
RE: BCS# 19 Case File Follow Up

1 message

doh.sm.NYSDOH.BCS.Behavioral.Health.Complaints
< .Behavioral.Health.Complaints@health.ny.gov>
To: Domna A <domna. com>

Tue, Apr 23, 2024 at
10:02 AM

Good morning Domna,

BCS has received word from UHC that a fax was successfully sent to you containing the previously discussed case file. If you did not receive that information, please let us know.

Once you confirm receipt of the case file, or if we do not hear from you within 7 days, (by 4/30/24) BCS will consider the matter resolved and BCS# 19 will be closed.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

NYSDOH.BCS.Behavioral.Health.Complaints@health.ny.gov

From: doh.sm.NYSDOH.BCS.Behavioral.Health.Complaints
Sent: Wednesday, April 17, 2024 3:26 PM

To: Domna A <domna@health.ny.gov>
Subject: RE: BCS# 19 Case File Follow Up

Hi again Domna.

Thanks for your patience as BCS researched the case file issue. NYS DOH reviews plan compliance with CFR § 438.406(b)(5) on survey, that is, holistically rather than on a case by case basis. BCS has referred this matter to our survey team for their situational awareness.

Can you please confirm whether or not the plan provided you with a copy of the case file?

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting & Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

Behavioral.Health.Complaints@health.ny.gov

From: doh.sm@health.ny.gov Behavioral.Health.Complaints
Sent: Wednesday, April 3, 2024 11:13 AM
To: Domna A <domna@health.ny.gov>
Subject: RE: BCS# 19 Case File Follow Up

Thanks for the follow up Domna,

BCS is still seeking guidance on how to address the contents of the case file, if that is something that would get reviewed at the DOH complaint level or if, as you and I discussed, it is a matter to be brought up as part of the Fair Hearing process.

I will relay your message to UHC regarding the communication efforts.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>

Sent: Wednesday, April 3, 2024 11:05 AM

To: doh.sm .Behavioral.Health.Complaints <

Behavioral.Health.Complaints@health.ny.gov>

Subject: Re: BCS# 19 Case File Follow Up

ATTENTION: This email came from an external source. Do not open attachments or click on links from unknown senders or unexpected emails.

Hi

I hope you had a nice extended weekend.

Yesterday, I missed two phone calls from [REDACTED] at UHC. I do not have a call back number. Can you please ask UHC to leave a return number/ email or let me know in a voice message what time they will try calling me back.

I was happy to see the Lotus screening tool and a score. However, the response is still inadequate to the request and does not explain the clinical rationale for the scoring. For example, why despite being homeless - a 5 Extremely Stressful Environment she received a - 2 Mildly Stressful Environment.

2. Mildly Stressful Environment.

- a- Presence of some ongoing or intermittent interpersonal conflict, alienation, or other difficulties.
- b- A transition that requires adjustment such as change in household members or a new job or school.
- c- Circumstances causing some distress such as a close friend leaving town, conflict in or near current residence, or concern about maintaining material well being.
- d- A recent onset of a transient but temporarily disabling illness or injury.
- e- Potential for exposure to alcohol and/or drug use exists. *
- f- Performance pressure (perceived or actual) in school or employment situations creating discomfort.

5. Extremely Stressful Environment

...

- c- Incarceration or lack of adequate shelter.
- e- Sustained inability to meet basic needs for physical and material well being.
- f- Chaotic and constantly threatening environment.

Thank you for your time in this matter.

Best,

Domna

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On Thu, Mar 28, 2024 at 4:36 PM doh.sm .Behavioral.Health.Complaints
<Behavioral.Health.Complaints@health.ny.gov> wrote:

Thanks Domna,

I have asked the plan if they have all info required to provide you with a copy of the case file directly. FYI, see page

84 of the document you provided (attached here as well), which appears to be a LOCUS score resulting in a composite score of 20 (Level 4).

