

**ALLSTATE NEW JERSEY INSURANCE COMPANY/ALLSTATE NEW  
JERSEY PROPERTY AND CASUALTY INSURANCE COMPANY  
DECISION POINT REVIEW PLAN INCLUSIVE OF  
PRE-CERTIFICATION REQUIREMENT**

**DECISION POINT REVIEW**

Pursuant to N.J.A.C. 11:3-4, the New Jersey Department of Banking and Insurance has published standard courses of treatment, *Care Paths*, for soft tissue injuries of the neck and back, collectively referred to as the *Identified Injuries*. The *Care Paths* provide that treatment be evaluated at certain intervals called *Decision Points*. On the *Care Paths*, *Decision Points* are represented by hexagonal boxes. At decision points the Named Insured, Eligible Injured Person or treating health care provider must provide us information about further treatment that is intended to be *provided (Decision Point Review)*. In addition, the administration of any diagnostic tests set forth in N.J.A.C 11:3-4.5(b) is subject to *Decision Point Review* regardless of the diagnosis. The *Care Paths* and accompanying rules, are available on the Internet on the Department's website at <http://www.nj.gov/dobi/aicrapg.htm> (Scroll down to the section headed, "NJAC11:3-4 Medical Protocols Rules, Care Paths, Decision Point Review, Precertification") or by calling Auto Injury Solutions(AIS) at 1-888-488-4800. The **Decision Point Review Plan** is accessible by accessing URL (<http://www.allstate.com/auto-insurance/New-Jersey.aspx>).

We will advise the *Named Insured and/or Eligible Injured Person* of the care path requirements upon notification to us of a claim filed under Personal Injury Protection. The Decision Point Review requirements do not apply to treatment or diagnostic tests administered during emergency care or during the first 10 days after the accident causing injury, however only medically necessary treatment related to the motor vehicle accident will be reimbursed.

We will review the course of treatment at various intervals (**Decision Points**), unless a **comprehensive treatment plan** has been precertified by us. In order for us to determine if additional treatment or the administration of a test is medically necessary, the treating provider or the *Named Insured and/or Eligible Injured Person* must provide us with reasonable prior notice together with appropriate, legible, clinically supported findings that the anticipated treatment or test is medically necessary. In order to submit a decision point review and/or precertification request, your medical provider must submit a completed attending provider treatment plan form via fax to (732) 596-1340 along with clinically supported findings that support the treatment, diagnostic test or durable medical equipment requested. A copy of the attending provider treatment plan form can be found on the internet on the New Jersey Department of Banking and Insurance website at [www.nj.gov/dobi/aicrapg.htm](http://www.nj.gov/dobi/aicrapg.htm) and at <http://www.Allstate.com>

We will review this notice and supporting materials within three business days. Following our review, we have the option to:

- a. authorize reimbursement for the treatment, test, durable medical equipment, prescriptions drug; or
- b. authorize modification of reimbursement for the treatment, test, durable medical equipment, prescription drugs where the information submitted is incomplete and/or fails to provide clinically supported findings to establish medical necessity; or
- c. Request additional documentation from the attending providers documentation when the submitted documentation is illegible; or
- d. schedule a physical examination of the ***Named Insured and/or Eligible Injured Person*** where the notice and supporting materials are insufficient to authorize or deny reimbursement or the further treatment, test, durable medical equipment or prescription drugs; or
- e. deny reimbursement for the treatment, test, durable medical equipment, prescription drugs where the information submitted is incomplete and/or fails to provide clinically supported findings to establish medical necessity; or
- f. Advise that the DPR/Pre-certification can not be processed as the request is incomplete due to the lack of, or incomplete attending Provider Treatment Plan Form which is mandated to be submitted with every DPR/Pre-certification request as per New Jersey Department of Banking and Insurance Order, AO4-143. A submitted form is considered to be incomplete if it lacks information that is vital to determining medical necessity. The form must be signed and dated by the Attending Provider.

If we request a physical examination

- a. the appointment for the examination will be scheduled within seven calendar days of our receipt of the notice of additional treatment or tests, unless the ***Named Insured and/or Eligible Injured Person*** agrees to extend the time period;
- b. the medical examination will be conducted by a provider in the same discipline as the treating provider;
- c. the examination will be conducted at a location reasonably convenient for the ***Named Insured and/or Eligible Injured Person***. If unable to attend the examination, the ***Named Insured and/or Eligible Injured Person*** must notify us at (800) 818-7610 (option 7) at least three (3) business days before the examination date. Failure to comply with this requirement will result in an unexcused absence.
- d. the ***Named Insured and/or Eligible Injured Person*** must, if requested, provide medical records and other pertinent information to the examining provider conducting the examination. The requested records must be provided no later than, the time of the examination; Failure to bring requested records will be considered an unexcused absence.
- e. the named insured and/or eligible injured person must supply proper identification at the exam. A photo ID would be preferred but any form of identification will be accepted. Failure to supply proper identification will result in an unexcused absence.
- f. Exams will be scheduled to occur within 30 calendar days of the receipt of the request for additional treatment/test or service in question. Exams scheduled to occur beyond 30 calendar days of the receipt of the request of additional treatment/test or service in question, must be attended Failure to attend an examination scheduled to occur more than thirty (30) calendar days after receipt of the request will be considered an unexcused

absence.

