



## North Carolina Department of Health and Human Services

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### LME-MCO Communication Bulletin #161

Date: September 25, 2015

To: LME-MCOs

From: Kathy Nichols, Clinical Program Manager, Behavioral Health Section, DMA and Mabel McGlothlen, IDD, TBI, and System Performance Section Chief, DMH/DD/SAS

Subject: Due Process Documents

This bulletin releases the attached due process notification letters, appeal forms and instruction documents to LME- MCOs. Please note that this bulletin and attached documents only apply to Medicaid-funded services.

Per Attachment M of the Division of Medical Assistance (DMA) Contract, LME-MCOs are to use DMA pre-approved template letters notifying enrollees of “actions” as defined in 42CFR 438.400. This notice must include a description of the enrollee’s right to appeal and the process. In addition, enrollees must be notified of appeal resolutions as noted in 42 CFR 438.408.

In order to promote consistency across the State, **all LME-MCOs are required to begin using the attached due process notification letters, appeal forms and instruction documents no later than October 15, 2015**. Please ensure the due process information currently posted on your website, in enrollee handbook/brochures and the provider manual corresponds with the information included in the attached documents.

Please note that an enrollee can file a grievance if the LME-MCO denies a (b)(3) service request because the LME-MCO is reaching the upper limit of available resources for the requested 1915(b)(3) service or no longer has funding available for the requested 1915(b)(3) service. In this situation, the LME-MCO should follow their established grievance policy and procedures.

If you have questions, please contact Beverly Bell at [beverly.bell@dhhs.nc.gov](mailto:beverly.bell@dhhs.nc.gov) or at 919-855-4321.

*Previous bulletins can be accessed at: <http://jtcommunicationbulletins.ncdhhs.gov/>*

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