

VETERANWARRIORS "ONE FAMILY, ONE FIGHT"

Amended Nov 8, 2018

Caregiver Annual Assessment Appeal Resolution Steps

1. Veteran/Caregiver disagrees with caregiver assessment
 - a. This could be missing information or false information
 - b. Print the assessment
 - c. Make notes, highlight your disagreements
 - i. Make copies of your highlights/notes
2. Get copies of all medical records and ensure all notes are accurate, relevant, and complete
 - a. Write a statement "requesting a copy of all records pertaining to the veteran (name), and caregiver (name), including but not limited to medical records, Caregiver Application Tracking System (CATS), Patient Advocate Tracking System (PATS), and all other known or unknown systems."
 - i. Hand deliver this to ensure it arrives if possible, make two copies, deliver one to Release of Medical Records and the other to the FOIA Officer
3. Write appeal letter prior to contacting the CGC
 - a. Email to appealreview@veteran-warriors.org for review prior to submitting to VA
 - b. Have this ready to submit to patient advocate if instructed to do so, be sure to keep full copy for yourself.
 - i. See step 8 if record requires corrections
4. Contact assigned CGC to inform of disagreement (**Before speaking to anyone install a recording app on your phone to record these conversations!)
 - a. You should have supporting medical documentation, specifically within the last 6 months, to support whatever disagreements you are bringing to the CGC's attention
 - b. Follow up phone this phone call with an email
 - i. Always include "as per our phone conversation," this ensures you have a paper trail
5. If no resolution from CGC after 5 business days, contact the VAMC caregiver program manager
 - a. Present everything from above, just as you did for the second step
6. If no resolution, contact the VAMC caregiver program manager's boss, it will most likely be the Chief of Mental Health
 - a. Inform of disagreement, provide quick summary as to why you disagree
 - i. This summary should be a hook, leave out minor details and only use definite red flags to get their attention, otherwise they will brush it off
 - b. Request formal meeting with caregiver manager and chief of mental health
7. If no resolution, contact the VAMC Chief of Staff
 - a. Repeat steps listed in number 6 for a and b.
8. If the assessment record is missing information or has falsified information, file a FOIA Request to correct (**This can be performed concurrent with the appeal)
 - a. Write a detailed letter, line by line, addressing the requested corrections/removal of specific information

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- b. Add a copy of the assessment you want corrected, along with supporting medical evidence from the medical record
 - c. Hand deliver to FOIA Officer, if possible
 - i. FOIA Officer will send it back to the writer, writer will agree to make changes, will submit their own changes, or will deny
 - 1- If writer agrees, or agrees to make their own changes (not yours) it doesn't go any higher
 - a. You're required to request it go higher
 - 2- If the writer denies it will be forwarded to the Chief of Mental Health
 - 3- If the Chief of MH denies, it will be sent to the Chief of Staff
 - a. There is no additional action on your part to have it sent to the Chief of Staff
 - ii. You will receive all responses from the FOIA Officer regarding your request for changes/amendments
 - 1- If denied by everyone you have the following options:
 - a. (1) Write a letter of disagreement to add as an addendum to the record you are disputing. This will go with the record every time it is view/requested to show you disagree.
 - b. (2) Appeal to the Office of General Counsel, info will be provided for this appeal in the FOIA response
 - c. (3) You can do both 1 and 2, it is in your best interest to do both
9. File appeal (Make 3 copies of EVERYTHING in this appeal to ensure you have exactly what they have and have a copy for VISN if needed, including tags!)
- a. Go line by line referencing everything you disagree with
 - i. Pull medical records that support each ADL or S&P question
 - ii. Place a colored post it note tag on the medical record note then assign it a number
 - iii. Reference this color and number that is tagged to this medical record in your line by line letter of disagreement
 - b. Reference VHA Directive 1041, Clinical Appeals timeline, as far as their deadlines to give a response
 - i. Attach a copy of VHA Directive 1041, label with colored post it note and tag number for reference
 - c. In appeal letter, inform them of your right and desire to be present at the Clinical Review Board meeting
 - i. Be sure to record this meeting!!
 - 1- If told you cannot record this meeting have a copy of VHA Directive 1078, highlight page 3, #9, (a) stating you don't need their consent
- *****If VAMC appeal is denied, appeal to VISN*****
- d. Include everything from your VAMC appeal
 - e. Include your VAMC denial letter
 - f. Pick through the VAMC denial letter, if necessary, to reveal falsifications or lack of knowledge of the law

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- g. Write short letter addressing denial from VAMC, include right and desire to be conferenced in via phone during the VISN appeal
- h. You can google VISN's phone number, and can call to check the status of your appeal at any time
 - i. VISN keeps logs of the status of everything that comes to them
- 10. If VISN appeal is denied, appeal to Office of General Counsel AFTER your FOIA request, FOIA request MUST be denied in order to appeal to OGC
 - a. Refer to the FOIA request denial for info and directions to appeal to OGC
 - i. Send everything from VAMC appeal and VISN appeal
 - ii. Repeated step 7 with summarized letter addressing VISN appeal
 - b. Office of General Counsel can take a year or more to respond
 - i. If approved, you will be notified
 - 1- VAMC FOIA Office will be notified and required to immediately make corrections to record, this does NOT go through the facility.

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