- g.** when a medical examination is scheduled the *Named Insured and/or Eligible Injured Person* and the provider and attorney if noted, will be given notice of the examination date, time and location. The examination notice details the consequences for more than **one unexcused failure to attend**. If the *Named Insured and/or Eligible Injured Person* has two or more unexcused failures to attend the scheduled exam, notification will be immediately sent to the *Named Insured and/or Eligible Injured Person*, Attorney if noted and all health care providers providing treatment for the diagnosis (and related diagnosis) contained in the attending physician's treatment plan form. The notification will place the parties on notice that all future treatment, diagnostic testing, durable medical equipment or prescription drugs required for the diagnosis (and related diagnosis) contained in the attending physician's treatment plan form will not be reimbursable as a consequence for failure to comply with the plan. Except for surgery, procedures performed in ambulatory surgical centers, and invasive dental procedures, treatment may proceed while the IME is being scheduled and until the results become available. However only medically necessary treatment related to the motor vehicle accident will be reimbursed.

We will notify the *Named Insured and/or Eligible Injured Person* of our decision to authorize or deny reimbursement of the treatment or test as promptly as possible, but no later than three business days following the examination. Any denial of reimbursement for further medical treatment or tests will be based on the determination of a physician or dentist. The *Named Insured and/or Eligible Injured Person* or his designee may request a copy of any written report prepared in conjunction with any physical examination we request. If we fail to take any action or fail to respond to the *Named Insured and/or Eligible Injured Person* within three business days after receiving the required notification and supporting medical documentation at a decision point, then the provider is permitted to continue the course of treatment until we provide the required notice.

An additional co-payment of 50 percent will apply to the eligible charge for medically necessary services, treatments and procedures, diagnostic tests, prescription supplies, durable medical equipment or otherwise potentially covered services that are provided between the time notification to us is required and the time that proper notification is made and we have an opportunity to respond in accordance with our approved Decision Point Review Plan if:

- a. we are not notified in accordance with the Decision Point Review Plan;
- b. clinically supported findings needed to support the treatment, diagnostic test or durable medical equipment requested are not provided

#### **MANDATORY PRECERTIFICATION**

If the *Named Insured and/or Eligible Injured Person* does not have an Identified Injury, we will require that the *Named Insured and/or Eligible Injured Person* or their health care provider request precertification for services, treatments and procedures outlined in Exhibit B which includes: diagnostic tests, durable medical equipment, prescription supplies, or otherwise

potentially covered medical expense benefits. In the event that a *Named Insured and/or Eligible Injured Person* is injured in an automobile accident, the *Named Insured and/or Eligible Injured Person* or their health care provider can call 1-888-488-4800 in order to request precertification.

In order to submit a decision point review and/or a precertification request, your medical provider must submit a completed attending provider treatment form via fax to (732) 596-1340 along with clinically supported findings that support the treatment, diagnostic test or durable medical equipment requested. A copy of the attending provider treatment form can be found on the internet on the New Jersey Department of Banking and Insurance website at [www.nj.gov/dobi/aicrapg.htm](http://www.nj.gov/dobi/aicrapg.htm) or <http://www.allstate.com>

Precertification will not apply to treatment or diagnostic tests administered during emergency care or during the first ten days after the accident causing the injury; however only medically necessary treatment related to the motor vehicle accident will be reimbursed.

Our approval of requests for precertification will be based exclusively on medical necessity, as determined by using standards of good practice and standard professional treatment protocols, including, but not limited to, the medical protocols adopted in NJAC 11:3-4 recognized by the Commissioner of Banking and Insurance. Our final determination of the medical necessity of any disputed issues shall be made by a physician, or dentist as appropriate for the injury and treatment contemplated. The *Named Insured and/or Eligible Injured Person* or their health care provider must provide us with reasonable prior notice of the anticipated services; treatments and procedures as outlined above, as well as, the appropriate clinically supported findings to facilitate timely approval. When appropriate, the health care provider may submit a **comprehensive treatment plan** for precertification.

An additional co-payment of 50 percent will apply to the eligible charge for medically necessary services, treatments and procedures, diagnostic tests, durable medical equipment, prescription supplies, or otherwise potentially covered expenses that are incurred after notification to us is required but prior to our authorization for continued treatment or administration of a test if:

- a. we are not notified in accordance with our Decision Point Review Plan,
- b. clinically supported findings needed to support the treatment, diagnostic test or durable medical equipment requested are not provided;

This additional co-payment will not apply if we have received the required notice, supporting medical documentation, and have failed to act within three business days to authorize or deny reimbursement of further treatment or tests. Our failure to respond within three business days will allow a provider to continue treatment until we provide the required notice.

The IME and DPR requirements and response options as outlined in Decision Point Review apply to Pre-Certification

## **VOLUNTARY PRECERTIFICATION**

Health care providers are encouraged to participate in a voluntary precertification process by providing AIS with a **comprehensive treatment plan** for both identified and other injuries.

AIS will utilize nationally accepted criteria and the medical protocols adopted in NJAC 11:3-4 to work with the health care provider with the intent to certify a mutually agreeable course of treatment to include itemized services and a defined treatment period.

