



<Mail Date>

<Provider Name>
<Provider Address>
<Provider Address>

RE: First-Level Appeal – Adverse Determination Upheld

Dear <Provider Name>:

In compliance with federal law (42 U.S.C. §1396a(a)(42)) and pursuant to Texas Government Code §531.117, the Texas Health and Human Services Commission (HHSC) contracted with Health Management Systems, Inc. (HMS) to conduct Medicaid recovery audit services on behalf of the State of Texas. HHSC has authorized HMS to review provider payments, associated medical records, and other supporting documentation to identify and recover any overpayments made to a provider.

We notified you that our post-payment review found an overpayment on Medicaid claims we reviewed. Pursuant to your first-level appeal request, we reviewed the findings you appealed. Our first-level appeal review determined that the documentation you submitted, if any, did not support reimbursement of the specified claims (see attachment for claim detail).

Therefore, we uphold our previous adverse determination. The affected claims will be adjusted and the overpayment will be recouped.

This letter constitutes an adverse determination for purposes of Title 1 Texas Administrative Code §354.1451(f).

If you still disagree with HMS’s first-level appeal review and the resulting adverse determination, you may make a request to HHSC for an administrative appeal.

A request for an administrative appeal must include all the items below to be considered valid, and all documents listed below must be received within 120 days of the date of this letter:

1. A copy of this letter (unless the appeal was submitted via the portal)
2. A letter containing the following elements:
 - a. A written request specifically for HHSC Claims Administrator Operations Management to conduct an appeal of HMS’s “First-Level Appeal – Adverse Determination Upheld.” (Note: A duplicate copy of a previously submitted first level appeal letter is not sufficient.). The salutation of the letter should be addressed to **HHSC Claims Administrator Operations Management**, not HMS.
 - b. A written explanation specifying, in detail, the rationale for appealing the HMS Upheld determination. Your second-level appeal letter should address statements by HMS in the “First-Level Appeal – Adverse Determination Upheld” letter.
 - c. Provider’s internal notes and logs or ticket numbers from the TMHP Contact Center when pertinent (cannot be used as proof of timely filing);

- d. Memos from HHSC, TMHP, or claims processing entity indicating any problems, policy changes, or claims processing discrepancies that may be relevant to the appeal;
- e. Other documents, such as receipts (i.e., certified mail along with a detailed listing of the claims enclosed), in-service notes, minutes from meetings, if relevant to the appeals. Receipts can be helpful when the issue is late filing.
- f. Any other supporting documentation for the request submitted via the portal, if any, must be included as part of the appeal letter.

HHSC will not accept any new medical records because your electronic attestation (portal)/certified affidavit (mail) confirms that the complete medical records associated with this review have been provided, and no other records exist.

Please submit your second-level appeal request via the Provider Portal or mail:

Provider Portal:

<https://hmsportal.hms.com/>

If you need to register for the portal, please use the link above and choose Register. On the following screen, select the appropriate box, then complete the registration form.

Mail:

HHSC Claims Administrator Operations Management
C/O HMS
Mail Stop #200-TX
5615 High Point Dr.
Irving, TX 75038

Note: HHSC does not accept appeals by any other methods of submission, including fax or email.

You must choose one method of submission for your second level appeal, i.e., you may not upload your appeal letter via the portal and then send additional material by mail.

If you have any questions about the information in this letter, please contact HMS Provider Services at (877) 401-3635.

Frequently asked questions and answers about the appeals process may be found at <http://www.medicaid-rac.com/texas-providers/>.

Enclosures