

The Medicare Appeals Process: What You Need to Know

2/28/2024

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Objective

After this session, attendees will have the knowledge needed to successfully navigate Medicare's appeals process and know where to go to find more information.

Today's Presenters

Provider Outreach and Education Consultants

- Andrea Freibauer
- Jeanine Gombos, LPN





Agenda

Reopenings

Andrea Freibauer and Jeanine Gombos

Appeals Process

Andrea Freibauer and Jeanine Gombos

Appeal Levels

Andrea Freibauer and Jeanine Gombos

References and Resources

Andrea Freibauer and Jeanine Gombos

Questions and Answers

Andrea Freibauer and Jeanine Gombos



Reopenings

What is a Reopening?

- Not an appeal
 - Not processed through Appeals department
- Request to reopen claim to correct clerical errors/omissions
 - Action to change initial determination outside of appeals process
- Submit single reopening request if requesting reopening for multiple services on same claim (same DCN)
- Request within one year of claim's finalized date
- Occurs at NGS's discretion
 - If we decide not to reopen claim, decision not appealable

Valid Reopening Reasons

■ Includes:

- Human or mechanical error
- Mathematical or computational mistake
- Transposed codes
- Inaccurate data entry
- Computer errors
- Incorrect data items
 - ✓ Provider #
 - ✓ Use of modifier
 - ✓ DOS

■ Does not include:

- Omissions or failure to bill for items or services
- Third-party payer errors

Reopening of Partially Denied Claims Using “LN” Adjustment Process

- Can reopen claims partially denied by automated edits for LCDs/NCDs to add/change diagnosis code(s)
 - Line item denial reason code(s) 55A00, 55A01, 52NCD, 53NCD, 54NCD or 59xxx series
- To submit reopening request or adjustment (LN adjustment process)
 - Adjustment TOB = XX7 or XXQ
 - Adjustment reason code = LN
 - Adjustment CC = D9
 - Add/change diagnosis code
 - ✓ Must justify services automatically denied due to lack of appropriate diagnosis code per LCD/NCD

Other Types of Reopenings

- To reopen claims partially denied for other valid reasons
 - Submit reopening request or adjustment (regular adjustment process)
 - ✓ Adjustment TOB = XX7 or XXQ
 - ✓ Adjustment reason code = As applicable
 - ✓ Adjustment CC = As applicable
 - ✓ Make necessary correction (must be clerical error/omission, e.g., correct HCPCS code)
- To reopen claims fully denied
 - Claim status/location in FISS = DB9997
 - Submit reopening request; not adjustment

Reopening Request Options

- Via NGSConnex (preferred)
 - Follow Initiate a Clerical Error Reopening instructions in [NGSConnex User Guide](#)
- In writing
 - Complete [Clerical Error/Omission Reopening Request Form](#) and send via US Mail
 - Include:
 - ✓ Beneficiary's name and Medicare number
 - ✓ Date of initial determination notice
 - ✓ DOS
 - ✓ Specific clerical error/omission change you would like considered
 - ✓ Requestor name, address, telephone number and relationship to beneficiary
 - ✓ NPI, PTAN and Tax ID
 - ✓ Requestor's signature and date
 - ✓ Any necessary documentation

Reopening References & Resources

- [Reopenings for Minor Errors and Omissions](#)
- [Submit Adjustment to Correct Claims Partially Denied by Automated LCD-NCD Denials](#)
- When mailing reopening request, use correct PO Box (listed on bottom of form)

Jurisdiction K (Part A & HH+H-States)	Jurisdiction 6 (Part A, HH+H States & all FQHCs)
National Government Services, Inc. Appeals Department P.O. Box 7111 Indianapolis, IN 46207-7111	National Government Services, Inc. Appeals Department P.O. Box 6474 Indianapolis, IN 46206-6474

Appeals Process

Overview



Review Claim Decisions Carefully

Providers and beneficiaries should review claim results and determine if they want to appeal



Ensure Correct Claim Adjudication

Providers and beneficiaries have right to appeal most claim determinations made by NGS to ensure correct adjudication of claims



CMS Governs All Appeal Activities

Appeals process and activities are governed by CMS

What is an Appeal?

