

PHYSICIAN ATTESTATION FOR AN EXTERNAL APPEAL: CLINICAL TRIAL DENIAL

The patient’s physician must complete this attestation for any external appeal of a health plan’s denial of services. The Department of Financial Services or the external appeal agent may need to request additional information from you, including the patient’s medical records. This information should be provided immediately. The attestation and supporting documents may be submitted via our secure portal. Or by mail to New York State Department of Financial Services, 99 Washington Avenue, Box 177, Albany NY 12210 or Fax: (800) 332-2729, or email earesponse@dfs.ny.gov. Please call 800-400-8882 if you need assistance.

If the patient has **not yet received the treatment**, and the **30-day timeframe will seriously jeopardize the patient’s life, health, or ability to regain maximum function**, or a delay will pose an imminent or serious threat to the patient’s health, the patient’s physician may request the appeal be expedited. The external appeal agent must make an expedited decision within 72 hours, instead of 30 days, whether you provide all necessary medical information or records to the agent or not. **You must send information to the agent immediately in order for it to be considered.**

Type of Review	<input type="checkbox"/> Standard Appeal (30 days)	<input type="checkbox"/> Expedited Appeal (72 hours)
If Expedited, check one:	<input type="checkbox"/> Expedited Appeal: Denial concerns an admission, availability of care, continued stay, or health care service for which the patient received emergency services and remains hospitalized. <input type="checkbox"/> Expedited Appeal: 30-day timeframe will seriously jeopardize patient’s life, health, or ability to regain maximum function, or a delay will pose an imminent or serious threat to patient’s health.	
If Expedited:	<input type="checkbox"/> I am aware that the external appeal agent may need to contact me during non-business days for medical information, including medical records, and that a decision will be made by the external appeal agent within 72 hours of receiving this expedited appeal request, regardless of whether or not I provide medical information or medical records to the external appeal agent.	
	During non-business days, I can be reached at: ()	

1. Name of Physician completing this form:			
To appeal a clinical trial denial, the physician must be licensed and board-certified or board-eligible and qualified to practice in the area of practice appropriate to treat the patient.			
2. Physician Street Address:			
Physician City, State, Zip:			
3. Contact Person:			
4. Contact Phone Number:	()	Fax #:	()
5. Contact Email (if e-mail is preferred):			
6. Name of Patient:			
7. Patient Street Address:			
Patient City, State, Zip:			
8. Patient Phone Number:	()		
9. Patient Health Plan Name and ID Number:			

10. Clinical Trial Denial - Physician Attestation:

There exists a clinical trial which is open, for which the patient is eligible and has been or will likely be accepted.

Although not required, it is recommended you enclose clinical trial protocols and related information. The clinical trial must be a peer-reviewed study plan which has been: (1) reviewed and approved by a qualified institutional review board, and (2) approved by one of the National Institutes of Health (NIH), or an NIH cooperative group or center, or the Food and Drug Administration in the form of an investigational new drug exemption, or the federal Department of Veteran Affairs, or a qualified non-governmental research entity as identified in guidelines issued by individual NIH Institutes for Center Support Grants, or an institutional review board of a facility which has a multiple project assurance approved by the Office of Protection from Research Risks of the NIH.

11. Physician Signature

I attest that the above information is true and correct. I understand that I may be subject to professional disciplinary action for making false statements.

Physician's Signature		Date:	
Physician Name: (Print Clearly):			