

IV. Appeals

General Overview

The appeal process has been established to ensure that the CDA peer review process has been administered correctly by the general and specialty peer review committees. The Appeals Panel will only review and address issues raised by the appellant(s) that meet one or more of the applicable appeal criteria. Should the panel determine that none of the issues raised by the appellant meet the applicable appeal criteria, the appeal request will be denied and the matter will be considered closed.

I. Resolution Letter

Any party to a peer review, has the right to submit a request for an appeal to the CDA Council on Peer Review Appeals Panel within thirty (30) calendar days from the date of the resolution letter (weekends and holidays are included). All parties to the review must be apprised, at the time of resolution, of this right and the time limitation in which to submit an appeal. An Appeal Criteria Statement (Form #29) is included with all resolution letters.

The Appeals Panel will not examine specific evidence such as radiographs, study models, etc., or re-interview a dentist/re-examine a patient. However, if the Appeals Panel deems it necessary, they may request that the peer review committee re-interview the dentist or re-examine the patient and consider additional information/evidence.

If an error is discovered in the letter of resolution after it has been mailed to the parties involved (e.g., incorrect refund, patient no longer covered by insurance, insurance refund was erroneously omitted, etc.) an amended letter must be drafted by the Appeals Panel. The amended letter is not to be mailed prior to the expiration of the original 30-day appeal period or determination of an appeal prior to approval by CDA Council on Peer Review.

Non-Appealable Issues

1. Cases that are inappropriate for review, or which result in a "non-resolution" letter are not appealable and therefore, do not receive a thirty (30)-day appeal period.
2. Issues related to incorrect refunds, insurance refunds erroneously omitted, or the patient is no longer covered by their insurance carrier, are not appealable. These types of matters will be dealt with by CDA peer review staff.
3. Partial refunds involving dentures are not an issue subject to appeal.

Appeal Review Procedures

The following are procedures in processing an appeal request:

1. Appeal requests received by the Appeals Panel with a postmarked date within thirty (30) calendar days from the date of the peer review resolution letter will be screened by CDA peer review staff to determine the appropriateness based upon fulfillment of the criteria necessary for an appeal review. Facsimile transmission of appeals will not be accepted.
2. Upon receipt of the appeal request, the Appeals Panel will inform the component, dentist, patient, and carrier(s) (when applicable) that the appeal request has been received.
3. CDA peer review staff screens the request for appeal to determine its appropriateness, using the screening criteria detailed below:
 - a. Was the appeal postmarked within thirty (30) calendar days from the date of the resolution letter?
 - b. Does the appeal request factually demonstrate that either one or more appeal criteria have been met?

4. Appeal requests **will be denied** if they are not postmarked within thirty (30) calendar days from the date of the resolution letter (weekends and holidays are included), or do not meet one or more appeal criteria. Procedures for **denial** are as follows:
 - a. Requests which are considered to be inappropriate for appeal after the initial screening by CDA peer review staff will be forwarded to the Appeals Panel for their review and comment. The rationale for the determination will be included.
 - b. If the Appeals Panel **agrees** with the preliminary screening/recommendation, the appeal request will be denied, the case closed and the component peer review decision will become final and binding for all parties. All parties will subsequently be notified in writing of the Appeals Panel decision and no further review of the case will be entertained by the CDA peer review system.
 - c. If, however, the Appeals Panel **disagrees** with the preliminary screening/recommendation, the appeal request will proceed through the regular appeal review process.

5. Appeal requests **will be accepted** if they are determined to meet the established criteria for acceptance. Such requests are processed as follows:
 - a. The Appeals Panel will mail a letter to the component/specialty peer review chair requesting a written response to the appealed issue(s). The component/specialty chair will be requested to mail the written response to the Appeals Panel within fifteen (15) calendar days from the date of the panel's request. The purpose of the written response is to specifically address the issue(s) raised in the appeal request.
 - b. When the written response to the appeal statement and all other pertinent information is received by CDA peer review staff, the entire case file will be forwarded to the Appeals Panel.