- Action you can take if you disagree with Medicare's coverage or payment decision
- Applies to most processed claims that are either fully or partially denied
 - Review reasons for claim or claim line denial to determine if appealable
 - ✓ "Remarks" on claim in FISS
 - ✓ Claims determination letter(s)
- Can be requested by provider, beneficiary or beneficiary's authorized representative (such as family member or attorney)
 - Representative may be appointed at any point in appeals process
 - [CMS Appointment of Representative Form \(CMS 1696\)](#)
 - ✓ Form valid for one year from date signed by party making appointment, or date appointment accepted by representative, whichever is later

Examples of Possible Appealable Situations

- Coverage/medical necessity
- Deductible or coinsurance amount
- Number of days used for hospital or post-hospital extended care
- Physician certification requirement
- Beginning and ending of a benefit period
- Determination of limitation of liability provision
- Issue affecting amount of benefits payable (including over- and underpayments)
- Pre-payment/post-payment probes (CERT, UPIC, SMRC, RA, QIO)

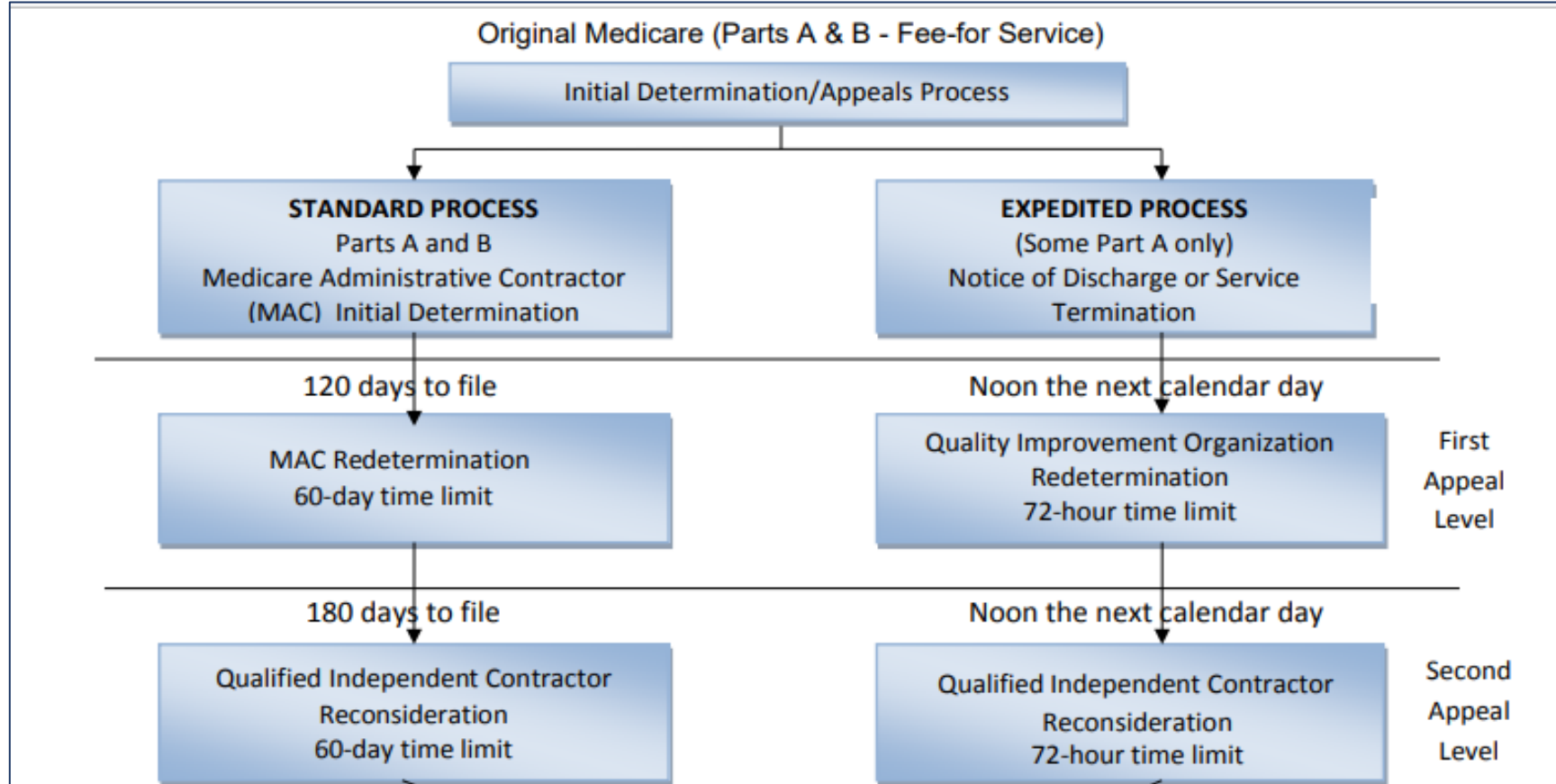
Do Not Appeal Primary Claims Rejected for MSP

