

Deadline Approaching to Add Issues to Some Pending PRRB Appeals

We wanted to alert you that, for any pending PRRB appeals filed from Notices of Program Reimbursement (NPRs) or other appealable determinations received on or before February 23, 2008, the deadline for adding issues is October 20, 2008. This is due to the May 23, 2008 changes to the federal regulations governing PRRB appeals.

Note that for appeals filed from NPRs or other determinations received on or after February 24, 2008, the deadline for adding issues is 240 days after your organization receives the determination.

Some issues to consider adding include:

- DSH Issues (e.g., Medicaid paid days; Medicare eligible but unpaid days; charity/general assistance days; dual eligible issues related to Medicare Part A exhausted days; Medicare secondary payer days; cessation of Medicare Part A benefits prior to inpatient service; Medicare Advantage days; DSH/Supplemental Security Income days)
- Bad Debt Issues (e.g., crossover (Medicaid) claims (“must bill” policy); use of outside collection agency; 120-day presumption of uncollectibility; indigence/charity determinations; prior approval by intermediary under statutory moratorium)
- GME/IME Issues (e.g., resident FTE counts; available beds (IME); base year issues; non-provider rotations; Medicare Advantage days)
- Wage Index Issues (e.g., wage data corrections; wage-related costs; rural floor; budget-neutrality adjustment; disallowance of pension/post-retirement benefit costs; disallowance of contract labor costs, including consultants and attorneys)
- Nursing/Allied Health (e.g., Medicare Advantage days)
- Sampling/Extrapolation Issues (which could affect several of the above-mentioned areas)
- Organ Transplant Issues (e.g., pre- and post-transplant allocations; statistics)
- Classification/Reclassification (e.g., Medicare status; geographic classification)
- Reporting Hospital Quality Data Issues

This is not intended to be a comprehensive list of all the issues that your organization may want to add to a pending appeal but rather a broad check-list as you review past audit adjustments. Please do not hesitate to contact us if you would like to discuss any of these issues or others that affect your organization.

Please also be aware that a new form – “Model Form C – Request To Add Issue(s) To An Individual Appeal” – must be used when adding an issue to a pending appeal. Depending on what has already been filed, it may be necessary to file a supplemental position paper with supporting materials.

If you have additional questions concerning the approaching deadline for PRRB appeals, please contact:

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*This alert should not be construed as legal advice or a legal opinion on any specific facts or circumstances.
This alert is not intended to create, and receipt of it does not constitute, a lawyer-client relationship.
The contents are intended for general informational purposes only, and you are urged to consult your own
lawyer concerning your own situation and any specific legal questions you may have.*