- c. The Appeals Panel will thoroughly and objectively examine and review the entire case file and render its decision accordingly. The decision made by the Appeals Panel shall be one of the following:

- **Uphold** - If the peer review committee is able to demonstrate that the appellant's allegations are unfounded, the decision of the peer review committee will be upheld.

The Appeals Panel's final decision will be drafted by CDA peer review staff, under the direction of the Appeals Panel. All parties will subsequently receive the final decision in writing. The decision will be final and binding and the case will be closed. Consequently, no further review of the case will be entertained by the CDA peer review system.

- **Remand** - If the Appeals Panel believes that additional information and/or further clarification of the issues is required from the peer review committee in order to render a decision, the case will be remanded to the component/specialty chair to specifically address those issues. The chair must respond to the Appeals Panel within fifteen (15) calendar days of receipt of the remanded letter.

In situations where resolutions are remanded by the Appeals Panel to the component which require the component committee to review **new evidence**, the dentist must be given the opportunity to respond (if applicable).

Upon CDA's receipt of this information, the entire case file will be forwarded to the Appeals Panel for re-examination. If the Appeals Panel, upon its re-examination of the case, concludes that the component has inadequately addressed the Appeals Panel's concerns, the case may be remanded a second time. Subsequently, a final decision will be rendered and all parties involved will be notified of the Appeals Panel's decision.

- **Overrule/Re-Review** - If the component refuses to make the appropriate, necessary corrections after remand, the Appeals Panel is authorized to correct the discrepancies in the resolution and/or resolution addendum, and mail it to all parties involved on CDA letterhead.

Should there be an appearance of a conflict of interest alleged by either party to the dispute, the case will be referred to another component at the discretion of the Appeals Panel, for re-review.

6. If the factual conclusions of the peer review committee's original decision are changed by either the committee or panel, the Appeals Panel will draft an Amended Resolution (Form #66) and/or amended resolution addendum (Form #75). The resolution should always offer another 30 day appeal period **UNLESS** the resolution merely corrects an erroneously calculated refund amount, clarifies a refund/corrective treatment amount, corrects a typographical error, or makes any other clarification that does not change the decision of the peer review committee.

II. Corrective Treatment Plan and Cost Estimate Approval Letter

Any party to a peer review has the right to submit a request for an appeal to the Appeals Panel within fifteen (15) calendar days from the date of the corrective treatment plan and cost estimate approval letter (Form #94) (weekends and holidays are included). All parties to the review must be apprised at the time of the approval letter of this right and the time limitation in which to submit an appeal. An appeal criteria statement (Form #29A) is included with all approval letters.

The Appeals Panel will not examine specific evidence such as x-rays, study models, etc., or re-interview a dentist/re-examine a patient. However, if the Appeals Panel deems it necessary, they may request that the peer review committee consider additional information/evidence.

If an error is discovered in the corrective treatment plan and cost estimate approval letter after it has been mailed to the parties involved (e.g., approved corrective treatment is misidentified,

incorrect cost estimate, etc.), an amended approval letter must be drafted and forwarded to CDA for approval. The amended approval letter is not to be mailed prior to the expiration of the original 15 day appeal period or prior to approval by the Appeals Panel.

Corrective Treatment Plan and Cost Estimate Appeal Review Procedures

The following are procedures in processing an appeal request:

1. Appeal requests received by the Appeals Panel with a postmarked date within fifteen (15) calendar days from the date of the corrective treatment plan and cost estimate approval letter will be screened by CDA staff to determine their appropriateness based upon fulfillment of the criteria necessary for an appeal review. Facsimile transmission of appeals will not be accepted.
2. Upon receipt of the appeal request, the Appeals Panel will inform the component, dentist, and patient that the appeal request has been received.
3. Initially, CDA staff screens the request for appeal by determining its appropriateness using the screening criteria detailed below:
 - a. Was the appeal postmarked within fifteen (15) calendar days from the date of the corrective treatment plan and cost estimate approval letter?
 - b. Does the appeal request factually demonstrate that either one or more appeal criteria have been met?
4. Appeal requests will be denied if they are not postmarked with a postmarked date within fifteen (15) calendar days from the date of the corrective treatment plan and cost approval letter (weekends and holidays are included), or do not meet one or more appeal criteria.