- Claims submitted as Medicare primary reject for MSP (cost-avoid) if both apply:
 - Open MSP record in CWF exists
 - Claim does not indicate why Medicare is primary
- Determine correct primary payer and submit subsequent adjustment depending on situation
 - Other payer is primary
 - ✓ Bill primary payer
 - ✓ Once response received, submit adjustment to Medicare to change claim to MSP (or conditional)
 - Medicare is primary
 - ✓ Contact [BCRC](#), if applicable, to have MSP record corrected
 - ✓ Once correction complete, submit adjustment to make Medicare primary

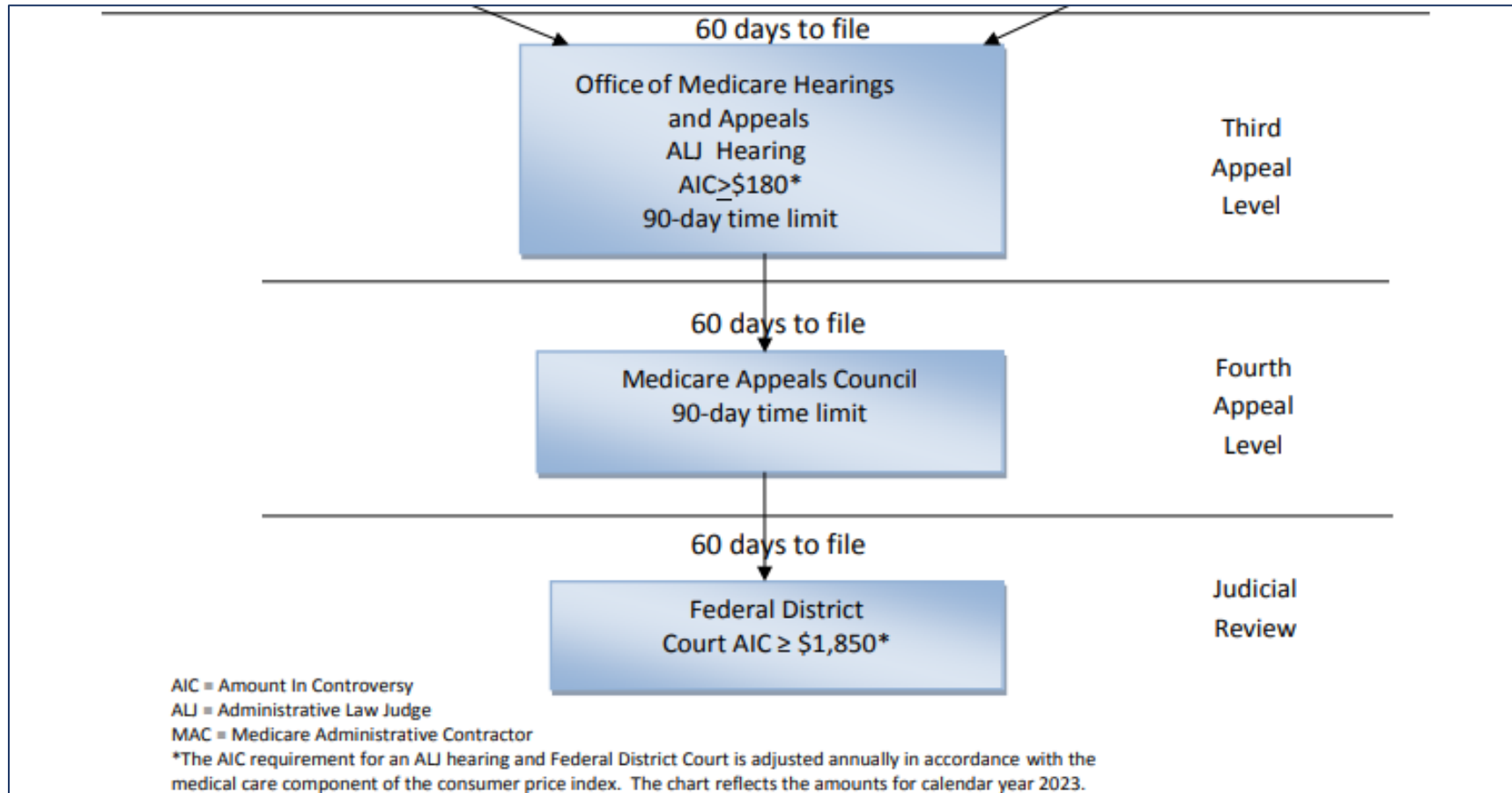
Do Not Appeal Claims Rejected for Timely Filing

