
42 C.F.R. § 423.2014

Request for an ALJ hearing or a review of an IRE dismissal.

(a) *Content of the request.* (1) The request for an ALJ hearing or a review of an IRE dismissal must be made in writing, except as set forth in paragraph (b) of this section. The request, including any oral request, must include all of the following—

- (i) The name, address, telephone number, and Medicare number of the enrollee.
- (ii) The name, address, and telephone number of the representative, as defined at § 423.560, if any.
- (iii) The Medicare appeal number, if any, assigned to the IRE reconsideration or dismissal being appealed.
- (iv) The prescription drug in dispute.
- (v) The plan name.
- (vi) The reasons the enrollee disagrees with the IRE's reconsideration or dismissal being appealed.

(2) The enrollee must submit a statement of any additional evidence to be submitted and the date it will be submitted.

(3) The enrollee must submit a statement that the enrollee is requesting an expedited hearing, if applicable.

(b) *Request for expedited hearing.* If an enrollee is requesting that the hearing be expedited, the enrollee may make the request for an ALJ hearing orally, but only after receipt of the written IRE reconsideration notice. OMHA must document all oral requests in writing and maintain the documentation in the case files. A prescribing physician or other prescriber may provide oral or written support for an enrollee's request for expedited review.

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