Procedures for denial are as follows:

- a. Requests which are considered to be inappropriate for appeal after the initial screening by CDA peer review staff will be forwarded to the Appeals Panel for their review and comment. The rationale for the determination will be included.
 - b. If the Appeals Panel agrees with the preliminary screening/recommendation, the appeal request will be denied and the corrective treatment plan and cost estimate approval will become final for all parties. All parties will subsequently be notified in writing of the Appeals Panel decision and no further review of the corrective treatment plan and/or cost estimate will be entertained by the CDA peer review system.
 - c. However, the Appeals Panel disagrees with the peer review staff's preliminary screening/ recommendation, the appeal request will proceed through the regular appeal review process.
5. Appeal requests will be accepted if they are determined to meet the established criteria for acceptance. Such requests are processed as follows:
- a. The Appeals Panel will mail a letter to the component/specialty peer review chair requesting a written response to the appealed issue(s). The chair will be requested to mail the written response to the Appeals Panel within seven (7) working days from the date of the panel's request. The purpose of the written response is to specifically address the issue(s) raised in the appeal request.
 - b. When the Appeals Panel has received the component's/specialty committee's written response to the appeal statement and all other pertinent information, the entire case file will be forwarded to the Appeals Panel.

- c. The Appeals Panel will thoroughly and objectively examine and review the entire file and render its decision accordingly. The decision made by the Appeals Panel shall be one of the following:

- **Uphold** - If the peer review committee is able to demonstrate that the appellant's allegations are unfounded, the decision of the component/specialty peer review committee regarding the approved corrective treatment plan and cost estimate will be upheld.

The Appeals Panel's final decision will be drafted by CDA peer review staff, under the direction of the Appeals Panel. All parties will receive the final decision in writing. The decision will be final for all parties. Consequently, no further review of the corrective treatment plan and cost estimate will be entertained by the CDA peer review system.

- **Remand** - If the Appeals Panel believes that additional information and/or further clarification of the issues is required from the peer review committee in order to render a decision, the corrective treatment plan and cost estimate will be remanded to the component/specialty chair to specifically address those issues. The component/specialty chair must respond to the Appeals Panel within seven (7) working days of receipt of the remanded approval letter.

In situations where approval letters are remanded by the Appeals Panel to the component/specialty peer review committee, which requires the component/specialty peer review committee to review new evidence, the dentist must be given the opportunity to respond.

Upon CDA's receipt of this information, the entire case file will be forwarded to the Appeals Panel for its re-examination. If the Appeals Panel, upon its re-examination of the file, concludes that the component/specialty committee has inadequately addressed the Appeals

Panel's concerns, the corrective treatment plan and cost estimate may be remanded for a second time. Subsequently, a final decision will be rendered and all parties involved will be notified of the Appeals Panel's decision.

- **Overrule/Re-Review** - If the component refuses to make the appropriate, necessary corrections after remand, the Appeals Panel is authorized to correct the discrepancies in the corrective treatment plan and cost estimate approval letter, and send them out on CDA letterhead.

Should there be an appearance of a conflict of interest alleged by either party to the dispute, the case will be referred to another component at the discretion of the Appeals Panel, for re-review.

6. If the factual conclusions of the peer review committee's original corrective treatment plan and cost estimate approval letter are changed by either the committee or the Appeals Panel, the Appeals Panel will draft an Amended Corrective Treatment Plan and Cost Estimate Approval Letter (Form #94). The approval letter must always offer another fifteen (15)-day appeal period UNLESS the approval letter merely clarifies a corrective treatment amount, corrects a typographical error, or makes any other clarification that does not change the decision of the peer review committee.