It would appear that the case file available through Demi's myUHC portal may not constitute documentation necessary to satisfy the requirements of § 438.406(b)(5), which states that the plan must:

“Provide the enrollee and his or her representative the enrollee's case file, including medical records, other documents and records, and any new or additional evidence considered, relied upon, or generated by the MCO, PIHP or PAHP (or at the direction of the MCO, PIHP or PAHP) in connection with the appeal of the adverse benefit determination.”

As per our conversation, I am in the process of determining which agency (if any) would be appropriate for reviewing the adequacy of the documents supplied in the case file.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>

Sent: Thursday, March 28, 2024 12:53 PM

To: doh.sm <doh.sm> .Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov>

Subject: Re: BCS# 19 Case File Follow Up

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Can send documents to



On Thu, Mar 28, 2024 at 11:57 AM doh.sm. Behavioral.Health.Complaints
< Behavioral.Health.Complaints@health.ny.gov> wrote:

Yes, I'll call at 12:15.

From: Domna A <domna.com>
Sent: Thursday, March 28, 2024 11:54 AM
To: doh.sm Behavioral.Health.Complaints < Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Case File Follow Up

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Sorry I missed your call. Can you call back at 12:15?

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On Thu, Mar 28, 2024 at 9:27 AM doh.sm. Behavioral.Health.Complaints
< Behavioral.Health.Complaints@health.ny.gov> wrote:

Thanks Domna, I'll call you at 11:30.

From: Domna A <domna.antoniadis@gmail.com>
Sent: Thursday, March 28, 2024 8:38 AM
To: doh.sm Behavioral.Health.Complaints < Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Case File Follow Up

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Hi

Today I am free from 11:30-1:00 and 2:30-4:00.

Best

Domna

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On Wed, Mar 27, 2024 at 7:55 AM Domna A <domna@health.ny.gov> wrote:

Hello

I am available from 1:30-3:00. Feel free to call. If I miss your call then just try back a few minutes later.

Best,

Domna

CONFIDENTIALITY NOTICE: The information in this e-mail may be confidential and may be legally privileged. It is intended solely for the addressee(s). If you are not the intended recipient, any disclosure, copying, distribution or any action taken or omitted to be taken in reliance on this e-mail, is prohibited and may be unlawful. If you have received this e-mail message in error, notify the sender by reply e-mail and delete the message.

On Tue, Mar 26, 2024 at 4:07 PM doh.sm@health.ny.gov <doh.sm@health.ny.gov> .Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi Domna,

Thanks for getting back to me. Yes, I'm available tomorrow before 10am and after 1:30pm. Thursday before 10am and after 11:30am. Let me know what works for you, and we'll set something up.

Just a few quick notes here:

- I did pass along to UHC your Appointment of Representative (AOR) Form signed by Demi. The

plan reports that they are making sure the form gets to appropriate parties.

- As long as the case file has been made available to Demi through the portal and the plan is working with you to process the AOR form, then it would appear that UHC has brought its actions into compliance with CFR 438.406(b)(5) and BCS# 137219 can be closed.
- I wanted to clarify the difference between a case file and an evidence packet:
 - Case files contain the clinical information on which the plan's appeal determination is based. The External Appeal determination would also be based on the same case file, along with any other information the external reviewer deems necessary to consider.
 - Evidence packets are supplied in advance of a Fair Hearing, and they will include appeal case files as well as other information relevant to the hearing. If you are going forward with a Fair Hearing then a separate evidence packet will be provided in advance of the hearing by NYS Office of Temporary and Disability Assistance, the agency that oversees Fair Hearings.
- I do also recognize that your original complaint included concerns that UHC was citing LOCUS (Level of Care Utilization System) criteria as the basis for its denials without actually providing the results of any LOCUS scoring to support its decision. That is not an aspect of your complaint that BCS can address, because the denials were upheld on External Appeal. Any further dispute of the denials for Level 6 psychiatric hospitalization would have to be made through Fair Hearing. Concerns being addressed through External Appeal and Fair Hearing are out of our jurisdiction.

