FirstName LastName

Street Address

City, State Zip

(XXX) YYY-ZZZZ

February 12, 2014

I am appealing the decision made by NGS, Inc on behalf of my mother, PatientFirst PatientLast. I am her health proxy for Medicare. Her information is:

PatientFirst PatientLast

Street Address

City, State Zip

DOB: MM/DD/YYYY

Medicare #: <fill it in>

**Relevant claims**

* <Claim #>
* <Claim #>
* <Claim #>

Each claim was denied for the following reasons:

* “Your provider must complete and submit your claim”
* “Medicare does not pay for this item or service”
* <Etc.>

**Grounds for appeal**

1. PatientFirst lives in <Some County>, <Some State>, which is a qualified Health Professional Shortage Area, and she has been receiving treatment by phone from a clinical psychologist in <Other state>, which she has a long, established relationship with.
2. Her provider refuses to accept Medicare. (See Attachment A)
3. Medicare patients are eligible to be directly reimbursed when their provider does not take Medicare. (CMS-1490S; see Attachment B)
4. Telehealth is allowed in areas that are designated as Health Professional Shortage Areas. <Some County, Some State>, is a designated area. (ICN 901705 *Telehealth Services – Rural Fact Sheet Series*)

**Provider refuses to accept Medicare**

“Your provider must complete and submit your claim.”

PatientFirst’s provider refuses to accept Medicare (Attachment A). There are no health care providers within reasonable driving distance. She has been receiving care over the phone on a weekly basis from a clinical psychologist in New Hampshire. *Because PatientFirst’s provider refuses to take Medicare, we are free to seek reimbursement from Medicare directly, which is what we are doing.*

**CPT code 90834 and telehealth**

“Medicare does not pay for this item or service.”

CPT code 90834 is covered by Medicare for Clinical Psychologists for year 2013.

Per Medicare rules, PatientFirst is eligible to receive reimbursement for mental health services over the phone, provided:

* She is in a rural Health Professional Shortage Area at the time service is rendered. <Some County> has been a rural HPSA since 1997. (ID numbers 03130 and 03158)
* The practitioner is at a qualified originating site. In this case, the provider is in her office, which is covered under “The offices of physicians or practitioners”
* The Distant Site Practitioner is a Clinical Psychologist, which is allowed
* The telehealth device is an allowed device; in this case, a telephone, which is allowed.

Source for all of the above: Medicare form ICN 901705 *Telehealth Services – Rural Fact Sheet Series*, available at:

<http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/telehealthsrvcsfctsht.pdf>

**Conclusions**

* PatientFirst cannot find a qualified Medicare provider within driving distance
* PatientFirst’s provider refuses to accept Medicare
* PatientFirst lives in a qualified HPSA, which allows her to receive care over the telephone
* Billing code 90834 is the relevant, covered CPT code, as specified by her provider

Sincerely,

YourFirst YourLast

(XXX) YYY-ZZZZ

youremail@example.com