

Insurance Appeal process
(Based on California Experience)

1. Insurance denial of CyberKnife therapy for prostate cancer.
 - 1.1. Review your health plan policy for coverage of prostate cancer.
 - 1.2. Review the appeal procedure defined in your health plan.
 - 1.3. Read the denial letter and compare it with the health plan policy. Look for errors and omissions in the denial letter and weakness or flaws in the health plan policy.
 - 1.4. Call the health care provider to ask why you are denied; ask to speak with a supervisor, as the denial is unacceptable because the treatment is medically a necessary. Emphasize the CyberKnife therapy offer the best chance for cure and Quality of Life. Have your policy and denial letter questions prepared for the call and document all conversations, answers to questions, date and time, person's name and title. If an employee of the health plan indicates they will call you back confirm when and document this call. If they do not call as promised contact a supervisor and complain that the health plan has not followed through on their promises. Be polite but persistent and clearly state your argument. Follow up prone calls with e-mails. Call with every new reason to support your coverage.
2. Appeal the health plan denial.
 - 2.1. Submit a formal appeal in writing using wording from your health plan policy including section and page numbers. (see 3.2 for items to include)
 - 2.1.1. Include Dr. Christopher King's, [clinical data] studies supporting the CyberKnife. Include other Clinical Trials and published papers to support your treatment. Search Pub Med and Goggle for studies. Contact Accuray patient relations (408 789-4301) for their latest list of publications.
 - 2.1.2. Include a list of all insurers that cover the CyberKnife. (get this from Accuray)
 - 2.1.3. List the treatment options covered by your health plan
 - 2.1.3.1. Explain in detail (side effects, cure rate, difficulty or hardship of treatment, out of pocket cost for travel food and lodging, time away from work or family responsibilities, risk factors; infection, anesthesia complication recovery time, etc.) why each approved option is not in your best interest. The following link has a lot of good studies to use to show why all the other options are not in your best interest.
http://www.joearrington.org/Prostate_article.pdf
 - 2.1.4. Explain why the CyberKnife is your best chance for cure and Quality of Life and why the health plan should cover this treatment.
 - 2.2. Ask your doctor to submit an appeal letter to your health care provider that supports your treatment. (ask for a copy of the letter)
 - 2.3. Review the appeal process provided by you states Health Care system. It is important to understand how the process works and who makes the determination to overturn or uphold the denial. Be prepared for a denial for your health care provider.
 - 2.4. Ask your employer to call and write the health care provider to appeal your denial. Provide your employer with a copy of your and the doctor's appeal documentation.
 - 2.5. Copy the President and Vice Presidents of the health care provider.
 - 2.6. If you are denied again go to 3.0
 - 2.7. Appeal health plan denial repeatedly.
 - 2.7.1. Start at 1.0 above and look for factual errors in the second denial letter.
 - 2.7.2. If the denial letter did not answers your appeal issues ask for them to respond to your findings of fact. Make it clear you will not accept a denial form letter.
 - 2.7.3. Provide additional (with every appeal) evidence and or documentation support the CyberKnife. Your health plan is required to respond to the appeal. If your health plan does not respond move up the management structure to complain and document every call.
 - 2.8. Call your health care representative that handles appeals and request a meeting with their Medical Director. If a meeting is granted your doctor must attend.
 - 2.9. Always be polite but very persistent.
3. Appeal, the Department of Managed Health Care and Continue to appeal you Health care provider's denial.

