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Final PRRB Rules Issued

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CMS "Clarifies" Bad Debt Policy Related to Claiming Bad Debts While Accounts Are at a Collection Agency, Removing Benefit of Moratorium

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Last Friday, May 23, 2008, CMS issued final rules addressing provider appeals before the Provider Reimbursement Review Board and fiscal intermediaries. A copy of that rule can be found at:

<http://edocket.access.gpo.gov/2008/pdf/E8-11227.pdf>. With limited exceptions, the new regulations apply to all appeals pending as of, or filed on or after, August 21, 2008.

One important change in the regulations is the time restriction on adding new issues to pending appeals. While under the old regulations, providers could add issues to appeals any time prior to a hearing, the new regulations allow providers to add issues no later than 60 days after the expiration of the applicable 180-day period for filing the initial appeal. 42 C.F.R. § 405.1835(c). This provision has a special effective date, allowing providers to add issues by the expiration of the later of the following two periods: (1) 60 days after the expiration of the 180-day period for filing the appeal, or (2) 60 days after the effective date of the rule, i.e., by October 20, 2008.

Ober|Kaler's Comments: Providers should begin to review their pending appeals for any issues they wish to add. A more in-depth examination of the new final rules will be published in a future *Payment Matters*.

Payment Group

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