In consideration for the health care provider's participation in the voluntary certification process, the bills that are submitted, when consistent with the precertified services, will be paid so long as they are in accordance with the PIP medical fee schedule set forth in N.J.A.C.11:3-29.6. In addition, having an approved **comprehensive treatment plan** means that as long as treatment is consistent with the plan, additional notification to AIS is not required.

### **VOLUNTARY NETWORKS**

AIS has established networks of pre-approved vendors that can be recommended for the provision of certain services, diagnostic tests, durable medical equipment and/or prescription supplies. **Named Insureds and/or Eligible Injured Persons** are encouraged, but not required, to obtain certain services, diagnostic tests, durable medical equipment and/or prescription supplies from one of the pre-approved vendors. If they use a pre-approved vendor from one of these networks for medically necessary goods or services, they will be fully reimbursed for those goods and services consistent with the policy. If they use a vendor that is not part of these pre-approved networks, reimbursement will be provided for medically necessary goods or services but only up to seventy (70) percent of the lesser of the following: (1) the charge or fee provided for in N.J.A.C. 11:3-29, or (2) the vendor's usual, customary and reasonable charge or fee.

**PPO NETWORKS** – These networks include providers in all specialties, hospitals, outpatient facilities, and urgent care centers throughout the entire State of New Jersey. The Nurse Case Manager can provide the **Named Insured and/or Eligible Injured Person** with a current PPO network list. The use of these networks is strictly voluntary and the choice of health care provider is always made by the **Named Insured and/or Eligible Injured Person**. The PPO networks are provided as a service to those persons who do not have a preferred health care provider by giving a list of recommended providers from which they may select that they may select from. Networks include CHN Solutions and Focus NJ Chiropractic PPO.

### **INITIAL AND PERIODIC NOTIFICATION REQUIREMENT**

ANJ/ANJP&C may require that the insured advise and inform them about the injury and the claim as soon as possible after the accident and periodically thereafter. This may include the production of information regarding the facts of the accident, the nature and cause of the injury, the diagnosis and the anticipated course of treatment. If this information is not supplied as required, ANJ/ANJP&C may impose an additional co-payment as a penalty which shall be no greater than:

- a) Twenty five percent(25%) when received 30 or more days after the accident; or
- b) Fifty percent (50%) when received 60 or more days after the accident.

## DECISION POINT REVIEW PLAN PROCESS

The requirements for precertification only apply after the tenth day following the automobile accident causing the injury. For every claim that is reported by our *Named Insured and/or Eligible Injured Person*, a loss report is created and transmitted electronically to our claim office. A claim representative contacts the *Named Insured and/or Eligible Injured Person*, confirms coverage and reviews policy requirements. During this conversation, the claim representative explains that precertification is required for the services, treatments and procedures outlined in Exhibit B. Our vendor, AIS will provide assistance as the *Named Insured and /or Eligible Injured Person* proceeds through their course of treatment. The *Named Insured and/or Eligible Injured Person* is advised that they, and their provider (if known) will be contacted by AIS within 48 hours of referral to AIS to discuss their treatment plan. The *Named Insured and/or Eligible Injured Person* is provided with the toll free number to call with any questions they may have regarding the precertification process. Allstate then transfers the loss information to AIS within one business day so that they can begin the precertification process.

Within 48 hours, initial contact is made by the Nurse Case Manager at AIS with the *Named Insured and/or Eligible Injured Person* or their attorney, if represented, and the provider if known. A toll-free number, 1-888-488-4800 is available. Nurse Case Managers are available 8:00 am to 5:30 pm EST Monday through Friday, excluding holidays. The Customer Service Call Center Staff is available 24 hours a day for the *Named Insured and/or Eligible Injured Person* or attorney if represented, and their provider to call with any questions pertaining to the medical expense payment portion of the claim. During telephone consultations with a Nurse Case Manager an attempt is made by AIS to:

- Establish a detailed account of the injury without duplicating the information electronically transferred by the Carrier
- Identify medical providers currently active on the case
- Provide educational assistance in regard to the Decision Point Review Plan / Precertification

Each person will have a Nurse Case Manager assigned to their case who can answer medical or billing questions pertaining to the claim. For all other questions concerning their claim, the *Named Insured and/or Eligible Injured Person* should contact their claim representative. After this initial consultation, if the *Named Insured and/or Eligible Injured Person* or medical provider calls with a question about an existing New Jersey PIP claim as it pertains to medical expense benefits, a telephone prompt within the toll free number voicemail system at 1-888-488-4800 offers them the option to be connected directly with the Nurse Case Manager at AIS.

During the initial telephone consultation, the *Named Insured and/or Eligible Injured Person* is also advised of the **Allstate New Jersey(ANJ)/Allstate New Jersey Property and**

**Casualty(ANJP&C) Insurance Co.** designated providers for diagnostic tests; MRI, CT, CAT Scan, Somatosensory evoked potential (SSEP), visual evoked potential (VEP), brain audio evoked potential (BAEP), brain evoked potential (BEP), nerve conduction velocity (NCV), and H-reflex study, Electroencephalogram (EEG), needle electromyography (needle EMG) and durable medical equipment and prescriptions costing more than \$50.00. An exception from the network requirement applies for any of the electro diagnostic tests performed in N.J.A.C.11:3-4.5b1-3 when done in conjunction with a needle EMG performed by the treating provider. The designated providers are approved through a Workers Compensation Managed Care Organization.