Happy to discuss / clarify any of the above when we talk next.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>
Sent: Tuesday, March 26, 2024 1:59 PM
To: doh.sm <doh.sm@health.ny.gov> Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Case File Follow Up

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Hi

I hope all is well. Are you available to speak in the next few days?

Best

Domna

On Fri, Mar 22, 2024 at 9:57 AM doh.sm <doh.sm@health.ny.gov> Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi Domna,

Thank you for sending the signed form, which I can relay to UHC. I am expecting a response from them today regarding this case. I would be happy to discuss this with you as well, but I would like to wait until after I get more info from the plan. Can we chat on Monday? If so, please let me know what would be a good time to call.

Best,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

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Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>
Sent: Friday, March 22, 2024 8:33 AM
To: doh.sm <doh.sm@health.ny.gov> <Behavioral.Health.Complaints@health.ny.gov> <Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Case File Follow Up

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Hi

If this is not the "evidence pack" then this is not a sufficient response to the actual claim file request. I am somewhat confused as to what they thought the ask was for. Do you have a few minutes to discuss?

Additionally, Demi refilled out the authorization form. I am concerned that the fax may have not gone through to UHC. Can you please forward?

Best

Domna

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On Thu, Mar 21, 2024 at 1:27 PM doh.sm <doh.sm@health.ny.gov> <Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi Domna,

Thanks for the confirmation. The enrollee should be receiving a separate evidence packet pursuant to the fair hearing request. Can you confirm that the case file (pursuant to appeal MO [REDACTED]) is sufficient for your review?

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.antoniadis@gmail.com>

Sent: Thursday, March 21, 2024 12:45 PM

To: doh.sm .Behavioral.Health.Complaints <

Behavioral.Health.Complaints@health.ny.gov>

Subject: Re: BCS# 19 Phone Call Follow Ups

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Hi

The package was not the case file and lacked no evidence to support the termination of benefit. Not only is the MCO wasting State money, they arent even bothering to put together an evidence pack that could ever "win" a fairhearing

I apologize, I thought I sent you a message. There is access to a case file . If this is what they want to use as the evidence pack then I am fine with it. It is not the her full case file .

Best Domna

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On Thu, Mar 21, 2024 at 11:48 AM doh.sm. Behavioral.Health.Complaints
<Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi again Domna,

Just following up to confirm some information presented by UHC.

Can you please confirm whether or not Ms. M [REDACTED] has access to the case file for appeal M03422 [REDACTED] ed to authorization A225 [REDACTED] through her myuhc.com portal?

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

Behavioral.Health.Complaints@health.ny.gov

From: doh.sm Behavioral.Health.Complaints
Sent: Thursday, March 14, 2024 12:46 PM
To: Domna A <domna.com>
Subject: RE: BCS# 19 Phone Call Follow Ups

Hi again Domna,

Thanks for taking time to speak with me today and for confirming that Ms. [REDACTED] currently

being treated at [REDACTED] am glad to hear that, as far as you know, she hasn't received any denials for continued care and that Demi is doing well in the program.

For your situational awareness, I am attaching a copy of the Fair Hearing Aid to Continue Approval Notice, which appears to have been sent to an old address for Demi.

Per our conversation, I look forward to receiving updates on the following items:

- **Check fax for info from UHC:** UHC reports that they faxed you a copy of their authorized representative form to [REDACTED]. Please confirm whether or not that was received.
- **Get legible release form(s) signed:** coordinate with the social worker at NY [REDACTED] thORIZED representative / release of information form(s) that can be scanned and transmitted in a more legible format.
- **Confirm case file available on portal:** Please confirm whether or not Ms. Margulies has access to the case file for appeal M [REDACTED] related to authorization A225334031 through her myuhc.com portal.
- **Change address through HRA:** In order for SDOH to require UHC to send formal notices to the preferred address ([REDACTED]) Demi will need to have her address changed through HRA. Please coordinate with the appropriate individuals to make that change.

