

Appeal Process for Denial of Mental Health Treatment for Consumers

June 2012

Mental health treatment in Washington is still being limited in spite of our excellent state mental health parity laws. The Washington Association of Mental Health Treatment Protection was created to address this problem. One way that insurers can be forced to comply with parity laws is by clinicians appealing every denial of treatment. WAMHTP is compiling a list of cases in which mental health treatment was denied in apparent violation of mental health parity laws. The WAMHTP offers this document as the best way to gather the information needed to file an appeal.

There are usually two to three internal appeals in an insurance plan before a plan is required to have an “independent” review by a clinician outside the insurance plan review system.

When a claim is denied, the following steps should be taken:

- 1. Determine whether your insurance plan is a privately insured plan or a self-insured plan.**
- 2. If you have a health resources coordinator and/or an insurance broker working for your employer, see if this individual will support the appeal process.**
- 3. Gather all information about the “standards of care” which your plan uses to determine how much mental health treatment is covered by the plan.**
- 4. You and/or your clinician should ask the plan representative how the mental health treatment denial is consistent with restrictions on medical/surgical benefits.**
- 5. You and/or your therapist should send the following request to your insurer either via email or regular mail, return receipt requested: Please provide me with a copy of my complete appeals file, including all internal emails, communications, memoranda and other documents, so I can determine my next steps in the appeals process. Please provide those documents to me on an expedited basis, consistent with state and federal law. Please provide me with a complete copy of the Plan document, summary plan description, and certificate of coverage or contract under which my health benefits are provided as well.**
- 6. If the first appeal is denied and there is another level of internal appeal, complete the second level of appeal.**
- 7. Submit all appeals materials to the WAMHTP Appeals Survey at <http://www.surveymonkey.com/s/GPS3WP3> every time an appeal is made.**
- 8. Identify whether you are willing to be a plaintiff in a lawsuit opposing violations of mental health parity laws.**

You will be contacted by our attorney if the case meets the criteria for a lawsuit against the insurer. Not all valid cases will be used, but having a group of cases available will be useful in legal action. Thanks for your help in this effort to implement our mental health parity laws.