The Atlantic Imaging Group - Diagnostic testing

Progressive Medical – Durable Medical Equipment and Prescriptions

DIAGNOSTIC TESTING – Atlantic Imaging Group (Atlantic) is a provider based organization that arranges for the provisions of Diagnostic Radiology Services through access to a panel of preferred providers. Atlantic is a full-service management services organization that provides network access, credentialing, compliance, utilization review and quality assurance. Currently in New Jersey there are 149 participants.

DURABLE MEDICAL EQUIPMENT – Progressive Medical, Inc. offers a full service program including arrangements for fittings, delivery, set-up and training. Their national network has over 4,500 providers of which 51 are in New Jersey. The Nurse Case Manager assists in this process by obtaining a prescription from the treating provider who notes specific items needed to aid the ***Named Insured and/or Eligible Injured Person*** in recovery. The Nurse Case Manager can make referrals to the DME vendor either over the telephone or electronically via their web site. If rented, the Nurse Case Manager follows the treatment plan to determine when the ***Named Insured and/or Eligible Injured Person*** will no longer medically require the equipment. When no longer medically required, the supplying vendor will be notified to pick up the equipment.

PRESCRIPTIONS – Progressive Medical, Inc. offers multiple paths for prescription drug needs. There is access to a network of over **55,000** pharmacies nationwide of which 1,989 are in New Jersey. Their website offers a pharmacy locator service utilizing a city, state and zip code search or can also be reached via telephone. The Nurse Case Manager can make referrals to the prescription vendor either over the telephone or electronically via their web site. The eligible injured person may also call a toll free customer service help desk to find participating pharmacies in their geographic area. Mail order is also available.

PPO NETWORKS – These networks include providers in all specialties, hospitals, outpatient facilities, and urgent-care centers throughout the entire state of New Jersey. The use of these networks is strictly voluntary and the choice of health care provider is always made by the ***Named Insured and/or Eligible Injured Person***. The PPO networks are offered as a service to the ***Named Insured and/or Eligible Injured Person*** who does not have a preferred health-care provider. When requested, recommendations of providers by specialty will be offered. Networks include CHN Solutions and Focus NJ Chiropractic PPO.

The AIS nurse case manager, will provide the *Named Insured and/or Eligible Injured Person* with a current PPO Network list if requested.

Each of the above vendors has a toll free number and web site access where they can be reached. The vendors have accessibility throughout the State. The Nurse Case Manager can provide this information as requested.

All bills for medical services will be received at the AIS office. For any questions regarding billing, you should call AIS at 1-888-488-4800. The bills will be scanned into the document management system and entered into the Bill Review system. They will then be matched against the information entered into the system by the Nurse Case Manager and any medical necessity reviews entered by a Physician Advisor. The bills will be processed for payment if they match treatment authorized as indicated in the system. If any information differs, including diagnosis, CPT coding and services rendered, the bills will be referred to the Nurse Case Manager for utilization review.

Any bills for services approved by utilization review will be processed for payment and sent to Allstate for any applicable deductible and/or co-payments. A denial by a Nurse Case Manager would warrant referral to a Physician Advisor for medical necessity review. The results of the Physician Advisor's decision will be noted on the Explanation of Benefits. In addition, any issue related to bill payment, bill processing, Decision Point Review Request or Precertification request, may be submitted to the Internal Appeal Process, prior to filing a formal dispute. Under ANJ/ANJP&C Assignment of Benefits conditions, a provider who has accepted an assignment of benefits is required to utilize the Internal Appeals Process for these issues, prior to filing a demand for alternative dispute resolution.

### **ASSIGNMENT OF BENEFITS**

Assignment of a named insured's or eligible injured person's rights to receive benefits for medically necessary treatment, durable medical equipment tests or other services is prohibited except to a licensed health care provider who agrees to:

- (a) Fully comply with ANJ/ANJP&C Decision Point Review Plan, including pre-certification requirements,
- (b) Comply with the terms and conditions of the ANJ/ANJP&C policy
- (c) Provide complete and legible medical records or other pertinent information when requested by us,
- (d) Utilize the "internal appeals process" which shall be a condition precedent to the filing of a demand for alternative dispute resolution for any issue related to bill payment, bill processing, Decision Point Review Request or Precertification request,
- (e) Submit disputes to alternative dispute resolution pursuant to N.J.A.C. 11:3
- (f) Submit to statements or examinations under oath as often as deemed reasonable and necessary



Failure by the health care provider to comply with all the foregoing requirements will render any prior assignment of benefits under ANJ/ANJP&C policy null and void. Should the provider accept direct payment of benefits, the provider is required to hold harmless the insured and ANJ/ANJP&C for any reduction of payment for services caused by the provider's failure to comply with the terms of the insured's policy.

### **3-Level Utilization Review Process**

1. First Level of Clinical Review - The title of the person performing first level clinical reviews is Nurse Case manager. All persons in the Nurse Case Manager position are licensed by the State of New Jersey Board of Nursing as Registered Nurses or Licensed Practical Nurses.

