer to client release form signed by parent if needed, often best to include the payer's release form), include date of birth and health plan id of client. Describe the denial and include whether and how many hours of ABA had been received previously, if ABA hours are being reduced, and why the health plan is alleging this is needed. Be very specific about what you are requesting: specific hours (direct, supervision, etc). Okay to include diagnoses here.

(Attachments for section 1)

- a. Client release/authorized assistant form (from plan, if it has not been sent in previously)
- b. Copy of denial letter
- c. Copy of diagnostic reports

2) Describe background/history of ASD symptoms and how those symptoms affect the patients daily functioning. Be specific about any challenging or unsafe behaviors (i.e., aggression, elopement, property destruction or self-injurious behaviors). Lift specific language from any reports (see below) that support the history you describe in the beginning of this section. Also include a summary of interventions and treatment tried to date.

Attachment to include and cite for Section 2: Recent assessments and recommendations from ABA provider, psychologist, other providers, as applicable. If progress over time is in dispute, it is best to include at least the past two assessments/progress reports so that change can be clearly seen.

3) If the plan claims a certain number of hours are not part of the benefit coverage, review the benefit coverage for ABA. Locate the Evidence of Coverage (EOC) or detailed summary plan description document (parent should be able to provide this) and cite the exact language relating to benefits for ABA for autism. The wording may vary but it should clarify that ABA is covered from a licensed or certified provider to "develop functioning," or words to that effect. There is sometimes specific mention of hours for an intensive program (25 plus) versus a focused program (less than 25). Include the specific benefit language to highlight that the client is eligible for the ABA hours you are requesting.

4) Describe procedural violations if there have been any. You can site state or federal codes that plan the violated. For example: failure to provide access to an adequate network (plan cannot locate a provider with availability in a given area), failing to respond to claims, failure to provide timely care. Cite mental health parity violations: The federal law does not allow a set number of limits on mh/autism treatments if there are not hard limits on substantially all medical/surgical treatments. Exclusions that are not explicitly spelled out in the plan manual may be considered hidden exclusions and are illegal.

If the plan is fully funded and your state has specific language in the autism mandate or regulation, it may be helpful to directly quote this regulation. For example: the plan has a duty to "maximize functioning to the greatest extent practicable," or "ameliorate the symptoms of autism."

346 Rheem Blvd, Suite 207D, Moraga, CA 94556

www.mhautism.org

925-388-0892

Fax: 925-888-1631

5) If treatment was denied for failing to meet the plan's clinical guidelines or criteria, ask for a copy of these guidelines and review them carefully. Many plans will cite their own clinical guidelines as the basis for denying or reducing therapy. Sometimes they are not even appropriate for people with autism. If that is the case, point it out. Often, plans cite their own guidelines in a denial without actually identifying the specific criteria they are using as the basis for the denial. If a patient actually meets the clinical guidelines for ABA treatment, go through each item and explain how s/he meets the criteria.

If the client does not meet the plan criteria, use guidelines and recommendations from an external, professional organization like the Behavior Analyst Certification Board (BACB). The publication [Applied Behavioral Analysis Treatment of Autism Spectrum Disorder: Practice Guidelines for Healthcare Funders and Managers, 2nd Edition](#), is nationally recognized. Other organizations, such as the [Council for Autism Service Providers](#), and [Association of Professional Behavior Analysts](#) will likely be developing professional guidelines in the near future.

Attachments: BACB or other guidelines, supporting literature that demonstrates efficacy of ABA in treating autism. Also include specific studies or research papers that support your arguments. For example, if you are appealing for an older child, cite research that demonstrates effectiveness of ABA across age ranges.

5) Conclusion: Briefly summarize, state why ABA is medically necessary and restate what you are requesting.

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