- Federal regulations mandate timely filing of claims within one year of services rendered
 - Four allowable exceptions to timely filing
 - ✓ Administrative error
 - ✓ Retroactive Medicare entitlement
 - ✓ Retroactive Medicare entitlement involving Medicaid
 - ✓ Retroactive disenrollment
- Determining if claim filed timely
 - Generally claim “From” date used
 - Institutional claims that span DOS - “Through” date used
- Determine if exception met and submit adjustment

Medicare FFS Appeals Flow Chart – Part 1



Medicare FFS Appeals Flow Chart – Part 2



Amount in Controversy (AIC)

- Certain appeal levels must meet monetary threshold called AIC
 - May be able to aggregate claims
 - AIC thresholds increase annually
- Actual amount charged for items and services in question, reduced by
 - Medicare payments already made or awarded for items or services and
 - Deductible and coinsurance amounts applicable

Timely Filing of Appeals

- If you cannot file appeal within necessary timeframe, you can request extension
- Appeals staff grants based on good cause - must be acceptable reason
 - If approved, does not grant extension for timely filing on next appeal level
 - When good cause is not established, request dismissed
 - ✓ If you disagree with dismissal, you must file next level of appeal request within appropriate timeframe from dismissal date
- Conditions that do not establish good cause
 - Lack of business office management skills or expertise causing late filing
 - ✓ Example – Important documents misplaced and not found until claim timely period expired
 - Situations that cannot be justified with appropriate documentation

Examples of Good Cause

- Serious illness prevented you from contacting appeals reviewer
- Death or serious illness
- Important records were destroyed or damaged by fire or other event
- Access to your records affected by emergency or disaster
- Contractor or reviewer gave you incorrect or incomplete information about when and how to file appeal
- Notice of determination or decision not received
- Submitted request to government agency in good faith within time limit but didn't reach appeals representative in time
- Delay because you required documents in large print, braille or other format
- Physical, mental, educational, or other limitations

Appeal Levels

Level One: Redetermination

- Submitted to National Government Services
- Time limit to initiate redetermination
 - 120 days from receipt date of initial determination
- Time limit to complete review
 - 60 days
- Amount in controversy
 - No minimum
- [Part A Redetermination Request Form Level 1](#)



Tip: One Appeal Request Per Claim

- Submit one redetermination request per claim
 - Do not submit request for each line
 - Only one claim per Redetermination Request Form
 - In NGSConnex, only claim indicated in "Redetermination Details" considered
 - ✓ Do not submit additional claims to be considered in "Attachments" section
- If appeal request involves overpayment determined through sampling and extrapolation
 - Identify all contested sample claims in one request and state any sampling methodology challenges

