

July 2, 2020

Name
Address
Email
Phone
Member ID:
Case Number:
Re: Denial...

To Appeals Committee:

I have repeatedly requested my claims file by phone and by email following the instructions on the denial letters you have sent to me. All you have provided me is the clinical criteria for Xyrem and the Certificate of Coverage. My claim is governed under ERISA, and, by law, you must provide to me the entire contents of my claims file regarding your denial of the Xyrem prescription from Dr. X. Therefore, in accordance with ERISA regulations, 29 C.F.R. § 2560.503-1, et.seq., I am demanding a copy of the entire contents of my claims file. Because the ERISA statute entitles me to a full and fair review of an adverse benefit determination, courts have interpreted ERISA regulations to mean that “core requirements of review intended to be full and fair include knowing the evidence the decision maker relied upon... .” *Brown v. Retirement Committee of Briggs and Stratton Retirement Plan*, 797 F.2d 521 (7th Cir. 1986), *Grosmuller v. Int’l Union, UAW*, 715 F.2d 853 (3rd Cir. 1983). Accordingly, immediately provide me with a copy of the complete and entire contents of my claims file, including, but not limited to, all medical records, adjuster notes, memoranda, forms, evaluations, reports, including, specifically, any medical opinions (and the name and credentials of the medical provider) you relied upon in denying my prescription for Xyrem. This request is comprehensive and requires your reply within 30 days pursuant to 29 U.S.C. § 1132.

Because of your delay, failure, and refusal to provide the claims file to me, you have prevented me from being able to timely file my Voluntary Appeal. I am demanding another 60 days to file my Voluntary Appeal from the date when you send the claims file to me. Please confirm that you have granted this appeal extension.

The claims file should be sent to the address listed above.

September 18, 2020

Name
Address,
Email
Phone
Member ID:
Case Number:

Anthem Blue Cross and Blue Shield
Grievances and Appeals
P.O. Box 105449
Atlanta, GA 30348-5449

Dear Jewell F:

On Monday, September 14, I received in the mail your letter dated September 4. I am writing to request my updated claims file, including any documents used, reviewed, or relied upon in making the decision dated September 4, 2020. Please be sure to include a copy of the report from the "Medical Director" referenced in the 2nd paragraph, as well as any documents reviewed by him in reaching his decision that Xyrem is not medically necessary. Please also include the curriculum vitae of both this Internal Medicine "Medical Director" and the Neurology "Medical Director" referenced in Anthem's letter dated June 11.

Sincerely,

Name