If you can give me an update on at least the portal info and the fax receipts by COB on Friday, I would appreciate it. BCS will have UHC continue to conduct outreach to you to establish authorized representative status.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>
Sent: Thursday, March 14, 2024 10:11 AM
To: doh.sm <doh.sm@health.ny.gov> Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 137219 UHC Response-Update Request

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Hello,

I apologize for missing this email. I am available to speak until 1 PM EST if you are available.

Best,

Domna

On Wed, Mar 13, 2024 at 12:34 PM doh.sm <doh.sm@health.ny.gov> Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi Domna,

Yes, I have availability to speak about this case tomorrow. Any time after 11am would be fine. Let me know what works for you, and I'll give you a call.

Best,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

From: Domna A <domna. com>
Sent: Tuesday, March 12, 2024 5:08 PM
To: doh.sm .Behavioral.Health.Complaints < Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 UHC Response-Update Request

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Hi

Thank you for the update. Happy to update. Are you available to speak tomorrow?

Also, can I (very seriously) open a new complaint with the department?

UHC is in violation of federal and State Medicaid and disability laws.

Per this and the chat response , this MCO has no means for an individual to request or send documents per an adverse determination.

I faxed the authorizations and document request via a law firm fax machine to the only 3 fax numbers publicly available. Each fax was done on its own and my confirmation versions were perfect. Apparently, UHC either has system wide fax issues or are misrepresenting information.

Please relay to UHC that I am making a HIPAA request for the fax that was allegedly received with the ineligible signatures.

Best

Domna

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On Tue, Mar 12, 2024 at 4:28 PM doh.sm <[REDACTED]> .Behavioral.Health.Complaints <[REDACTED]> wrote:

Good afternoon Domna,

BCS has received a response from UHC, as follows:

- **Case Files** – The plan has acknowledged that the case files related to authorization A [REDACTED] appeal were not available on the myuhc.com portal prior to or during the expedited appeal process, due to a processing error that has since been addressed. The plan reports that the files are now available on Demi's UCH portal.
- **Faxed Release of Information Forms** – UHC reports that there was a delay in receiving the faxed forms because they were sent "to the incorrect department." They have since obtained the faxes but the information did not transmit clearly, with the signature page being illegible. UHC states that they will be reaching out to you directly to obtain a Release of Information and Appointment of Representative form for future interactions as needed.
- [REDACTED] **continue** – UHC confirms that Aid to Continue (ATC) has been granted, pursuant to the Fair Hearing request. Fair Hearing Aid To Continue Approval Notice was issued on March 8, 2024, for dates of service 01/19/2024 thru 02/26/2024, thus conditionally approving the full Brookdale stay.

Please confirm whether or not the plan has reached out to you regarding the Release of Information forms and, if possible, can you confirm that the case files are now available through the myuhc.com portal?

Also, BCS would appreciate it if you could provide a status on Demi's current situation at [REDACTED] at the 7-day authorization would have been in place from 02/27/2024 thru 03/04/2024.

Thanks in advance for providing the above information to help us determine next steps.

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

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Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: doh.sm .Behavioral.Health.Complaints
Sent: Wednesday, February 28, 2024 3:55 PM
To: Domna A <domna.com>
Subject: RE: BCS# 19 Information Added to Case Files

Hi Domna,

Confirming receipt, more soon.

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>
Sent: Wednesday, February 28, 2024 12:47 PM
To: doh.sm .Behavioral.Health.Complaints
<Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Information Added to Case Files

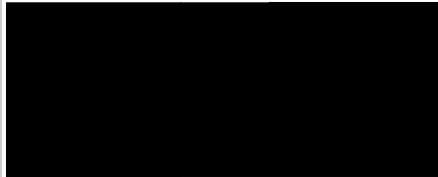
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Hi

Thank you for the update. Does UHC routinely burn their documents or just unaware of HIPAA and NY Medicaid rules?

1. Please advise UHC that they MUST send all requested documents to me as I am Demi's attorney representative.



Under NYCRR [18 § 358-3.9](#)

Except where impracticable to execute a written authorization, an individual or organization seeking to represent you, **other than an attorney or an employee of an attorney**, must have your written authorization to represent you at any conference or fair hearing and to review your case record.

