

January 29, 2017

Appeals Department  
DenyFirst Insurance Company  
666 No-Care Lane  
Anywhere USA 66666

**Re. Claim #: 123456789**

To Whom It May Concern:

## The Issues

My name is Helen Hardluck and I am appealing DenyFirst's denial of Claim # 123456789 for my new below-knee prosthesis on the ground that it is not medically necessary. DenyFirst is wrong for the following 4 reasons:

1. **Prosthetic Socket:** My prosthetist's records show that since receiving my last prosthesis, I have lost 15 pounds and my limb's circumference has decreased by nearly one-half inch. I have consistent skin breakdown due to the poor fit of my current socket that prevents me from using the prosthesis more than a few hours a day. DenyFirst's denial contains no specific information about my socket. Has DenyFirst established that a new socket is medically unnecessary?
2. **Liners:** As documented by my prosthetist, my liners are 13 months old (warranty period is only 6 months). They are ripped and retaining odor that cannot be washed out, even with regular cleaning. In addition, they slide off the end of my limb due to the changes in my limb size resulting from my weight loss. The denial letter from DenyFirst contains no specific reason for denying the prescribed liners. Is that denial appropriate?

- 3. Prosthetic Foot:** My 15-pound weight loss has made my current prosthetic foot too stiff, as it is designed for someone who weighs more than I do now. In addition, the foot is outside its warranty period and has a crack in the footplate. DenyFirst offers no specific information about the prosthetic foot in support of its denial. Is DenyFirst's denial of my prosthetic foot supported by the medical evidence?

## History

On July 7, 2009, doctors amputated my left leg below the knee as a result of diabetes. I was 54 years old. I was forced to wait 3 months while my leg healed before beginning the fitting process for a prosthesis. I then began walking with the assistance of crutches. Within a month, I was able to walk on level ground using only one crutch, and two months after that, I could walk both inside and outside without any assistive devices.

By early 2013, I was able to start babysitting my then-infant grandson, Joseph, while his single mother (my daughter, Grace) worked at a local car dealership. On an average day, I take Joseph – now three years old – to the park for an hour, pushing him on the swings and spotting him as he plays on the jungle gym. On most days, Joseph and I also run errands together, stopping at the pharmacy and grocery store. At all of these destinations, I have to help lift him into and out of his car seat and get his stroller into and out of the car's trunk. According to an activity tracker that my daughter bought me, I average roughly 4,000 steps per day, equivalent to approximately 1.7 miles of walking.

At home, I am Joseph's sole caretaker Monday through Friday. I cook his meals and monitor his activities. I also do his and my daughter's laundry – they live in my house with me – in the washing machine and dryer in our basement which is at the bottom of a 10-step staircase.

Until the last 30-45 days, my current prosthesis has allowed me to participate in all of these activities without restriction. However, due to the age of my prosthesis and weight loss as a result of my efforts to live a healthier life – I have radically changed

my diet in an effort to better control my diabetes - I have experienced numerous problems with my prosthesis. As a result of these changes and based upon a review of my prosthetist's records and recommendations, my physician prescribed me a new prosthesis on January 3<sup>rd</sup>.<sup>1</sup> That same day, my prosthetist requested authorization from DenyFirst to proceed with the prescribed solution.

Three weeks later, DenyFirst sent a one-page letter denying the request for authorization.<sup>2</sup> The boilerplate denial contained no specific explanation for the denial beyond the blanket statement that DenyFirst considered the new prosthesis "not medically necessary." I am appealing that first-level denial with this letter.

## Analysis

While DenyFirst claims that the prescribed prosthesis is medically unnecessary, a review of the relevant records proves that each and every component is essential for both my near-term and long-term health.

### **1. Both my prosthetist's and physician's medical records establish the medical necessity of the prescribed prosthetic socket.**

Five months ago I started a new diet under the supervision of my physician.<sup>3</sup> I eliminated all fried foods and most carbohydrates, replacing them with fish, chicken, and vegetables. As a result, I have lost 15 pounds – 10% of my total body weight – and one-half inch of circumference around the middle of on my residual limb.<sup>4</sup> Further modification of my socket is inadequate to address the fit issues, and I am experiencing breakdown on the distal end of my residual limb.<sup>5</sup>

My doctor notes that tissue breakdown is particularly dangerous for me given my history of diabetes. She documents that due to my body's compromised ability to

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<sup>1</sup> See Exhibit A (Physician Prescription).

<sup>2</sup> See Exhibit B (DenyFirst Denial Letter).

<sup>3</sup> See Exhibit C (Physician Records).

<sup>4</sup> See Exhibit C (Physician Records) and Exhibit D (Prosthetist Records).