In the first level of review, the Nurse Case Manager will review all diagnosis codes and current procedural terminology (CPT), current dental terminology codes (CDT), DSM IV codes, or HCPCS codes against the treatment and testing recommendations.

Medical documentation will be reviewed on an ongoing basis. Required medical documentation from the treating provider must include documented results of the initial and subsequent evaluations to include an assessment of any current and/or historical subjective complaints, observations, objective findings, neurologic indications, and physical tests. All previously performed tests that relate to the injury and the results must be submitted in writing.

Anticipated discharge will be reviewed to verify the established treatment date. If discharge has been extended and/or an additional request for services has been made, any additional medical information needed to complete the review will be requested within two business days. If the Nurse Case Manager approves the requests, the system will be documented. Precertification authorization letters will be sent to eligible injured party/provider and attorney if noted on file the next business day. If the Nurse Case Manager cannot make this decision, the file will be routed to a Physician Advisor to review medical necessity.

When services being reviewed do not meet initial review criteria at this level, the reviewer refers it to a Physician Advisor who does a "second level" review. The Nurse Case Manager is supported by the Physician Advisor who has a non-restricted license to practice medicine in the state of New Jersey. He/She is available by telephone during normal business hours.

2. Healthcare Provider Review (Second Level Review) - Second level clinical reviews are conducted only by healthcare providers (As defined in N.J.A.C. 11:3-4.2) who hold a current non-restricted license to practice medicine in the state of New Jersey and are currently in active practice in New Jersey.

The Nurse Case Managers, who review cases where documentation is considered to be complete, are required to refer any case that does not meet clinical criteria to certify a treatment request to a Physician Advisor for review. The attending provider is notified of this at the time of intake. The Nurse Case Manager sends a case information sheet to the Physician Advisor for assessment and medical determination. If additional documentation including: initial and subsequent evaluations to include an assessment of any current and/or historical subjective complaints, observations, objective findings, neurological indications, and physical tests are available, this is also submitted for review.

The Physician Advisor may:

- a. approve admission or procedure in question based on available information,
- b. consult with the attending physician to determine the need for services and/or treatment, or
- c. render an adverse decision.

Should the Physician Advisor render an adverse decision, the appropriate adverse decision notifications are processed and directed to the provider, injured party and attorney if applicable.

The Physician Advisor will complete the second level review. If he approves the request, the Utilization Review/Bill Review System will be documented and letters to the injured party/provider and attorney if applicable will be sent the next business day. If services are denied, the provider will be notified of the right to appeal the decision. A letter confirming the decision will be sent to the provider the next business day with an attachment describing the appeal process.

If a Decision Point Review request or a request to precertify any medical treatment, tests, durable medical equipment or prescriptions drugs is denied, you are entitled to seek an appeal of such decision. To access the Internal Appeals Process you must notify AIS within 14 days of the denial. **An appeal must be communicated to the Nurse Case Manager in writing with supporting documentation and reasons for the appeal. Submission of information identical to the initial documentation submitted in support of the initial request shall not be accepted as an appeal request.** A Standard Healthcare Provider Clinical Review Appeal (third level review) will be conducted within 5-7 business days. An Expedited Appeal can be conducted within 1-3 business days. The Nurse Case Manager determines the applicable appeal process based on medical need. Appeals should be submitted to AUTO INJURY SOLUTIONS, P.O. Box 5038, Woodbridge, NJ 07095 or faxed to (732) 596-1340. An appeal can also be communicated to the Nurse Case Manager via telephone.

The Physician Advisor is available through AIS by telephone at the number designated for Allstate and/or fax (732) 596-1340 between 9:00 a.m. and 5:30 p.m, Eastern Standard Time every business day, except Holidays.

3. Peer Clinical Review: Appeals (Third Level Review) - Third level clinical reviews are conducted only by healthcare providers (As defined in N.J.A.C. 11:3-4.2) who hold a current non-restricted license to practice medicine or a health profession in the state of New Jersey. They are Board Certified and in active practice. The provider filing an appeal only has 14 days from the date an Adverse Decision is rendered to file an appeal. If an appeal is received after 14 days it will not be considered.

Every effort will be made to select a specialist to perform the third level review that is obviously medically qualified by certification and training to deal specifically with the clinical issue under review.

Third level reviews will be conducted as either a Standard Appeal within 5-7 business days or an Expedited Appeal within 1-3 business days. It is at the discretion of the Nurse Case Manager as to what level of appeal is required. If the provider accepts the Physician Advisor decision, the system will be documented accordingly.

If the provider disagrees with this decision or if supporting materials are not adequate to authorize or deny further treatment or tests, an independent medical examination will be considered. Either party can appeal to an Alternate Dispute Resolution Organization as provided for in N.J.A.C. 11:3-5 if the issue can not be resolved through the Internal Appeals Process

The claimant will be notified by telephone with confirmation in writing the next business day that a physical examination is needed. The examination will be scheduled within 7 calendar days from receipt of notice with a physician in the same area of specialty in a location reasonably convenient to the claimant. Current medical documentation, as described in the first level review process is requested and will be forwarded to the examiner for review

The *Named Insured and/or Eligible Injured Person*, provider and attorney if applicable, will be notified verbally within three business days. The results of the examination will be documented in the system. A copy of the written physical examination report will be made available upon request.