(b) Once a social services agency and the OAH have been notified that a person or organization has been authorized to represent you at your fair hearing, such representative will receive copies of all correspondence to you from the social services agency and OAH relating to the conference and fair hearing.

However, see attached UHC notice to Demi's father an acknowledged authorized representative, FH request authorizing me as a representative , another signed authorization , 3 faxes and confirmation of receipt requesting urgent release of documents under HIPAA and NYCRR with signed UHC forms authorizing me as her representative.

3. As UHC is also aware, [REDACTED] is an incorrect address .Demi's mailing address is 1 [REDACTED]

UHC has [REDACTED] as the most recent mailing address which is sufficient for them to mail **their** documents.

- see attachments (FH request , UHC notice of appeal request, UHC adverse determination notice, UHC pre filled FH request form)

As they are also aware, per **GIS 17 MA/001: Change of Enrollee Address the** guidance provided to plans allows MMCPs to send a form letter to current enrollees, requesting the enrollee to verify or update his or her residential and mailing addresses. This letter may be sent to **enrollees the plan has identified as having an incorrect or undeliverable** address on file.

Thank you for clarifying to UHC what their responsibilities are as a MMCP so that Demi may exercise her due process rights .

Respectfully,
Domna

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On Wed, Feb 28, 2024 at 10:32 AM doh.sm. Behavioral.Health.Complaints <Behavioral.Health.Complaints@health.ny.gov> wrote:

Hi Domna,

Thanks for letting me know that Demi has been transferred [REDACTED] the second chance program. I have an additional update from the plan, as well.

According to UHC, they do not have record of any legal or authorized representatives on file for Demi. Therefore, the plan cannot release information to anyone but the enrollee. A possibility would be for them to release documents to the address the plan has on file for the enrollee. According to NYS eligibility file, the address of record for Demi is as follows:



Is that address a viable and secure location for release of the appeal case files?

Sincerely,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

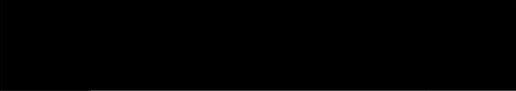
Fax: 518-473-3583

.Behavioral.Health.Complaints@health.ny.gov

From: Domna A <domna.com>
Sent: Wednesday, February 28, 2024 8:00 AM
To: doh.sm <doh.sm.Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 137219 Information Added to Case Files

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Hello. Just want to let you know that 

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On Mon, Feb 26, 2024 at 12:48 PM doh.sm <doan@health.ny.gov> wrote:
Behavioral.
Health.Complaints <Behavioral.Health.Complaints@health.ny.gov>

Hi again Domna,

Thanks for taking my call just now. To recap that conversation, BCS is actively working with UHC to address the allegation of noncompliance regarding the unavailability of case files requested in conjunction with appeal. We are also inquiring with the plan to ensure that the enrollee is in receipt of Aid to Continue while awaiting Fair Hearing.

I will have another update for you by end of week.

As to the Fair Hearing (FH) process, BCS is unable to assist with providing an update on the status of the FH request. Those inquiries would need to be made directly to the Office of Temporary and Disability Assistance, Office of Administrative Hearings (OAH): email - <https://otda.ny.gov/hearings/> phone - 1-800-342-3334

Regarding Brookdale reimbursements, if the facility wishes to lodge a complaint regarding incorrect denial of payment for services rendered January 2024 to present, BCS would recommend that Brookdale contact us directly so that we may open a separate complaint inquiry and address the matter to the plan, as appropriate.

Thanks again, and I will be in touch soon.

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

appropriate.

Thanks again, and I will be in touch soon.