What To Include In Redetermination

- Must include:
 - Beneficiary's name
 - Beneficiary's Medicare number
 - Specific service/item provided and DOS
 - Name/signature of person requesting appeal
 - Attachments for additional information
 - All pertinent supporting medical record documentation (signed by physician)
 - Explanation of delayed request if submitting past time limit
- When requesting appeal make sure to include POC information
 - Someone who will respond promptly to document requests

Tip: Documentation

- When requesting appeal, submit complete medical record
 - Determine type of documentation to submit
 - ✓ Previously sent records automatically incorporated; do not resend
 - Refer to [What Documents are Needed](#)
 - ✓ Listing of types of services you may appeal and medical records that may assist in supporting that services billed coverable by Medicare
 - Include relevant supporting documents, for example:
 - ✓ Copy of decision letter(s) or claim information issued at prior level(s), if applicable
 - ✓ Copy of demand letter(s) if appealing overpayment determination

Submit Redetermination in Writing

- Download and complete [Part A Redetermination Request Form Level 1](#)
 - Type appropriate information into form or ensure handwriting legible
 - Complete all areas of form
 - Include attachment if more space needed
 - Attach necessary documentation
- Send via US Mail to correct National Government Services address

JK Part A Providers	J6 Part A and FQHC/RHC Providers
National Government Services Appeals Dept. PO Box 7111 Indianapolis, IN 46207-7111	National Government Services Appeals Dept. PO Box 6474 Indianapolis, IN 46206-6474

Tip: Protect Private Health Information

- When using FedEx, UPS and/or USPS
 - Add cover sheet indicating contains PHI and include all necessary disclaimers
 - Label boxes and envelopes clearly
 - Use reinforced boxes and secure with shipping tape
 - Confirm unrelated information not included within package/envelope

Submit Redetermination in NGSConnex

- Access NGSConnex
 - Log in to NGSConnex with your username and password
- Submit electronic appeal and attach documentation
 - Follow instructions in [NGSConnex User Guide](#) to submit redetermination and supporting documentation
 - Submit only documentation relevant to services/dates in your request
 - ✓ Submit as few attachments as possible by combining multiple supporting documents into each attachment (maximum size 25 MBs)
 - ✓ File types not accepted = .xml, .log, and .cfg

Tip: Do Not Submit Duplicate Requests

- Prevent submission of duplicate reopening and redetermination requests
 - Check if you submitted reopening/redetermination via NGSConnex before submitting another
 - ✓ When you initiate reopening/redetermination in NGSConnex, first step is to verify Submission History
 - ✓ Submission History panel displays reopening submitted via NGSConnex on/after 2/25/2022
 - Submitting duplicate reopening/redetermination requests
 - ✓ Results in processing delays
 - ✓ Abusive and costly to Medicare program

Submit Redetermination via esMD

- CMS developed mechanism for contractors to receive redeterminations electronically via secure gateway
 - Electronic Submission of Medical Documentation (or esMD)
- To electronically submit redetermination to NGS
 - Build a gateway or
 - Procure gateway services from Health Information Handler (HIH) of your choice
- Include completed/signed [Part A Redetermination Request Form Level 1](#)
 - First page of submission
- Learn more about signing up for esMD and choosing HIH
 - [CMS' esMD web page](#)

Level Two: Reconsideration

- Submitted through QIC assigned by CMS
- Time limit to initiate reconsideration
 - 180 days from receipt date of redetermination decision
- Time limit to complete review
 - 60 days
- Amount in controversy
 - No minimum
- [Medicare Reconsideration Request Form \(CMS 20033\)](#)



Reconsiderations - JK Part A Providers

- [C2C Innovative Solutions, Inc. \(C2C\)](#)
- Questions on QIC Part A East - Call 904-224-7446
- Ways to submit reconsiderations to C2C
 - US Mail
 - C2C Innovative Solutions, Inc.
 - QIC Part A East Appeals
 - P.O. Box 45305
 - Jacksonville, FL 32232-5305
 - Secure fax 904-539-4074
 - [C2C Appeals Portal](#)

