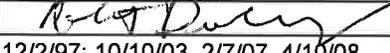




**Division of Prevention and Behavioral Health Services**  
 Department of Services for Children Youth and Their Families  
 State of Delaware

PBHS-CS105		DPBHS Appeal Policy
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**PURPOSE:**

The Division of Prevention and Behavioral Health Services (DPBHS) establishes this policy to define formal appeals and state the process by which an appeal is to be made.

**DEFINITIONS:**

Outpatient services are services that are not bed-based.

**POLICY:**

It is the policy of the Division of Prevention and Behavioral Health Services to provide an appeal process through which parents/legal guardians, legal representatives, substance use individuals age fourteen years or older, behavioral health individuals age fourteen or older for denial of outpatient services, and DPBHS service providers with the consent and approval of the child's parent or legal guardian may request reconsideration of those decisions identified by this policy as appropriate for appeal. Appeals will be processed in a manner that is timely and safeguards the rights of the appellant. Staff shall ensure that no appellant will experience any form of retaliation for registering an appeal.

All appeals must be consistent with the Client Eligibility Policy (CS 101) and the Clinical Services Management Policy (CS 104). The appeal procedures for Psychiatric Hospitals and all other facilities certified by the Division of Prevention and Behavioral Health Services as Medicaid 'Psych Under 21' facilities will conform to Federal Medicaid regulations. Other appeal procedures shall be consistent with Federal Medicaid regulations and DSCYF policy.

It is the intent of the Division to resolve concerns about individual care at the most suitable level. If the issue is not satisfactorily resolved at this point, an appeal, either written or oral must be submitted.

Level of care decisions, denial of a continued stay, and eligibility may be appealed by a parent/legal guardian, legal representative for the individual, by any substance use individual age fourteen years or older or by any behavioral health individual age fourteen years or older only for denial of outpatient services or by a provider with the consent and approval of the child's parent or legal guardian. Providers may assist individuals and families as advocates in the submission of an appeal.

Services currently being provided to the individual may be continued pending resolution of the appeal. However, if the appeal is denied the appellant may be required to pay the costs of the service provided from the date of the appeal request to the date of child discharge.

DPBHS staff have the obligation to explain the right to appeal to individuals, parents or legal guardians and will be notified of their right to appeal at any point that they are clearly dissatisfied with the intensity of services authorized by DPBHS or an eligibility decision. Appellants should be informed they are able to

request assistance from the provider and/or the Quality Improvement Unit in filing their appeal. An independent panel from the list approved by leadership will be assigned to review the appeal.

Appellants receiving Medicaid must be informed by DPBHS of their right to appeal directly to DHSS Medicaid Office at any point in the appeal process.

When DFS or DYRS has legal custody, staff in disagreement with DPBHS decisions should use the DSCYF case dispute resolution procedures instead of the appeal procedures.