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services
Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs
One Commerce Plaza Rm. 1613
Phone: 518-486-1429
Fax: 518-473-3583

Behavioral.Health.Complaints@health.ny.gov

From: doh.sm .Behavioral.Health.Complaints
Sent: Monday, February 26, 2024 12:09 PM
To: Domna A <domna.com>
Subject: RE: BCS# 19 Information Added to Case Files

Hi Domna,

Thanks for reaching out. Yes, I do have an update on BCS# 19, as BCS has sent UHC a request for case investigation, with a response expected within the week.

I will follow up with you by phone, please note that my call will be coming from a blocked number, as I am working remotely today.

Talk soon,

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services
Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs
One Commerce Plaza Rm. 1613
Phone: 518-486-1429
Fax: 518-473-3583

Behavioral.Health.Complaints@health.ny.gov

From: Domna A <domna.com>
Sent: Monday, February 26, 2024 12:03 PM
To: doh.sm .Behavioral.Health.Complaints
<Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Information Added to Case Files

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Hi

I am writing for an update on the BCBS concerns.

I have yet to receive confirmation of the fair hearing request from OTADA.

BCBS continues to deny reimbursement for Brookdale and there is now some confusion on the correct authorization number to use for Demi's transfer to NYPI.

I am happy to speak via phone if easier.

Best,

Domna



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On Mon, Feb 12, 2024 at 3:54 PM

doh.sm .Behavioral.Health.Complaints

< Behavioral.Health.Complaints@health.ny.gov > wrote:

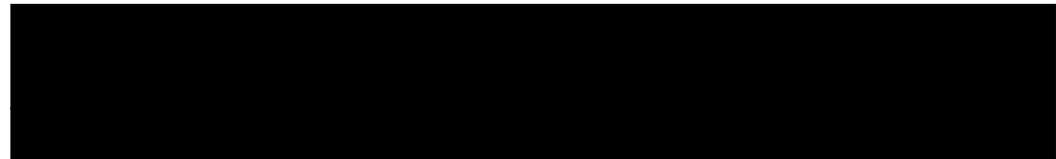
Thanks for confirming. BCS will be in touch again once the review has been completed and the matter has been addressed to the plan.

I S. (he/him/his)

Complaint Manager, Bureau of Consumer Services
Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs



From: Domna A <domna.com>

Sent: Monday, February 12, 2024 3:40 PM

To: doh.sm .Behavioral.Health.Complaints

< Behavioral.Health.Complaints@health.ny.gov >

Subject: Re: BCS# 19 Information Added to Case Files

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Thank you. I already told dad that they cannot discharge without a safe plan. I also explained that since the hospital accepts Medicaid that she cannot be billed.

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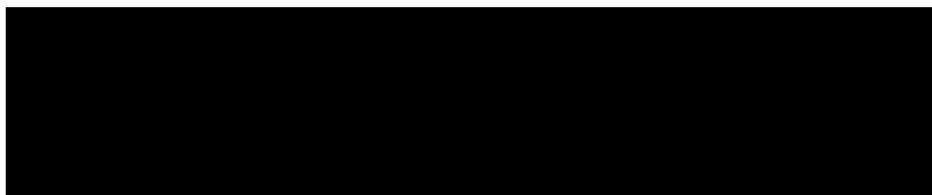
On Mon, Feb 12, 2024 at 3:38 PM
doh.sm .Behavioral.Health.Complaints
< Behavioral.Health.Complaints@health.ny.gov> wrote:
Hi Domna,

Thanks for the clarification. BCS will bring this matter to the plan's attention as urgent. Please note that the facility is not allowed to stop services or discharge the enrollee without a safe discharge plan in place.

If you have evidence that Brookdale is making claims that they will discharge the member prematurely due to lack of payment, BCS would like to know of it.

