

OMHA TO HOST CALL ON EXPANDED SETTLEMENT CONFERENCE FACILITATION ON MAY 22, 2018

Date: 21 May 2018

U.S. Health Care Alert

By: Gary S. Qualls, Susan K. Hackney, Varsha D Gadani, Zachary W. Ernst

The Office of Medicare Hearings and Appeals ("OMHA") recently expanded the Settlement Conference Facilitation ("SCF") program, an alternative dispute resolution process, to allow more providers and suppliers with pending Part A and Part B appeals to settle with OMHA and the Medicare Appeals Council ("Council"). [1]

OMHA is hosting an open door call to provide more information about the SCF expansion on May 22, 2018 from 1:30 to 3:00 p.m. EST.

OMHA has already released the anticipated eligibility criteria for the expanded SCF program on its website, which provides the following:

For a provider or supplier to be eligible for the expanded SCF process, the provider or supplier must:

- Be enrolled in Medicare and be assigned a National Provider Identifier ("NPI");
- Not have filed for bankruptcy and/or expect to file for bankruptcy in the future; and
- Not have or have had False Claims Act litigation or investigations or other program integrity concerns, including pending civil, criminal, or administrative investigations.

For an appeal to be eligible for the expanded SCF process, the appeal must:

- Involve requests for Administrative Law Judge ("ALJ") hearing or Council review filed on or before November 3, 2017:
 - With a total of 500 or more appeals pending at OMHA and the Council combined; or
 - With any number of appeals pending at OMHA and the Council that each have more than \$9,000 in billed charges.
- Have not been scheduled or heard at an ALJ hearing;
- Be associated with a single NPI and corresponding Provider Transaction Access Number;
- Involve claims that are \$100,000 or less for each claim, and in extrapolated statistical samples, involve overpayment amounts extrapolated from the universe of claims of \$100,000 or less; and
- Certain other criteria. [2]

During the open door call on May 22, 2018, OMHA will provide additional guidance regarding the types of appeals that are eligible for SCF. Registration and additional information about the SCF Expansion Call is available at the following link: <https://blh.ier.intercall.com/catalog>. Attendees can submit questions in advance by emailing OMHA.SCF@hhs.gov with "SCF May 22 Call" in the subject line. Attorneys from our Health Care Practice will be attending and monitoring the call for additional insight into the expanded SCF program.

If you are a provider or supplier that is interested in learning more about SCF or pursuing SCF, K&L Gates' Health Care Practice can help. Our health care lawyers have experience representing providers through the Medicare appeals and settlement process. Additionally, our health care lawyers are closely monitoring the expansion of the SCF program.

[1] SCF is separate and distinct from the Centers for Medicare & Medicaid Services' Low Volume Appeals ("LVA") Settlement Option. For more information about LVA, please visit <https://go.cms.gov/LVA>.

[2] Expanded SCF program eligibility criteria is available at:
<https://www.hhs.gov/about/agencies/omha/about/special-initiatives/settlement-conference-facilitation/index.html>.

KEY CONTACTS



GARY S. QUALLS
PARTNER

RESEARCH TRIANGLE PARK
+1.919.466.1182
GARY.QUALLS@KLGATES.COM



SUSAN K. HACKNEY
PARTNER

RESEARCH TRIANGLE PARK
+1.919.466.1195
SUSAN.HACKNEY@KLGATES.COM

This publication/newsletter is for informational purposes and does not contain or convey legal advice. The information herein should not be used or relied upon in regard to any particular facts or circumstances without first consulting a lawyer. Any views expressed herein are those of the author(s) and not necessarily those of the law firm's clients.