



Related MLN Matters Article #: MM3939

Date Posted: November 25, 2005

Related CR #: 3939

## *Appeals of Claims Decisions: Redeterminations and Reconsiderations and Appeals Rights for Dismissals*

### Key Words

MM3939, CR3939, 724CP, appeals, claims, redetermination, reconsideration, dismissals

### Provider Types Affected

Physicians, providers, and suppliers who appeal initial claims determinations by Medicare

### Key Points

- The effective date of the instruction is January 1, 2006, for appeals of initial determination of claims by Medicare carriers; May 1, 2005 for initial claim determinations by Medicare fiscal intermediaries (FIs).
- The implementation date is December 16, 2005, for FIs and January 1, 2006, for carriers.
- Section 1869 (c) of the Social Security Act, as amended by the SCHIP Benefits Improvement and Protection Act of 2000 (BIPA) requires a new second level in the administrative appeals process called a "reconsideration."
- This new "reconsideration" is different from the previous first level of appeal for Part A claims performed by FIs.
- Reconsiderations will be processed by Qualified Independent Contractors (QICs).
- Physicians, providers, and suppliers who wish to appeal an initial determination of a Medicare claim made by a Medicare carrier or FI should review Change Request (CR) 3939.
- The key new or revised sections contained in CR3939 include information on:
  - Filing a request for redetermination;
  - Appeal rights for dismissals of redetermination requests, including sample dismissal letters and notices;
  - Filing requests for reconsiderations, the second level of appeal;
  - Time limits for filing reconsideration requests; and

- How reconsideration decisions are effectuated.
- It may be helpful to review MLN Matters article MM3530 and/or CR3530 when billing a Medicare FI.

### Important Links

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM3939.pdf>

<http://www.cms.hhs.gov/transmittals/downloads/R724CP.pdf>

MLN Matters article MM3530 - "MMA - Revisions to Medicare Appeals Process for Fiscal Intermediaries" (CR Title-"Appeals Transition – BIPA 521 Appeals") is available at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM3530.pdf> on the CMS website.

CR3530 – "Revisions to Medicare Appeals Process for Fiscal Intermediaries" (CR Title-"Appeals Transition – BIPA 521 Appeals") is available at <http://www.cms.hhs.gov/Transmittals/downloads/R146OTN.pdf> on the CMS website.