

Tips for Unproven, Experimental or Investigational Treatments

A common reason for denying treatments is that they are unproven, experimental or investigational. Address these issues with careful attention and good strategy. Tips include:

LOOK FOR ERRORS IN THE COVERAGE POLICY. Coverage policies that insurers cite may not apply to the treatments in question. They may be out-of-date in terms of research or cite journal articles out-of-context that are actually favorable.

CAREFULLY REVIEW THE CONCLUSIONS. Plenty of times a reviewer will cite journal articles out-of-context or cherry pick unfavorable ones. Contact the reviewer and directly question them on their conclusions. Insist that insurers or outside review agencies withdraw or correct the review.

BEWARE OF THE RESEARCH CITED. Physician reviewers sometimes cite research conducted by Hayes or Up-To-Date in their decisions even though these companies state that should not happen. These are industry driven publications that summarize what other insurers are covering and are not current especially with newer treatments and conditions.

CHALLENGE RANDOMIZED CLINICAL TRIALS. Randomized trials especially for surgery or children are ethically a problem. You would not deny a person a treatment and give them a placebo in the case of an FDA approved treatment. The only randomized trials that are acceptable are to compare two different treatments or procedures against one another. Get a university professor to write a letter explaining the limits of trials.

SURGICAL TECHNIQUE VARIATIONS ARE ACCEPTABLE. Argue that variations in surgical techniques for FDA approved treatments are not unproven or experimental. Often you can find studies of the two techniques and show how long each one has been in use.

WATCH OUT FOR UNPROVEN LANGUAGE. This plan language has no definition and can be used extensively by insurers to deny coverage. Challenge the insurer as to what they mean by unproven and then prove that the treatment is the standard of care with expert opinion.

LOOK FOR EXCEPTIONS. Most plans will allow for treatments that that unproven, experimental or investigational to still be provided. The insurer might not follow the plan language. Appeal to the state or to the self-funded employer for a reasonable interpretation.

Patients Rising is a nonprofit that connects patients with professional advocates. Advocates can include former nurses, billing experts and even attorneys who are experts in navigating the healthcare system.

For more information or referral to an advocate send an email to AskUsAnythingpatientsrising.org or call us at (800) 625-2654.