Reconsiderations - J6 Part A and FQHC/RHC

- [Maximus, Inc.](#)
- Questions on QIC Part A West - Call 585-348-3020 and leave message
- Ways to submit reconsiderations to Maximus
 - US Mail
 - QIC Part A West
 - Maximus, Inc.
 - Medicare Part A West
 - 3750 Monroe Ave. Suite 706
 - Pittsford, NY 14534-1302
 - Secure fax 585-869-3346
 - [QIC Appeals Portal](#)

Level Three: ALJ

- Time limit to initiate appeal to ALJ
 - 60 days from receipt date of reconsideration from QIC
- Time limit to complete review
 - 90 days
- Amount in controversy
 - \$180 minimum (2024)
- [Request for ALJ Hearing or Review of Dismissal \(Form OMHA-100\)](#)



Aggregating Claims to Meet Threshold

- In order to meet threshold amount, can include two or more claims that were all previously reconsidered by QIC in request for ALJ hearing
 - Can include both Part A and Part B claims
- Can be done by individual appellant or multiple appellants
 - Individual – All aggregated claims involve delivery of similar or related services
 - Multiple – All aggregated claims involve "common issues of law and fact"
- Request for ALJ hearing must
 - List all claims to be aggregated
 - Be properly filed within 60 days after receipt of all appealed reconsiderations
 - Include reasoning why claims included involve common issues of law and fact or similar/related services

ALJ – Part A and FQHC/RHC

- Through [US Department of HHS Office of Medicare Hearings and Appeals \(OMHA\)](#)
- For questions on ALJ process
 - Call (855) 556-8475 or email Medicare.Appeals@hhs.gov
- Ways to submit ALJ appeal requests
 - US Mail
 - OMHA Central Operations
 - 1001 Lakeside Avenue, Suite 930
 - Cleveland, OH 44114-1158
 - [OMHA e-Appeal Portal](#)
- Check status via [ALJ Appeal Status Information System \(AASIS\)](#)

Level Four: Medicare Appeals Council

- Through DAB
- Time limit to initiate appeal to DAB
 - 60 days from receipt date of ALJ decision
- Time limit to complete review
 - 90 days
- Amount in controversy
 - No minimum
- [Request for Review of ALJ Medicare Decision/Dismissal \(Form DAB-101\)](#)



DAB - Part A and FQHC/RHC

- [Appeals to the Medicare Appeals Council \(Council\) | HHS.gov](https://www.hhs.gov/medicare/appeals-council/)
- For questions on DAB Medicare appeals process call 202-565-0100
- Ways to submit DAB Medicare appeals requests
 - US Mail
 - Dept. of Health and Human Services
 - Departmental Appeals Board
 - Medicare Appeals Council, MS 6127
 - Cohen Building Room G-644
 - 330 Independence Ave., S.W.
 - Washington, D.C. 20201
 - Fax 202-565-0227
 - [DAB Medicare Operations Division eFile](#)

Level Five: Judicial Review

- Through Federal U.S. District Court
- Time limit to initiate Judicial Review appeal
 - 60 days from receipt date of Medicare Appeals Council DAB decision
- Time limit to complete review
 - None
- Amount in controversy
 - \$1,840 (2024)
- No official form required
 - Suggest submission of all other forms for appeals level one to four



Federal U.S. District Court - Part A and FQHC/RHC

- Do not send to National Government Services!
- File in appropriate district court of the United States
 - Judicial district in which appealing party resides or where such individual, institution, or agency has principal place of business



Five Levels of Appeal Recap

Appeal Level	Monetary Threshold 2024	Time Limit for Filing
Redetermination	None	120 days from RA receipt date
Reconsideration	None	180 days from redetermination notice
ALJ Hearing	\$180	60 days from reconsideration notice
DAB Review	None	60 days from ALJ decision
Judicial Review	\$1840	60 days from DAB decision

References and Resources

Tool: NGS Appeals Calculator

- Visit [our website](#) > Resources > Tools and Calculators > Appeals Calculator

APPEALS CALCULATOR

Appeals Calculator

To determine the timely filing date for your appeals request:

Step One

Please select an option from the drop-down based upon which level of appeal you are in (see table at bottom of page).

