
42 C.F.R. § 414.425

Claims for damages.

- (a) *Eligibility for filing a claim for damages as a result of the termination of supplier contracts by the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA).* (1) Any aggrieved supplier, including a member of a network that was awarded a contract for the Round 1 Durable Medical Prosthetics, Orthotics, and Supplies Competitive Bidding Program (DMEPOS CBP) that believes it has been damaged by the termination of its competitive bid contract, may file a claim under this section.
- (2) A subcontractor of a contract supplier is not eligible to submit a claim under this section.
- (b) *Timeframe for filing a claim.* (1) A completed claim, including all documentation, must be filed within 90 days of January 1, 2010 (the effective date of these damages provisions), unless that day is a Federal holiday or Sunday in which case it will fall to the next business day.
- (2) The date of filing is the actual date of receipt by the CBIC of a completed claim that includes all the information required by this rule.
- (c) *Information that must be included in a claim.* (1) Supplier's name, name of authorized official, U.S. Post Office mailing address, phone number, email address and bidding number, and National Supplier Clearinghouse Number;
- (2) A copy of the signed contract entered into with CMS for the Round 1 DMEPOS Competitive Bidding Program;
- (3) A detailed explanation of the damages incurred by this supplier as a direct result of the termination of the Round 1 competitive bid contract by MIPPA. The explanation must include all of the following:

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