



North Carolina Department of Health and Human Services

Pat McCrory
Governor

Richard O. Brajer
Secretary

Division of Mental Health, Developmental
Disabilities and Substance Abuse Services
3001 Mail Services Center
Raleigh, North Carolina 27699-3001
Tel 919-733-7011 Fax 919-508-0951
Courtney M. Cantrell, Ph.D.
Director

Division of Medical Assistance
2501 Mail Services Center
Raleigh, North Carolina 27699-2501
Tel 919-855-4100 Fax 919-733-6608
Dave Richard
Deputy Secretary for Medical Assistance

LME-MCO Communication Bulletin #174

Date: December 14, 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 replaces both earlier Joint Communication Bulletins (JCB #J161 and JCB #J164) relating to Due Process documents and releases the attached revised 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 on or before February 1, 2016**. 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 or at 919-855-4321.

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

Cc: Dave Richard, DMA
Dale Armstrong, DHHS
DMA Leadership Team
DMH/DD/SAS Leadership Team
Mary Hooper, NCCCP