<sup>5</sup> See Exhibit D (Prosthetist Records).

heal open wounds quickly, I am at increased risk for developing ulcers and, ultimately, for additional revision surgery.<sup>6</sup>

In response to the detailed medical records of my healthcare providers, DenyFirst issued a boilerplate blanket denial.<sup>7</sup> This one-page letter contains no reference – explicit or implicit – to the undisputed findings of either my physician or my prosthetist. In addition, my review of DenyFirst’s Medical Policy for Lower Limb Prostheses<sup>8</sup> reveals that the physician’s medical records must corroborate the prosthetist’s as a prerequisite for establishing medical necessity. They do.

DenyFirst has no factual, medical, or policy-based reason for denying the prescribed prosthetic socket. It should therefore approve this part of my prosthesis.

## **2. Both my prosthetist’s and physician’s medical records establish the medical necessity of the prescribed liners.**

My liners are over one year old.<sup>9</sup> This places them more than 6 months outside of the applicable warranty period for these items.

Both liners are ripped and torn.<sup>10</sup> In addition, they are emitting an unpleasant odor that cannot be eliminated, even with regular and aggressive daily (and sometimes twice-daily) cleaning.<sup>11</sup> Lastly, they slide down my residual limb after less than 15 minutes of activity as a result of my weight loss.<sup>12</sup> This results in less stability when standing and walking, which is a particular concern given my need to lift and carry Joseph, who is still a toddler. I find myself having to take off my prosthetic socket at least three to four times a day in order to re-don my liners. My doctor’s records confirm these findings and recommend replacement of the liners.<sup>13</sup>

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<sup>6</sup> See Exhibit C (Physician Records).

<sup>7</sup> See Exhibit B (DenyFirst Denial Letter).

<sup>8</sup> See Exhibit E (DenyFirst Medical Policy for Lower Limb Prostheses).

<sup>9</sup> See Exhibit D (Prosthetist Records).

<sup>10</sup> See Exhibit D (Prosthetist Records).

<sup>11</sup> See Exhibit D (Prosthetist Records).

<sup>12</sup> See Exhibit D (Prosthetist Records).

<sup>13</sup> See Exhibit C (Physician Records).

DenyFirst's only response to these uncontested findings is the aforementioned one-page, boilerplate blanket denial.<sup>14</sup> In the absence of any factual, clinical or policy-based reason for its coverage position, DenyFirst should immediately approve my providers' request for new liners.

### **3. Both my prosthetist's and physician's medical records establish the medical necessity of the prescribed prosthetic foot.**

I have been wearing the same prosthetic foot since 2010.<sup>15</sup> As a result of my weight loss, I have difficulty walking on this foot, which was selected for me when I was heavier and applying more force to it with every step. Now when I try to roll from the heel of the toe to the foot, it feels like the toe of the foot is "pushing back" at me. My prosthetist documents that I am no longer able to use the foot effectively; I am unable to reap the energy-storing benefits of the product because I cannot stride all the way over the prosthetic toe due to its resistance.<sup>16</sup>

My prosthetist also has identified the existence of a crack in the foot's carbon footplate, compromising the device's structural integrity.<sup>17</sup> The foot is more than 3 years outside of the applicable warranty period and thus cannot be replaced.

All of the above findings are confirmed by my physician.<sup>18</sup>

Again, DenyFirst fails to contest any of these facts. The one-page denial letter summarily concludes that the entire below-knee prosthesis is "not medically necessary."<sup>19</sup> In the absence of any factual, clinical or policy-based reason for its coverage position, DenyFirst should immediately approve my providers' request for a new prosthetic foot.

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<sup>14</sup> See Exhibit B (DenyFirst Denial Letter).

<sup>15</sup> See Exhibit D (Prosthetist Records).

<sup>16</sup> See Exhibit D (Prosthetist Records).

<sup>17</sup> See Exhibit E (Prosthetist Photo of Cracked Foot).

<sup>18</sup> See Exhibit C (Physician Records).

<sup>19</sup> See Exhibit B (DenyFirst Denial Letter).

## Summary

DenyFirst should overturn its original denial for the following three reasons:

1. The undisputed medical records of both my physician and prosthetist include multiple justifications supporting my need for a new prosthetic socket;
2. My health care providers' medical records also establish the need for new liners and DenyFirst fails to articulate single reason why they are medically unnecessary. And
3. DenyFirst ignores the fact that my prosthetic foot is unusable because it is the wrong category for someone of my weight, has structural integrity issues (a crack in the carbon footplate), and more than 3 years beyond the warranty period.

If DenyFirst has any questions about any of the issues outlined in this letter, it should feel free to contact me, my physician, and/or my prosthetist. I look forward to a prompt reply to this appeal.

Regards,

Helen Hardluck