

## DENIED COVERAGE?

If you are denied coverage for any treatment service due to medical necessity, you have the following rights:

- To file an internal and external appeal;
- **Internal Appeals**—This is when your insurer reviews their own decision to deny coverage.
  - When inpatient treatment after detox is denied, you have the right to receive a determination on an internal appeal within 24 hours, if the request for inpatient treatment was made at least 24 hours prior to discharge;
  - To have your internal appeal reviewed by an individual with substance use disorder treatment expertise;
  - If you file an appeal and your health insurer still denies coverage, you have the right to receive written notification of the denial of the appeal, along with the reasons for the denial and information about your right to file an external appeal;
- **External Appeal**—When an internal appeal is denied, you may file an external appeal with the New York State Department of Financial Services. They will assign an independent agent who will review the denial and make a decision that either upholds or reverses the denial.
- You have 4 months from the denial of your appeal to file an external appeal; and
- If the external appeal agent reverses your health insurer's denial, to receive health insurance coverage for that service or treatment.

**KNOW YOUR RIGHTS, KNOW YOUR COVERAGE**

## RESOURCES:

New York State  
Department of Financial Services

### Consumer Assistance

- 1-800-342-3736.
- [www.dfs.ny.gov/consumer/fileacomplaint.htm](http://www.dfs.ny.gov/consumer/fileacomplaint.htm)

### External Appeals

- Questions: 1-800-400-8882, [www.dfs.ny.gov/ExternalAppeal](http://www.dfs.ny.gov/ExternalAppeal), or [externalappealquestions@dfs.ny.gov](mailto:externalappealquestions@dfs.ny.gov)
- Fax a completed external appeal application to 1-800-332-2729 or send it by certified or registered mail to the Department of Financial Services, P.O. Box 7209, Albany NY, 12224.
- To fax an expedited external appeal: 1-888-990-3991

New York State Office of the  
Attorney General Healthcare Bureau

### Consumer Helpline:

- 1-800-428-9071

### Complaint form:

- [www.ag.ny.gov/bureau/health-care-bureau](http://www.ag.ny.gov/bureau/health-care-bureau)

### For Medicaid Managed Care:

- NYS Department of Health, Bureau of Managed Care Certification and Surveillance, Complaint Unit Room 2019 Corning Tower ESP Albany, NY 12237-0430
- 1-800-206-8125
- [managedcarecomplaint@health.state.ny.us](mailto:managedcarecomplaint@health.state.ny.us)

For questions about Patient Rights:  
New York State Office of Alcoholism and  
Substance Abuse Services  
Patient Advocacy Unit: 1-800-553-5790

To Report Abuse:  
New York State Justice Center for the Protection of  
People with Special Needs  
1-855-373-2122



Office of Alcoholism and  
Substance Abuse Services

# Understanding Your Rights For Substance Use Disorder Treatment and Insurance Coverage

**STOP  
the Stigma**

Addiction is a disease.

For help call or text:  
**1-877-8-HOPENY**



Office of Alcoholism and  
Substance Abuse Services

[oasas.ny.gov](http://oasas.ny.gov)

All New York State HOPEline calls are free and  
confidential  
24 hours a day, 7 days a week

A complete directory of  
treatment /service  
providers is available at:

[oasas.ny.gov/accesshelp/index.cfm](http://oasas.ny.gov/accesshelp/index.cfm)



Office of Alcoholism and  
Substance Abuse Services

**New York State works with insurers, providers and families to improve access to needed treatment.**

**This brochure gives general information on patient rights and responsibilities regarding treatment and coverage for substance use disorder (SUD).**

## **PATIENT RIGHTS**

SUD treatment is voluntary. You have certain rights and responsibilities related to your treatment, including the right:

- To receive treatment services that meets your needs regardless of your ability to pay;
- To be an active participant in the planning of your treatment
- To know the names and functions of people who provide your treatment;
- To receive information about your treatment including your diagnosis, condition and prognosis;
- To be told the standards of conduct expected of you while in treatment and receive warning(s) about conduct that could lead to your discharge;
- To receive in writing the reason for your discharge and information on how you can appeal a discharge;
- To examine and receive copies of receipts, bills, charges for services, and invoices showing payments made by you or another on your behalf; and
- To privacy related to your health information and confidentiality related to your participation in an SUD treatment program.

## **PATIENT RESPONSIBILITIES**

In order to achieve the goals you and your provider set you have some responsibilities related to your treatment. You are expected to:

- Participate in developing your treatment plan;
- Participate in the services outlined in your treatment plan;
- Treat provider staff and other patients with courtesy and respect;
- Respect the privacy and confidentiality rights of other patients;
- Pay for treatment services in accordance with your ability to pay, including filing and completing all applications or other documents required for a provider to obtain payment from a third party responsible for payment (Medicare, Medicaid or commercial insurance companies).

## **PROVIDER ASSISTANCE:**

Your SUD treatment provider can assist you on your journey through recovery in multiple ways. Your provider should:

- Tell you all treatments available for your condition, including treatments that may not be covered by insurers;
- Help you to navigate the SUD continuum of care;
- Help you understand coverage decisions as they relate to your treatment;
- File a complaint with an appropriate governmental body regarding policies or procedures the provider believes may negatively impact your quality of care or access to care; and
- Advocate on your behalf for coverage of a particular treatment they believe is medically necessary.

**Fail first policies are illegal. If told you must fail at outpatient treatment, before inpatient treatment is covered, you should appeal that decision.**

## **COVERAGE RIGHTS**

To understand your rights, you should first ask your insurer if they cover the following:

- Detoxification services in a hospital;
- Inpatient care in a hospital, inpatient rehabilitation or residential treatment facility;
- Outpatient care in both outpatient facilities or in your provider's office;
- Outpatient methadone treatment (an insurer may require that methadone administration be accompanied by other substance use treatment);
- Suboxone and Subutex, if your health insurance coverage includes a prescription drug benefit;

Under NY and Federal law, you have certain rights to receive health insurance coverage for substance use disorder treatment services when medically necessary. These rights include:

- Having your coverage determinations made based upon an OASAS approved clinical review criteria;
- Receiving written notice from your health insurer that the service or treatment has been denied, along with the specific reasons why it was denied and information on how to file an appeal;
- Receiving, from your insurer, the criteria used to deny treatment services;
- Filing an appeal with your health insurer if you do so within 180 days of the denial.

Call: **1-877-8-HOPENY**  
For a referral to treatment.