

Department of Public Welfare Fair Hearings

In some cases you can ask the Department of Public Welfare to hold a hearing because you are unhappy about or do not agree with something Magellan did or did not do. These hearings are called “fair hearings.” You can ask for a fair hearing at the same time you file a complaint or grievance or you can ask for a fair hearing after the first or second level complaint or grievance decision.

What kind of things can I request a fair hearing about, and when do I have to ask for a fair hearing?

- 1) A service was denied because it is not covered;
 - Within 30 days of getting a letter telling you of this decision or within 30 days of getting a letter telling you the decision after you filed a complaint about this issue.
- 2) Magellan decided not to pay a provider for a service you received AND the provider can bill you for the service;
 - Within 30 days of getting a letter from Magellan telling you of this decision or within 30 days of getting a letter telling you the decision after you filed a complaint about this issue.
- 3) A decision was not made about your first level complaint or grievance within 30 days of when you filed it;
 - Within 30 days of getting a letter from Magellan telling you that a decision was not made about your complaint or grievance within the time it was supposed to.
- 4) Your service was denied or decreased, or a different service was approved than the service your provider requested because it was not medically necessary;
 - Within 30 days of getting a letter telling you of this decision or within 30 days of getting a letter telling you the decision after you filed a grievance about this issue.
- 5) Your provider did not give you a service by the time you should have received it. (The time by which you should have received a service is listed above.)
 - Within 30 days from the date you should have received the service or within 30 days of getting a letter telling you the decision after you filed a complaint about this issue.

How do I ask for a fair hearing?

You must ask for a fair hearing in writing and send it to:

Department of Public Welfare
Office of Mental Health and Substance Abuse Services
Division of Grievances and Appeals

Beechmont Building #32
PO Box 2675
Harrisburg, PA 17105-2675

Your request for a fair hearing should include the following information:

- The member's name;
- The member's social security number and date of birth;
- A telephone number where you can be reached during the day;
- If you want to have the fair hearing in person or by telephone; and
- Any letter you may have received about the issue you are requesting your fair hearing for.

What happens after I ask for a fair hearing?

You will get a letter from the Department of Public Welfare's Bureau of Hearings and Appeals telling you where the hearing will be held and the date and time for the hearing. You will receive this letter at least 10 days before the date of the hearing.

You may come to where the fair hearing will be held or be included by phone. A family member, friend, lawyer or other person may help you during the fair hearing.

Magellan will also go to your fair hearing to explain why we made the decision or explain what happened. If you ask, Magellan must give you (at no cost to you) any records, reports and other information we have that is relevant to what you requested your fair hearing about.

When will the fair hearing be decided?

If you ask for a fair hearing after a first level complaint or grievance decision, the fair hearing will be decided no more than 60 days from when the Department of Public Welfare gets your request.

If you ask for a fair hearing and did not file a first level complaint or grievance, or if you ask for a fair hearing after a second level complaint or grievance decision, the fair hearing will be decided within 90 days from when the Department of Public Welfare gets your request.

A letter will be sent to you after the decision is made. This letter will tell you the reasons for the decision. It will tell you what to do if you don't like the decision.

What to do to continue getting services:

If you have been receiving services that are being reduced, changed or stopped, and your request for a fair hearing is hand-delivered or postmarked within 10 days of the date on the letter telling you that your services have been reduced, changed or stopped, or telling you the decision about your first or second level complaint or grievance, your services will continue until a decision is made.

What can I do if my health is at immediate risk?

If your doctor believes that using the usual time frames to decide your fair hearing will harm your health, you, or your doctor or licensed psychologist, can call the Department of Public Welfare at 1-877-356-5355 and ask that your fair hearing be decided faster. This is called an Expedited Fair Hearing.

You will need to have a letter from your doctor faxed to 717-772-7827 explaining why using the usual time frames to decide your fair hearing will harm your health. If your doctor does not send a written statement, your doctor may testify at the fair hearing to explain why using the usual time frames to decide your fair hearing will harm your health.

The Bureau of Hearings and Appeals will contact you to schedule the expedited fair hearing. The hearing will be held by telephone within three business days after you ask for the fair hearing.

If your doctor does not send a written statement and does not testify at the fair hearing, the fair hearing decision will not be expedited. Another hearing will be scheduled and decided within 90 days.

If your doctor sends a written statement or testifies at the expedited fair hearing, the decision will be made within three business days after you asked for the expedited fair hearing.

If you need help or have questions about fair hearings, you may call the Pennsylvania Health Law Project at 1-800-274-3258 or Magellan's toll-free telephone number below.

NOTE: For Lehigh County consumers to ask for help or to request more details about the complaint, grievance and fair hearing processes, please call 1-866-238-2311 or (TTY) 1-866-238-2313.