

Tip Sheet: How to Appeal a Centennial Care Denial of ABA Therapy to Children with Autism

Disability Rights New Mexico (DRNM) has received complaints from Centennial Care participants that children ages 5+ are unable to access Applied Behavior Analysis (ABA) services. The New Mexico Human Services Department (NMHSD) has not issued a billing code for ABA therapy for children over age five, which means that ABA providers are unable to bill for services. However, ABA therapy has been approved by the Centers for Medicare and Medicaid Services as a medically-necessary service. ABA should be made available to children participants in Centennial Care who have been diagnosed with autism, regardless of their age.

If your child has been unable to access ABA therapy through Centennial Care, here are some advocacy tips.

1. Request an appeal with your Managed Care Organization (MCO)

If your child receives Centennial Care benefits, his or her MCO is one of the following: United Healthcare, Blue Cross/Blue Shield of NM, Presbyterian, or Molina Healthcare. After the MCO denies the ABA service, you will need to use your MCO's appeal procedure to request an internal MCO appeal.

Each MCO has its own internal appeal process. Your MCO Member Handbook will give you instructions on how to file an appeal with your particular MCO. (You can access a full copy of your handbook at the website for the NM Independent Consumer Support System, located [here](#).)

In your request, be sure to state your child's name, policy number, disability, and an explanation of how you have been unable to access ABA services. Specify that you are requesting an appeal of the ABA denial.

It is a good idea to either submit your request for an appeal electronically (via fax or email) or to send it by Certified Mail. This means that you will have a confirmed record that your appeal request was received by the MCO.

2. Request a Fair Hearing

When you receive an appeal denial from your MCO, you may request a Fair Hearing from the HSD Fair Hearings Bureau by calling 1-800-432-6217 (option 6). This request needs to be made

within 90 days of the date your denial letter was issued.

A fair hearing is an opportunity for you to explain to a hearing officer that ABA therapy has been approved by CMS and that it is a necessary benefit for your child. Before the hearing, you should get documentation from your child's providers clarifying the benefits of ABA to your child. You should present this to the hearing officer, along with documentation of your child's disability.

You also may call DRNM for assistance. DRNM will review the information you provide. However, we cannot guarantee that we will assign a lawyer to represent your child.

3. File a complaint with the Office of Civil Rights (OCR)

You may also consider filing a complaint with the Office of Civil Rights (OCR). The OCR investigates complaints of discrimination on the basis of disability in agencies such as the New Mexico Human Services Department. You can access information about how to file an OCR complaint [here](#).

OCR complaints must be submitted within 180 days of your knowledge that ABA services would be denied to your child. Your complaint needs to describe how you believe that the denial of ABA services to your child, to which he or she is entitled by Medicaid, is a violation of his or her right to receive medically appropriate care. You may file your complaint online, via fax, or through the mail.