Sincerely,
I S. (he/him/his)
Complaint Manager, Bureau of Consumer Services
Division of Health Plan Contracting and Oversight

New York State Department of Health



From: Domna A <domna.com>
Sent: Monday, February 12, 2024 2:45 PM
To: doh.sm .Behavioral.Health.Complaints
< Behavioral.Health.Complaints@health.ny.gov>
Subject: Re: BCS# 19 Information Added to Case Files

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My apologies. The issue is now more urgent because UHC has stopped paying for services at Brookdale .
The NYPres prior authorization is still in place and Demi is waiting for a bed at NYP. She is now at risk of being discharged prematurely .

domna@behavioralhealth.complaints
<Behavioral.Health.Complaints@health.ny.gov>
Subject: RE:Demi M - UHC Medicaid Managed Care

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Hello
Happy Monday. I am writing to let you know that UHC continues to mishandle Demi's case.

1. On Friday, Demi's father was told that UHC stopped paying Brookdale at the end of January. UHC had approved prior authorization #A2 [REDACTED] until Feb. 8.

There was no verbal or written notice of termination.

2. UHC online customer service refused to accept an expedited appeal request by Demi unless she called. Demi is in a psych ward and cannot easily use the phone.

3. UHC refuses to provide Demi her case file . Requests have been made verbally, via website and faxed to 3 separate numbers with URGENT clearly written. External review agent (Keppro) also refuses to provide Demi with her file.

Attached please find multiple attempts to request records, and 2 conversation with UHC regarding document requests and brookdale discontinuation.

I requested a fair hearing with aid to continue for the recent discontinuation. Please be sure to examine if these issues are occurring on a systemic basis. It is scary to think if other people are facing similar barriers.

Best Regards

Domna
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--

Domna Antoniadis, Esq.
International Federation of Eating Disorder Dietitians "IFEDD"
Access to Care Project

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Domna A <domna.

com>

Re: BCS# 19 UHC Complaint

1 message

Domna A <domna. com> Tue, Feb 6, 2024 at 5:01 PM
To: "doh.sm. Behavioral.Health.Complaints" < Behavioral.Health.Complaints@health.ny.gov>

Sure. As a clarification. All submitted appeals were for #A2 [REDACTED]

The 1.22.24 FAD for the first expedited internal appeal incorrectly referenced another service (Brookdale)

However, the 1.20.24 confirmation of receipt uses the same case number but correctly identifies the service as NYP.

The 2.4.24 notice is confirm [REDACTED] ted appeal for denial of #A [REDACTED]

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On Tue, Feb 6, 2024 at 4:38 PM doh.sm. Behavioral.Health.Complaints < Behavioral.Health.Complaints@health.ny.gov> wrote:

Thanks, Domna, for the follow up and additional clarification.

BCS will include the allegation that a written IAD was not issued for #A225334031. Can you provide us with a copy of the FAD for # [REDACTED]

Thanks in advance,

From: Domna A <domna.ant [REDACTED]>
Sent: Tuesday, February 6, 2024 4:20 PM
To: doh.sm. Behavioral.Health.Complaints < Behavioral.Health.Complaints@neaitn.ny.gov>
Subject: Re: BCS# 137219 UHC Complaint

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Hello

Thank you. That is a clear summary of the issue.

As a resolution, I am requesting that UHC provide me with the full case file for

**PRIOR AUTHORIZATION #A225334031
NY PRESBYTERIAN HOSP WESTCHESTER DIV**

Given the confusion, there are many potential case numbers or locations where all of the information may be.

-
-
- **Case**
- **# M034** [REDACTED], **A22** [REDACTED] **0191** [REDACTED] **4**, **CSB 20240** [REDACTED] **CSB 2024-01** [REDACTED]
-

Additionally, I am requesting a copy of the initial denial letter. We never received it .

The only documents in the myuhc portal are reprints of the FAD letters and letters with DFS confirming the external appeal request.

Thank you

Domna

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On Tue, Feb 6, 2024 at 3:51 PM doh.sm. Behavioral.Health.Complaints
< Behavioral.Health.Complaints@neatn.ny.gov > wrote:

Hi Domna,

Confirming receipt of the chat transcript with UHC representative, Cori, on 2.5.24, which demonstrates UHC's acknowledgment that case file documents were not available via the plan's portal or upon request.

Confirming also that the member has now been granted authorization for the services in question through NY Presbyterian Hospital, Westchester.