## **EXHIBIT B**

### **Services and Procedures rendered for injuries not included in the Care Paths, which are subject to precertification:**

- Non-emergency inpatient and outpatient hospital care;
- Non-emergency surgical procedures;
- Extended care rehabilitation facilities;
- Outpatient care for soft-tissue/disc injuries of the person's neck, back and related structures not included within the diagnoses covered by the Care Paths;

- Physical, Occupational, speech, cognitive or other restorative therapy or other therapeutic or body-part manipulation including **manipulation under anesthesia** except that provided for identified injuries in accordance with decision point review;
- Outpatient psychological / psychiatric services and testing including biofeedback;
- All pain management services except as provided for identified injuries in accordance with decision point review;
- Home health care;
- Non-emergency dental restoration;
- Temporomandibular disorder; any oral facial syndrome
- Infusion therapy;
- Bone scans;
- Vax-D/DRX type devices
- Transportation Services costing more than \$50.00;
- Brain Mapping other than provided under Decision Point Review;
- Durable Medical Equipment including orthotics and prosthetics costing more than \$50.00;
- Prescriptions costing more than \$50.00;
- Any procedure that uses an unspecified CPT; CDT; DSM IV; HCPCS codes.

**INITIAL INFORMATION LETTER TO INSURED/CLAIMANT/PROVIDERS  
Sent on Auto Injury Solutions Letter Head**

Dear Insured and/or /Eligible Injured Person/ and/or Medical Provider:

Please read this letter carefully because it provides specific information concerning how a medical claim under Personal Injury Protection coverage will be handled, including specific requirements which you must follow in order to ensure payment for medically necessary treatment, tests, durable medical equipment and prescription drugs that a named insured or eligible injured person may incur as a result of an auto accident. The **Decision Point Review Plan** is accessible by accessing URL: <http://www.allstate.com>

**Decision Point Review**

The New Jersey Department of Banking and Insurance has published standard courses of treatment, *Care Paths*, for soft tissue injuries of the neck and back, collectively referred to as *Identified Injuries*. The *Care Paths* provide that treatment be evaluated at certain intervals called *Decision Points*. At decision points, either you or the treating health care provider must provide us with information about further treatment that is intended to be provided (this is referred to as *Decision Point Review*). Such information includes reasonable prior notice and the appropriate clinically supported findings that are being relied upon to support that the anticipated treatment or

test is medically necessary. The Decision Point Review requirements do not apply to treatment or diagnostic tests administered during emergency care or during the first 10 days after the accident causing the injury. The *Care Paths* and accompanying rules, are available on the Internet on the Department's website at <http://www.nj.gov/dobi/aicrapg.htm> (Scroll down to the section headed, "NJAC11:3-4 Medical Protocols Rules, Care Paths, Decision Point Review, Precertification) or by calling Auto Injury Solutions,(AIS) at 1-888-488-4800.

In addition, the administration of certain diagnostic tests is subject to *Decision Point Review* regardless of the diagnosis. The following tests are subject to decision point review:

- Needle electromyography (needle EMG)
- Somatosensory evoked potential (SSEP), visual evoked potential (VEP), brain audio evoked potential (BAEPA), brain evoked potential (BEP), nerve conduction velocity(NCV), and H-reflex study
- Electroencephalogram (EEG)
- Videofluoroscopy
- Magnetic resonance imaging (MRI)
- Computer assisted tomographic studies (CT, CAT scan)
- Dynatron/cyber station/cybex
- Sonograms/ultrasound
- *Thermography/Thermograms*
- *Brain Mapping*
- Any other diagnostic test that is subject to the requirements of the Decision Point Review Plan by New Jersey law or regulation.

These diagnostic tests must be administered in accordance with New Jersey Department of Banking and Insurance regulations, which set forth the requirements for the use of diagnostic tests in evaluation injuries sustained in an auto accident.

### **Mandatory Precertification**

New Jersey regulation provides that insurers may require precertification of certain treatments or diagnostic tests for other types of injuries or tests not included in the medical protocols adopted in NJAC 11:3-4. Precertification means providing us with notification of intended medical procedures, treatments, diagnostic tests, prescription supplies, durable medical equipment or other potentially covered medical expenses. Precertification does not apply to treatment or diagnostic tests administered during emergency care or during the first ten days after the accident causing the injury.

The following are procedures, treatments, diagnostic tests, prescription supplies, durable medical equipment or other potentially covered medical expenses for which precertification is required:

- Non-emergency inpatient and outpatient hospital care;

- Non-emergency surgical procedures;
- Extended care rehabilitation facilities;
- Outpatient care for soft-tissue/disc injuries of the person's neck, back and related structures not included within the diagnoses covered by the Care Paths;
- Physical, Occupational, speech, cognitive or other restorative therapy or other therapeutic or body-part manipulation including manipulation under anesthesia except that provided for identified injuries in accordance with decision point review;
- Outpatient psychological / psychiatric services and testing including biofeedback;
- All pain management services except as provided for identified injuries in accordance with decision point review;
- Home health care;
- Non-emergency dental restoration;
- Temporomandibular disorder; any oral facial syndrome
- Infusion therapy;
- Bone scans;
- Vax-D/DRX type devices
- Transportation Services costing more than \$50.00;
- Brain Mapping other than provided under Decision Point Review;
- Durable Medical Equipment including orthotics and prosthetics costing more than \$50.00;
- Prescriptions costing more than \$50.00
- Any procedure that uses an unspecified CPT; CDT; DSM IV; HCPCS codes.

