



Related MLN Matters Article #: MM5897

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Change in the Amount in Controversy Requirement for Administrative Law Judge (ALJ) Hearings and Federal District Court Appeals

Key Words

MM5897, R1437CP, CR5897, Controversy, Law, Judge, Hearings, Court, Appeals

Provider Types Affected

Physicians, providers, and suppliers submitting claims to Medicare Carriers, Durable Medical Equipment Medicare Administrative Contractors (DME MACs), Fiscal Intermediaries (FIs), Part A/B MACs, and/or Regional Home Health Intermediaries (RHHIs) for services provided to Medicare beneficiaries

Key Points

- The effective date of the instruction is January 1, 2008.
- The implementation date is May 5, 2008.
- The Medicare claims appeal process was amended by the Medicare, Medicaid, and State Children's Health Insurance Program Benefits Improvement and Protection Act of 2000.
- The Medicare Prescription Drug, Improvement, and Modernization Act of 2003 provides for annual reevaluation (beginning in 2005) of the dollar amount in controversy required for an ALJ hearing and Federal District Court review.
- Change Request (CR) 5897 revises the *Medicare Claims Processing Manual* (Publication 100-4, Chapter 29, Section 330.1 and Section 345.1) to update the amount in controversy required for an ALJ hearing or Federal District Court review.
- As of January 1, 2008, the amount remaining in controversy must be at least \$120 for an ALJ hearing or at least \$1,180 for a Federal District Court review requested on or after January 1, 2008.

Important Links

The related MLN Matters article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM5897.pdf> on the CMS website.

The official instruction (CR5897) regarding this change may be viewed at

<http://www.cms.hhs.gov/Transmittals/downloads/R1437CP.pdf> on the CMS website.

If providers have questions regarding this issue, they may contact their carrier, DME MAC, FI, A/B MAC, and/or RHHI at their toll-free number, which may be found at <http://www.cms.hhs.gov/MLNProducts/downloads/CallCenterTollNumDirectory.zip> on the CMS website.