As per our conversation today, the allegation of plan noncompliance for BCS# 19 now pertains solely to the availability of and access to the member's case file, as it is stated in the plan notifying to Ms. Margulies that:

"You can access your case file free of charge by logging into your myuhc.com account with your protected username and password. If you decide you would like a hard copy of your case file mailed to you, it can also be requested through myuhc.com.

You or someone you choose can also examine your case file before or during the action appeal process, which includes medical records and any other documents and records that will be considered during the action appeal process.

Steps to access your case file:

- Sign into [myUHC.com](https://myuhc.com) and login with your protected username and password.
- On the Home page, locate "My Member Resources" and select "Your Documents".
- This will take you to "My Documents" where you can view or download your case file."

BCS will review the documentation provided along with the allegation that UHC has not been in compliance with its obligation to provide the case file "before or during the action appeal process." If you have additional information in support of the allegation, please feel free to provide it via this email thread. Once BCS's review is complete, I will be in touch with information regarding next steps.

Sincerely,

S. (he/him/his)

Complaint Manager, Bureau of Consumer Services
Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

[.Behavioral.Health.Complaints@health.ny.gov](mailto:Behavioral.Health.Complaints@health.ny.gov)

From: Domna A <domna.com>

Sent: Tuesday, February 6, 2024 3:00 PM

To: doh.sm. <Behavioral.Health.Complaints@health.ny.gov>

Complaints@health.ny.gov>

Subject: Re: BCS# 19 UHC Complaint

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On Tue, Feb 6, 2024 at 12:21 PM doh.sm. Behavioral.Health.Complaints
<Behavioral.Health.Complaints@health.ny.gov> wrote:

Good afternoon Domna,

NYS Dept. of Health Bureau of Consumer Services (BCS) is acknowledging receipt of your complaint against UHC on behalf of member D.M. CIN# MB#####M. The complaint has been assigned a case number (BCS# 19).

The matter is currently under review, and BCS will be in touch once completed or if we have any additional questions.

Sincerely,

S. (he/him/his)

Complaint Manager, Bureau of Consumer Services

Division of Health Plan Contracting and Oversight

New York State Department of Health

Office of Health Insurance Programs

One Commerce Plaza Rm. 1613

Phone: 518-486-1429

Fax: 518-473-3583

Behavioral.Health.Complaints@health.ny.gov

From: Domna A <domna@health.ny.gov>

Sent: Monday, February 5, 2024 10:25 AM

To: doh.sm. Behavioral.Health.Complaints <Behavioral.Health.Complaints@neairn.ny.gov>
Subject: UHC Community Plan Urgent Complaint

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UHC Community Plan [REDACTED]

**PRIOR AUTHORIZATION #A225334031
NY PRESBYTERIAN HOSP WESTCHESTER DIV**

Requested on 1/18/24

Verbal initial denial 1/19/24

Written initial denial Not provided

To Whom it May Concern:

I am writing to file an urgent complaint against UHC MCO HARP plan for violation of Medicaid and Managed Care Laws.

There are multiple components and my requests are:

- the MCO is required to reverse an adverse claim determination for failure to comply with procedural regulations
- UHC not be permitted to ask Demi to go through the entire internal appeal process because of their error.
- To bypass internal appeal process and be able to go through fair hearing process
- that UHC immediately provides Demi's full claim file via fax/ email

Attached please find 4 documents that provide some context

Attachment 1 is an external appeal and complaint filed with DFS- this outlines the part of the case before DFS involvement

Attachment 2 is an email thread with DFS. DFS contacted UHC. UHC provided an obscene response and I then provided a follow up email rebuttal.

Attachment 3 are conversations with UHC requesting access to claim file and legally required documents in order to adequately supplement the expedited appeal process

Attachment 4 is signed authorization for me to assist Demi.

Respectfully

Domna Antoniadis, Esq.

646-201-3561

Fax-212-714-7882

[Domna. com](mailto:Domna@...com)

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3 attachments

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