



Fair Notice Process Guide

Compliance Process Guide for Contractors and Louisiana Department of Health Staff

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INTRODUCTION

This manual outlines the mandatory notice review guidelines for all Louisiana Medicaid contractors responsible for reviewing outpatient services of prior authorization requests and issuing denial or partial denial notices to Medicaid members.

The requirement of “fair notice” ensures Medicaid members are provided timely, clear and understandable information that is vital to ensuring access to necessary healthcare services. These guidelines reflect a continuation of the principles originally established with the Wells Settlement, which ended in October 2019. The guidance contained in this manual is designed to ensure compliance with the Code of Federal Regulations (specifically Title 42, Chapter IV, Subchapter C, Part 438, Section 438.404) and notice requirements detailed in each entity’s contract with Louisiana Medicaid and the Fair Notice Companion Guide, which includes templates and requirements for the member notices.

The following **entities** serving Louisiana Medicaid members are subject to the Fair Notice Review guidelines:

- Managed care organizations
- Dental benefit program managers
- Pharmacy benefit managers
- Gainwell Technologies

To assure compliance with the Fair Notice Review guidelines, each of these contractors is required to submit outpatient prior authorization denial and partial denial notices for LDH’s review.

SAMPLE SIZE AND FREQUENCY

All contractors subject to the Fair Notice Review guidelines must furnish two denial or partial denial notices for review for each service type, each month.

The sample should be the first and last notice in queue for each service type for each month.

This sample size remains the same regardless of the frequency of the contractor’s review period. *For example:* A contractor with 10 service types would provide 20 notices for a monthly review and 60 notices for a quarterly review.

Frequency of review depends on performance. Medicaid staff will notify contractors in writing of any change to the frequency of their reviews.

- New contractors will begin with weekly reviews, with two notices per week, per service. This introductory period lasts four weeks, after which the contractor is automatically moved to monthly reviews.

- If a contractor demonstrates two consecutive months of 100% compliance, the contractor's review frequency will move to quarterly.
- If the contractor demonstrates two consecutive quarters of 100% compliance, the contractor's review frequency will move to annually.
- Contractors on quarterly and annual review must maintain a 100% compliance rate, or risk an increase in their review frequency.
 - Contractors on an annual review, who do not maintain a 100% compliance rate, will return to quarterly review.
 - Contractors on a quarterly review, who do not maintain a 100% compliance rate, will return to monthly review.

If Louisiana Medicaid is made aware of issues or concerns regarding a contractor's compliance with their scheduled notice submissions, we reserve the right to request an ad hoc review. This request will be made in writing.

PROCESS FOR NOTICE SUBMISSION, REVIEW AND APPROVAL

All notice reviews will be conducted through Salesforce.

Notice submissions for contractors on a monthly review are due on the 15th of the following month. Notice submissions for contractors on a quarterly review are due on the 15th of the month following the end of the quarter.

Prior to submission:

1. Contractors must have Salesforce credentials to submit notices.
2. Contractors must select the notices to be included in the Fair Notice Review.
3. Contractors must combine notices into a single PDF file for each service type prior to submission to Salesforce. *Supporting documentation is not required and will only be requested when the sample notice requires further review and/or investigation.*
4. Each PDF file should follow a naming convention that includes the contractor's name, submission frequency, whether it is the notice submission or the support submission and service type. Example: ABC_DME_Support_Q3 or ABC_DME_Notices_Q3.

Submitting notices for review:

1. Go to <https://ldh.force.com/Reporting/s/> and log in with the credentials provided.
2. Once logged in, users will need to select "Submit New" under Submit Ad Hoc/Data Transfer.
3. On this page, you will need to make the following selections from the dropdown options:
 - A. Category – Fair Notice.
 - B. Name – Your Managed Care Entity (Contractor).
 - C. Notes – Include the timeframe for the notices.

- i. If monthly, the month and year.
 - ii. If quarterly, the months and year.
 - iii. If yearly, starting month and year and ending month and year.
4. Upload the pdfs for all the notices. You can submit all separate PDFs for each service type at once. Click Submit Report.

Clicking the submit button will generate an email to the LDH compliance staff alerting them that there are notices for review.

LDH Review Process:

- LDH compliance staff will review all notices submitted from the entity before responding with any edits or follow up.
- Staff will notify the contractor through Salesforce, via Chatter, when the review is completed. Notes will indicate necessary corrections or issues with noncompliance. If LDH requires an MCO to reissue a notice to a member, including issues that require reinstatement of services, LDH will notify the MCO in Salesforce through Chatter. The MCO must submit the new notice for LDH review using Salesforce within five (5) business days of receiving notification.
- To resubmit notices:
 1. To view any submitted reports/ documents or to make any changes, select “View/Edit” under Submit Ad Hoc/ Data Transfer.
 2. Click the link of the correct Ad Hoc Report # that needs editing.
 3. Click “Resubmit Report” in the right hand corner.
 4. Upload Updated Report with the PA # and type “Resubmission” in the Notes section.
 5. Click “Submit Report.”

ACCESS ISSUES

If there is an access issue with Salesforce, contact the LDH Service Center at (225) 219-6900, select option 1, then option 4 or email SalesforceAdministrator@la.gov. Copy Blair Armstrong (Blair.Armstrong@la.gov) and Rene Huff (Rene.Huff@la.gov) on that email.

If the access issues persist long enough to cause a submission delay, do not attempt to submit notices via Salesforce. Please alert Blair Armstrong for alternative submission options.

CHECK STATUS

If you have any questions, you can utilize the chatter feature for conversation by creating a post with the specific questions or concerns. In the post, you can @ the person/persons by name who you would like to see the particular message. You can also attach documents and files. Before sending the post, be sure to click send to all with access. Lastly, hit share. This will

trigger your message to all the persons that were mentioned in the post. The chatter feature will keep a record of the entire conversation. You will receive an email notification each time someone mentions your name in the chatter or there is an update on the notice. In the chatter, you will be able to see the time the notice was approved and any other information that may be requested from LDH.

EMPLOYEE MAINTANCE

It is imperative that each contractor maintain proper access to Salesforce for all necessary staff members. If a staff member needs to be added or removed from Salesforce system, please send an email directly to the Salesforce administrator at LDH at SalesforceAdministrato@la.gov. Include the name of the staff member that needs to be added and their email address.

FAIR NOTICE WEBSITE

LDH has established a Fair Notice Review website to serve as a repository for Fair Notice guidance and a resource for contractors in their compliance efforts. The website is located here: <https://ldh.la.gov/page/2855>

REMEDATION PLANS

If LDH uncovers a consistent or gross noncompliance issue, a remediation plan may be requested. Contractors must provide the remediation plan within 14 days of LDH's request.