

NEBRASKA DEPARTMENT OF INSURANCE

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# Nebraska's External Review Program

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# Nebraska's External Review History

- Health Carrier Grievance Procedure act passed in 1998.
- Health Carrier External Review Act passed in 2013.
- External Review Program administered by External Review Program Coordinator overseen by the Life and Health Administrator.
- NDOI crafted letter and denial letter templates with legal counsel.
- NDOI worked with major medical carriers on the language that they needed to have in the appeals and grievances sections in their policies and certificates.

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# Patients Have Notice of Their Rights

- Coverage documents carefully spell out the process for internal appeals and external appeals.
- By law, claim denials must provide:
  - The reason for the denial
  - The process to appeal
  - Expedited review as an option if conditions are met
- If the insurer continues to deny the claim after an internal appeal, notice is required. By law, that notice must include:
  - The right to request more explanation
  - The right to an independent review
  - The right to expedited review if conditions are met
  - The deadline to request an external review
  - External review request forms and where to submit them
- Public information is also available on the DOI website and in community presentations.

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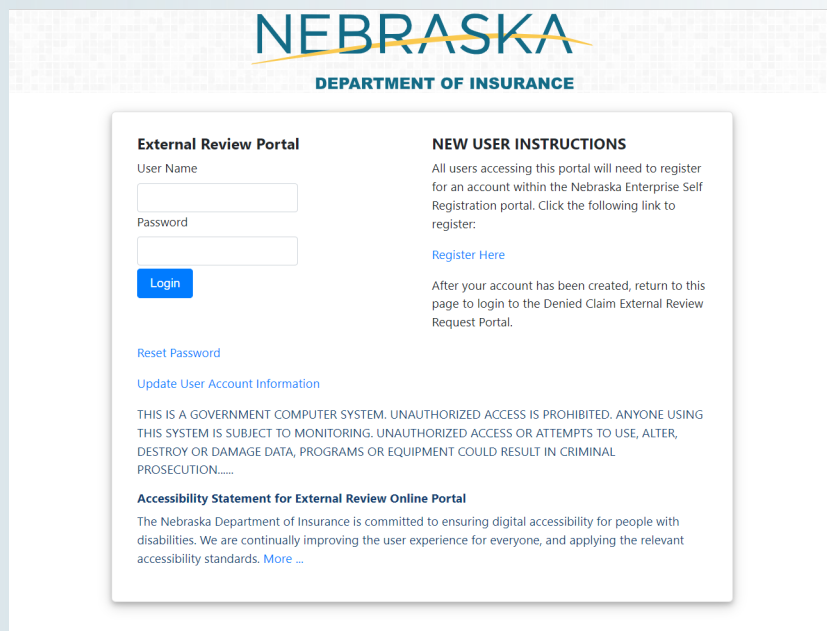
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# Best Practices

- External Review Submissions should include:
  - Information related to your claim and the denial, ex.: explanation of benefits, claim and internal appeal denial letters
  - Any additional information sent to the insurance company, ex.: a letter or medical records from your doctor
  - Peer-reviewed medical literature
- The patient's provider's participation is one of the most crucial parts of this process.
  - The NDOI highly recommends that the patient assign their doctor to be their authorized representative.

# Best Practices

- Links to the application on website:
  - Paper Application:  
<https://doi.nebraska.gov/sites/doi.nebraska.gov/files/doc/External%20Review%20Form.pdf>
  - Portal: <https://ecmp.nebraska.gov/DOI-ER/Account/Login?ReturnUrl=%2fDOI-ER%2f>



The screenshot shows the login page for the External Review Portal. At the top, the Nebraska Department of Insurance logo is displayed. Below the logo, there are two main sections: 'External Review Portal' and 'NEW USER INSTRUCTIONS'. The 'External Review Portal' section contains a 'User Name' input field, a 'Password' input field, and a blue 'Login' button. Below these fields are links for 'Reset Password' and 'Update User Account Information'. The 'NEW USER INSTRUCTIONS' section contains text explaining that users need to register for an account and provides a 'Register Here' link. Below this text is another paragraph stating that after account creation, users should return to the page to login. At the bottom of the page, there is a disclaimer: 'THIS IS A GOVERNMENT COMPUTER SYSTEM. UNAUTHORIZED ACCESS IS PROHIBITED. ANYONE USING THIS SYSTEM IS SUBJECT TO MONITORING. UNAUTHORIZED ACCESS OR ATTEMPTS TO USE, ALTER, DESTROY OR DAMAGE DATA, PROGRAMS OR EQUIPMENT COULD RESULT IN CRIMINAL PROSECUTION.....' and an 'Accessibility Statement for External Review Online Portal' with a 'More ...' link.