Our approval of requests for precertification will be based exclusively on medical necessity, as determined by using standards of good practice and standard professional treatment protocols, including, but not limited to, *Care Paths* recognized by the Commissioner of Banking and Insurance. Our final determination of the medical necessity of any disputed issues shall be made by a physician, dentist, or other health care provider as appropriate for the injury and treatment contemplated.

### **Voluntary Precertification**

Health care providers are encouraged to participate in a voluntary precertification process by providing AUTO INJURY SOLUTIONS with a **comprehensive treatment plan** for both identified and other injuries.

AUTO INJURY SOLUTIONS will utilize nationally accepted criteria and the Care Paths to work with the health care provider to certify a mutually agreeable course of treatment to include itemized services and a defined treatment period.

In consideration for the health care provider's participation in the voluntary certification process, the bills that are submitted, when consistent with the precertified services, will be paid so long as they are in accordance with the PIP medical fee schedule set forth in N.J.A.C. 11:3-29.6 In

addition, having an approved treatment plan means that as long as treatment is consistent with the plan, additional notification to AUTO INJURY SOLUTIONS at decision points is not required.

### **DPR//PRECERTIFICATION PROCESS**

In order to submit decision point review and precertification request, your medical provider must submit a legible completed attending provider treatment form via fax to (732) 596-1340 along with legible clinically supported findings that support the treatment, diagnostic test or durable medical equipment requested. A copy of the attending provider treatment form can be found on the internet on the New Jersey Department of Banking and Insurance website at [www.nj.gov/dobi/aicrapg.htm](http://www.nj.gov/dobi/aicrapg.htm) or at <http://www.allstate.com>

We will notify you or your treating health care provider of our decision to authorize or deny reimbursement of the treatment or test as promptly as possible, but no later than three (3) business days after a request has been made. A request for treatment, testing, durable medical equipment or prescription drugs is to be submitted together with legible, conspicuously presented, clinically supported findings that the proposed treatment, testing, durable medical equipment or prescription drugs is in accordance with the standards of medical necessity established under ANJ/ANJP&C policy and New Jersey law. Any denial of reimbursement for further medical treatment or tests will be based on the determination of a physician or dentist. If we fail to take any action or fail to respond within three business days after receiving the required notification and supporting medical documentation at a decision point, then the treating health care provider is permitted to continue the course of treatment until we provide the required notice. Please note that the decision point review requirements do not apply to treatment or diagnostic tests administered during emergency care.

### **PENALTY/CO-PAYMENTS**

If requests for decision point reviews are not submitted as required or if clinically supported findings that support the request are not supplied, payment of your bills will be subject to a penalty co-payment of fifty (50) per cent even if the services are determined to be medically necessary. This co-payment is in addition to any deductible or co-payment under the Personal Injury Protection coverage.

If requests for precertification are not submitted as required or if clinically supported findings that support the request are not supplied, payment of your bills will be subject to a penalty co-payment of fifty (50) percent even if the services are determined to be medically necessary. This co-payment is in addition to any deductible or co-payment required under the Personal Injury Protection coverage.

### **Voluntary Networks**

AUTO INJURY SOLUTIONS has established networks of pre-approved vendors which can recommend designated providers for diagnostic tests; MRI, CT, CAT Scan, Somatosensory

evoked potential (SSEP), visual evoked potential (VEP), brain audio evoked potential (BAEP), brain evoked potential (BEP), nerve conduction velocity (NCV), and H-reflex study, Electroencephalogram (EEG), needle electromyography (needle EMG) and durable medical equipment and prescriptions costing more than \$50.00. An exception from the network requirement applies for any of the electro diagnostic tests performed in N.J.A.C. 11:3-4.5b1-3 when done in conjunction with a needle EMG performed by the treating provider. The designated providers are approved through a Workers Compensation Managed Care Organization

You are encouraged, but not required, to obtain the noted service from one of the pre-approved vendors. If you use a pre-approved vendor from one of these networks for medically necessary goods or services, you will be fully reimbursed for those goods and services consistent with the terms of your auto insurance policy. If you choose to use a vendor that is not part of these pre-approved networks, we will provide reimbursement for medically necessary goods or services but only up to seventy percent of the lesser of the following: (1) the charge or fee provided for in N.J.A.C. 11:3-29, or (2) the vendor's usual, customary and reasonable charge or fee. The Networks can be accessed either through a referral from the Nurse Case Manager or by contacting The Atlantic Imaging Group - Diagnostic testing 1 - 888-340-5850  
Progressive Medical – Durable Medical Equipment and Prescriptions 1 - 800-777-3574

AUTO INJURY SOLUTIONS has PPO Networks available that include providers in all specialties, hospitals, outpatient facilities, and urgent care centers throughout the entire State. The Nurse Case Manager can provide a current PPO network list. The use of these networks is strictly voluntary and the choice of health care provider is always made by the injured party. The PPO networks are provided as a service to those persons who do not have a preferred health care provider by giving them recommendations of providers that they may select from. Networks include CHN Solutions and Focus NJ Chiropractic.