- 3.1. Submit your application/request to the Department of Managed Health Care for an Independent Medical Review (IMR).
In CA, a medical reviewer will call the patient to discuss the medical need described in the application. Use the information in 2.0 above to support your application request for an Independent Medical Review (IMR). The Department of Managed Health Care will send a letter approving the request for an Independent Medical Review (IMR).
- 3.2. Prepare a presentation to support your IMR.
 - 3.2.1. Research the history of appeal results from the states appeals process. [link to CA]
<http://wp.dmhc.ca.gov/imr/search.asp#search>
 - 3.2.2. Look at appeals [(Cancer, prostate cancer, radiation oncology, CyberKnife)] that overturn denials.
 - 3.2.3. Look at [appeals that upheld the health plan] provider. This is my appeal
<http://wp.dmhc.ca.gov/imr/detail.asp?id=7831&optFormat=html&cboDetermination=0&cmdSearch=Search&cboMC=Cancer&cboTreatment2=Radiation+Oncology&cboDiagnosis2=Prostate+Cancer&cboDT=Cancer+Treatment&cboType=0&txtDetails=CyberKnife> ,
<http://wp.dmhc.ca.gov/imr/detail.asp?id=7345&optFormat=html&cboDetermination=0&cmdSearch=Search&cboMC=Cancer&cboTreatment2=Radiation+Oncology&cboDiagnosis2=Prostate+Cancer&cboDT=Cancer+Treatment&cboType=0&txtDetails=CyberKnife>
 - 3.2.4. Look for errors of fact in the determinations that upheld the health care provider. [link to marked up document]
 - 3.2.5. Look for ideas to support your appeal in the determinations that overturn denials. [example letter]
<http://wp.dmhc.ca.gov/imr/detail.asp?id=6926&optFormat=html&cboDetermination=0&cmdSearch=Search&cboMC=Cancer&cboTreatment2=Radiation+Oncology&cboDiagnosis2=Prostate+Cancer&cboDT=Cancer+Treatment&cboType=0&txtDetails=> This finding is factually incorrect. The CyberKnife uses a Frameless Image-Guided Radiosurgery with the Synchrony™ Motion Tracking Module is now available for the treatment of thoracic malignancies. Gold fiducial markers are required for the treatment planning for real time tracking of the prostate during treatment. No bony structures are related to the treatment.
- 3.3. Provide a Presentation Supporting your CyberKnife Treatment request.
 - 3.3.1. Start with a letter from your Doctor (samples attached) that supports the medical necessity.
 - 3.3.2. Followed by your letter explaining why the CyberKnife is the best treatment for you condition. Include general background (married, activities, work, hardship of other options, etc)
 - 3.3.3. Medical history
 - 3.3.4. Treatment Options offered by health plan. (List treatments)
 - 3.3.4.1. Explain in detail (side effects, cure rate, difficulty or hardship of treatment, out of pocket cost for travel food and lodging, time away from work or family responsibilities, risk factors; infection, anesthesia complication recovery time, etc.) why each approved option is not in your best interest.
 - 3.3.5. CyberKnife Treatment
 - 3.3.5.1. Explain why the CyberKnife is your best chance for cure and Quality of Life and why the health plan should cover this treatment.
 - 3.3.6. Include a copy of the FDA CyberKnife approval <http://www.fda.gov/cdrh/pdf/k011024.pdf>
 - 3.3.7. Include previous state appeals that overturned health care denial.
 - 3.3.8. Clinical Studies supporting treatment. (keep searching the medical literature for new studies)
 - 3.3.9. Treatment Centers, list all CyberKnife treatment centers in the US that treat prostate cancer. Build a case with this information for the CyberKnife being a standard of care for treating prostate cancer.
 - 3.3.9.1. Print the information for prostate treatment from the web sites in 3.3.9.
 - 3.3.10. Health Care coverage, list all health care providers that cover CyberKnife treatment for prostate cancer. Reinforce this as evidence that the CyberKnife is the standard of care for prostate cancer.
 - 3.3.10.1. Include Medicare, VA and all private insurers.
 - 3.3.10.2. Include the policies from each insurer.[link]
 - 3.3.11. Cost effectiveness, point out treatment cost benefits (Health Care Plan and for the patient) as well as long term cost benefits of fewer side effects.
 - 3.3.12. Summary, of why the CyberKnife treatment is your best option linking the above information together including a very high chance of cure and excellent Quality of Life.
4. Communication with DMHC and CHDR
 - 4.1. Call DMHC (Nancy Wong Mgr., e-mail nwong@dmhc.ca.gov, 916 350-6178) and CHDR (Frances Mc Neil e-mail

francesmcneil@maximus.com, 916 669-3628) to let them know you have additional information to support your appeal. FedEx your presentation to CHDR and copy DMHC.

- 4.2. Confirm receipt of your presentation by phone and in writing with DMHC and CHDR.
- 4.3. Call DMHC and CHDR to request that the doctors who issued factually incorrect IMR's not be allowed to review your case.
 - 4.3.1. Call DMHC and CHDR again to voice your concern about the lack of quality control for the IMR process and provide copies of the IMR's with errors of fact. Repeat your formal request to exclude the doctors that were grossly negligent in their IMR determination. Get to know (develop a relationship) the person who is handling your IMR at DMHC and CHDR and reinforce any issues pro and con with past IMR's that support your treatment request.
 - 4.3.2. Always be polite but very persistent.
5. Contact the media. Local TV, radio and news papers.
6. Contact your State Senator, the Insurance Commissioner and Governor for help.
7. Continue to look for supporting information and if found contact DMHC and CHDR by phone and e-mail to let them know you are providing additional information (send overnight can call to confirm receipt) for your IMR.
8. Be the squeaky wheel! Send e-mails to the health care provider. Address every detail including their failure to answer questions or to respond to the clinical studies supporting your appeal. Send e-mails and letters to the President and copis the VP's and Appeals coordinator of the health care provider. Call, e-mail and write to the CA Insurance Commissioner's office, which was worthless. <http://www.insurance.ca.gov/> copy the Media and politicians with all communication to the health care provider.

I believe you can win an appeal through persistence and or the IMR process. Insurance companies pay no or little attention to patient's appeals, in my experience. Their actions are criminal in my opinion.

Now Hope and Pray!

[My IMR result]

Health care contacts for every state can be found at the following link: <http://www.statehealthfacts.kff.org/>

Good Luck!

Terminology and abbreviations for health care appeals.

IMR - Independent Medical Review

AMC - American Cancer Society <http://www.cancer.org/docroot/home/index.asp>

DMHC - Department of Managed Health Care <http://hmohelp.ca.gov/default.aspx>

CHDR " <http://www.maximus.com/corporate/pages/> "

BS - Blue Shield

- [http://www.tcrt.org/OpenAccess/K TCRT 2 1 25.pdf](http://www.tcrt.org/OpenAccess/K_TCRT_2_1_25.pdf) and Dr. Fuller's study HDR BT CK used to finish this section as it was the latest study I could find. Keep on looking for new articles that support the CyberKnife as well as articles that illustrate why the other options are not in your best interest for cure or Quality of Life.

Call DMHC and CHDR to voice your concern about the lack of quality control for the IMR process and provide copies of the IMR's with errors of fact. Repeat your formal request to exclude the doctors that were grossly negligent in their IMR determination. Get to know (develop a relationship) the person who is handling your IMR at DMHC and CHDR and reinforce any issues pro and con with past IMR's that support your treatment request.