Step Two

Enter the date on which you received the response to your previous appeal.

Reminder: The filing time limit for each level of an appeal is calculated from the date you received a response to your previous filing.

Step One *

Step Two *

CMS References and Resources

- [Original Medicare \(Fee-for-service\) Appeals Levels](#)
- [CMS FFS Appeals Flow Chart](#)
- [CMS IOM Publication 100-04, Medicare Claims Processing Manual, Chapter 29 – Appeals of Claims Decisions](#)
- [CMS IOM Publication 100-04, Medicare Claims Processing Manual, Chapter 29, Section 250](#)
- [eCFR :: 42 CFR Part 405 Subpart I -- Determinations, Redeterminations, Reconsiderations, and Appeals Under Original Medicare \(Part A and Part B\)](#)
- MLN[®] Booklet: [Medicare Parts A & B Appeals Process](#) (MLN006562)
- MLN[®] Fact Sheet: [Medicare Overpayments](#) (MLN 006379)

NGS References and Resources

- [Reopenings for Minor Errors and Omissions](#)
- [About Appeals](#)
- [Levels of Appeals and Time Limits for Filing](#)
- [NGS Appeals Forms](#)
- [What is NGSConnex?](#)
- News Articles
 - [Appealing a Denied Claim](#)
 - [Providers Using NGSConnex to Submit Appeals and Supporting Documentation](#)

Questions?

Thank you! A follow-up email will be sent to attendees with the Medicare University Course Code.

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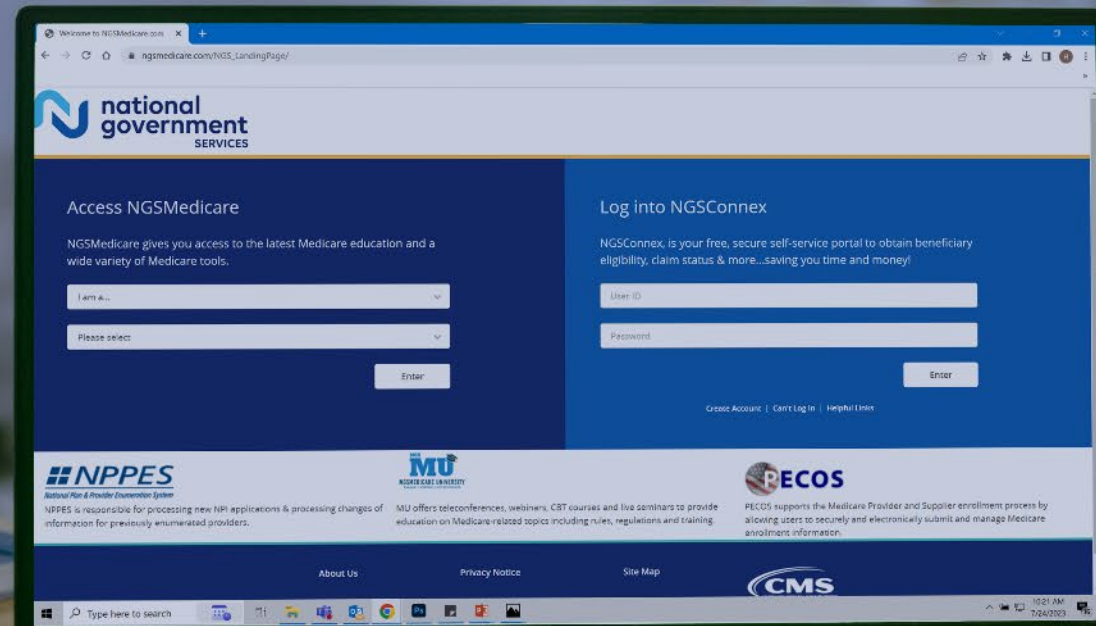
Self-paced online learning



[LinkedIn](#)

Educational Content

Find us online



www.NGSMedicare.com

Online resources, event calendar, LCD/NCD, and tools



IVR System

The interactive voice response system (IVR) is available 24-hours a day, seven days a week to answer general inquiries



[NGSConnex](#)

Web portal for claim information



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