

ARIZONA DEPARTMENT OF HEALTH SERVICES
AIDS DRUG ASSISTANCE PROGRAM (ADAP) FORMULARY COMMITTEE
PROVIDER DISPUTE POLICY AND PROCEDURES

POLICY:

It is the hope of the Arizona Department of Health Services (ADHS) AIDS Drug Assistance Program (ADAP) that any problem or concern that an HIV specialist/medical provider has regarding the decisions made by ADAP staff to determine eligibility for ADAP medications currently on the ADAP formulary will be resolved informally. If an informal resolution cannot be reached, and the provider still disagrees with the ADAP decision to deny the medications in question to a client and wishes to dispute that decision, the following policy is in effect to address concerns formally to reach a resolution. All HIV providers in the state of Arizona who prescribe medications for clients receiving ADAP medications will have access to this procedure by which the dispute will be appropriately processed.

PROCEDURES:

The HIV specialist/medical provider will submit the specific dispute in writing to the Program Manager for HIV Care and Services. The dispute must include the provider's full name, complete address and phone number, the full name of the client, the issue involved in the dispute, a reference to the decision originally made by ADAP staff regarding the client's care and a justification for the use of the disputed medication outside of Arizona ADAP use guidelines. Scientific references or other evidence to support the use are to be included if available. The written dispute must be received within thirty (30) days of the provider receiving the ADAP decision of denial.

The Program Manager for HIV Care and Services will render a written response to the provider within five (5) days of receipt of the written dispute indicating that the dispute will be reviewed. The Program Manager will forward the dispute to the Medical Director of the Bureau of Epidemiology and Disease Control at the Arizona Department of Health Services for research and clinical review. If the need arises, the Medical Director may choose at her/his sole discretion to consult with appropriate colleagues to assist in the determination process, provided that said colleagues do not have a conflict of interest with ADAP. The Medical Director will forward his or her determination of the dispute back to the Program Manager and a written response regarding the determination will be mailed to the HIV specialist/medical provider within thirty (30) days of receipt of the original dispute.

The Medical Director may determine:

- The treatment is justified and that ADAP should provide the medications, provided that the client is still eligible for ADAP services at that point in time;
- That the documentation at this point is not detailed enough or complete enough to make a fair determination and will advise the ADAP staff and the Program Manager for HIV Care and Services to collect additional documentation and resubmit the file for review at a later date;
- To deny the provision of the medication(s) in question from ADAP.

Determinations made by the Medical Director regarding the dispute will be considered as final. A copy of the dispute, correspondence to the HIV specialist/medical provider, and the letter of determination will be forwarded to the Office Chief for the Office of HIV/AIDS, the Bureau Chief for the Bureau of Epidemiology and Disease Control, and will also be kept in the office of the Program Manager for HIV Care and Services in a file marked "ADAP Disputes".