### **INITIAL AND PERIODIC NOTIFICATION REQUIREMENT**

ANJ/ANJP&C may require that the insured advise and inform them about the injury and the claim as soon as possible after the accident and periodically thereafter. This may include the production of information regarding the facts of the accident, the nature and cause of the injury, the diagnosis and the anticipated course of treatment. If this information is not supplied as required, ANJ/ANJP&C may impose an additional co-payment as a penalty which shall be no greater than:

- c) Twenty five percent(25%) when received 30 or more days after the accident; or
- d) Fifty percent (50%) when received 60 or more days after the accident.

### **Internal Appeals Process**

If a Decision Point Review request or a request to precertify any medical treatment, tests, durable medical equipment or prescriptions drugs is denied, or there is any issue relating to bill payment or processing you are entitled to seek an appeal of such decision. To access the Internal Appeals Process you must notify AIS within 14 days of the denial or issue. A Healthcare Provider



Standard Appeal third level review will be conducted within 5-7 business days. An Expedited Appeal can be conducted within 1-3 business days. The Nurse Case Manager determines the applicable appeal process based on medical need. Appeals should be submitted to AUTO INJURY SOLUTIONS, P.O. Box 5038, Woodbridge, NJ 07095 or faxed to (732) 596-1340. An appeal can also be communicated to the Nurse Case Manager via telephone. Either party can appeal to an Alternate Dispute Resolution Organization as provided for in N.J.A.C. 11:3-5 if the issue cannot be resolved through the Internal Appeals Process. Under ANJ/ANJP&C Assignment of Benefits conditions, a provider who has accepted an assignment of benefits is required to utilize the Internal Appeals Process for these issues, prior to filing a demand for alternative dispute resolution.

### **Assignment of Benefits**

Assignment of a named insured's or eligible injured person's rights to receive benefits for medically necessary treatment, durable medical equipment, tests or other services is prohibited except to a licensed health care provider who agrees to:

- (a) Fully comply with ANJ/ANJP&C Decision Point Review Plan,
- (b) Comply with the terms and conditions of the **ANJ/ANJP&C** policy
- (c) Provide complete and legible medical records or other pertinent information when requested by us,
- (d) Utilize the "internal appeals process" which shall be a condition precedent to the filing of a demand for alternative dispute resolution,
- (e) Submit disputes to alternative dispute resolution pursuant to N.J.A.C. 11:3-5,
- (f) Submit to statements or examinations under oath as often as deemed reasonable and necessary.

Failure by the health care provider to comply with all the foregoing requirements will render any prior assignment of benefits under ANJ/ANJP&C policy null and void. Should the provider accept direct payment of benefits, the provider is required to hold harmless the insured and ANJ/ANJP&C for any reduction of payment for services caused by the provider's failure to comply with the terms of the insured's policy.

### **Medical Examinations**

At our request, we may require an independent medical examination (IME) to determine medical necessity of further treatment or testing. The appointment will be made within 7 calendar days of receipt of the notice that an IME is required unless the injured person agrees to extend the time period. The IME

will be completed by a provider in the same discipline as the treating provider and upon request the injured person must provide medical records and other pertinent information to the provider conducting the IME. Failure to bring requested records will result in an unexcused absence. The IME will be conducted at a location reasonably convenient to the insured and/or eligible injured party. Failure to attend an independent medical examination scheduled in accordance with our Decision Point Review Plan at a reasonably convenient location for the injured person will be considered an unexcused absence. The named insured and/or

eligible injured person must supply proper identification at the exam. A photo ID would be preferred but any form of identification will be accepted. If unable to attend the exam they must notify us at (800) 818-7610 (option 7) at least 3 business days before the exam. Failure to comply with these requirements will result in an unexcused absence. Exams will be scheduled to occur within 30 calendar days of the receipt of the request for additional treatment/test or service in question. Exams scheduled to occur beyond 30 calendar days of the receipt of the request of additional treatment/test or service in question must be attended or it will be considered an unexcused absence. Within three business days following the examination the injured party and provider will be notified as to whether they will be reimbursed for further treatment. The injured party or his designee may request a copy of any written report prepared in conjunction with any physical examination we request. If there is more than one unexcused failures to attend the scheduled exam, notification will be immediately sent to the Named Insured and/or Eligible Injured Person, Attorney if noted and all health care providers providing treatment for the diagnosis (and related diagnosis) contained in the attending physician's treatment plan form. The notification will place the parties on notice that all future treatment, diagnostic testing, durable medical equipment or prescription drugs required for the diagnosis (and related diagnosis) contained in the attending physician's treatment plan form will not be reimbursable as a consequence of failing to comply with the plan. Except for surgery, procedures performed in ambulatory surgical centers, as well as invasive dental procedures, may proceed while the IME is being scheduled and until the results become available. However only medically necessary treatment related to the motor vehicle accident will be reimbursed.

Sincerely,

Nurse Case Managers Name  
Nurse Case Managers Telephone number with extension