# Efforts to Raise Consumer Awareness

• <https://doi.nebraska.gov/>



- Home
- Consumers
- Insurers
- Producers
- Public Information
- About

How do I...

Access the Excess Liability Fund Payment Portal

Find an existing life insurance policy

Find Individual and Small Group Plans and Rates

File a Complaint

Learn about Medicare from Nebraska SHIP

Appeal a Denied Health Insurance Claim

## Appealing Denied Health Claim

Click here to access the External Review Secure Portal. Instructions are provided at the bottom of this page for filing a external review and stakeholders providing information as part of an external review

### Appealing a Denied Health Claim

Health Carrier External Review Act

For Medicare/Medicaid Appeals

Types of denials that are eligible for external review

What if the denied medical service or drug is not covered?

### Steps in the external review process

1. Internal Appeals

2. Initial Paperwork

3. Eligibility Determination

4. Independent Review

5. Decision

### Expedited review

When is an expedited review available?

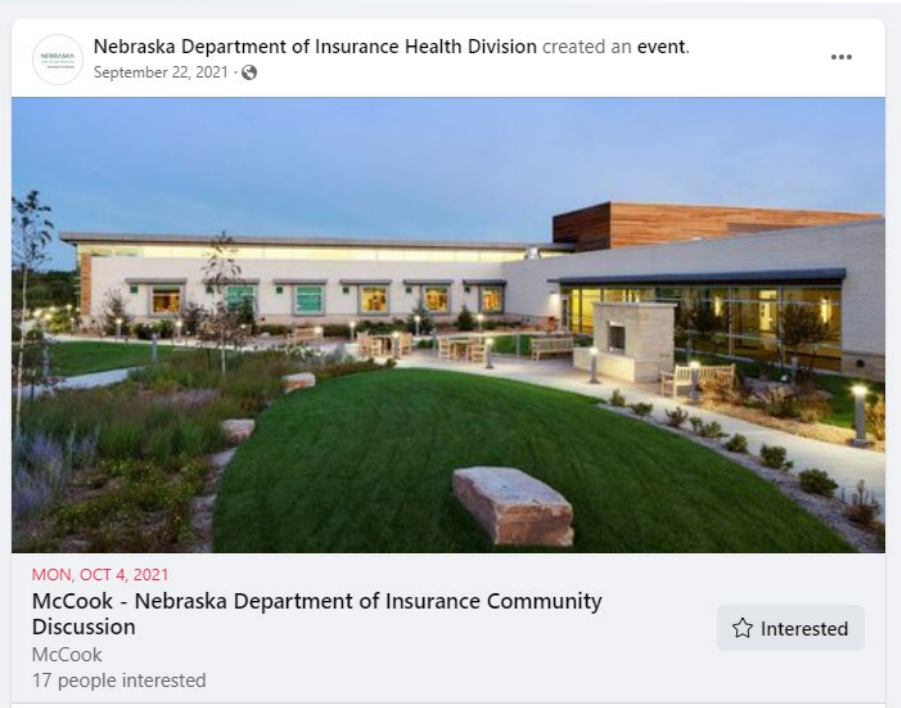
To obtain an expedited review

• <https://doi.nebraska.gov/consumer/appealing-denied-health-claim>



# Efforts to Raise Consumer Awareness

- Annual “Roadshow” presentations
- Links to our past presentations:  
<https://doi.nebraska.gov/consumer/affordable-care-act>
- Find Us on Social Media:
  - LinkedIn: Nebraska Department of Insurance
    - <https://www.linkedin.com/company/insurance-nebraska-department-of/>
  - Facebook: @NDOIHealth
    - <https://www.facebook.com/NDOIHealth/>



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# Successes

- Upheld vs. Overturned Claim Denial Rates
- “Contractual” Denials and External Review Requests deemed ineligible
  - For example: tummy tucks for hernias, breast augmentation for back pain, baggy eyes surgery for vision loss, etc. Cases such as these can be overridden by the NDOI for External Review eligibility.
- Trends in denied drugs and services claims:
  - Biologics: Humira, Stelara, Repatha, Dupixent, and Otezla.
    - <https://www.wsj.com/articles/even-mark-cuban-cant-fix-this-broken-drug-system-de914adc>
  - Medical Imaging, Spinal Surgery and Genetic Testing are the most denied services.
    - <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2899326/>



# Successes

- External Review Statistics
  - Since 2014: 786 cases have been overturned
  - In the past 5 years:
    - Number of external reviews remain consistent
      - Nebraska averages about 250 cases every year
    - (Eligible) Cases overturned: 47%
    - Ineligible Cases: 23%

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