

Report on Medicare Compliance Volume 27, Number 40. November 12, 2018 Court: Appeals Backlog Must End By 2022; OMHA Just Got Money for It

By Nina Youngstrom

An end to the Medicare appeals backlog is in sight now that the U.S. District Court for the District of Columbia ordered HHS to clear it by 2022. In a Nov. 1 decision, the court said HHS—which in this context means the Office of Medicare Hearings and Appeals (OMHA)—just got funding to pull it off.

This appears to be the end of a four-year battle over the backlog because nobody is really arguing anymore over the basics. “As this time around the Government agrees that recent funding has made compliance possible within four years, the Court will impose such a deadline,” Judge James Boasberg ruled.

Whether the backlog will actually unclog by 2022 is another story, says attorney Ross Burris, with Polsinelli in Atlanta. “Only time will tell if they can really do it,” he notes. In the meantime, providers are trying to preserve their reimbursement while they’re stuck waiting years for hearings before OMHA’s administrative law judges (ALJs). A few have gotten a temporary restraining order in federal courts to stop recoupment until the end of the Medicare appeals process (*RMC* 4/16/18, p. 1; 7/30/18, p. 1).

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