
42 C.F.R. § 426.500

Procedure for filing an acceptable complaint concerning a provision (or provisions) of an NCD.

- (a) *The complaint.* An aggrieved party may initiate a review of an NCD by filing a written complaint with the Department of Health and Human Services Departmental Appeals Board.
- (b) *Timeliness of a complaint.* An NCD complaint is not considered timely unless it is filed with the Board within —
- (1) 6 months of the written statement from each aggrieved party's treating physician, in the case of aggrieved parties who choose to file an NCD challenge before receiving the service; or
 - (2) 120 days of the initial denial notice, in the case of aggrieved parties who choose to file an NCD challenge after receiving the service.

(c) *Components of a valid complaint.* A complaint must include the following:

(1) *Beneficiary-identifying information:*

- (i) Name.
- (ii) Mailing address.
- (iii) State of residence, if different from mailing address.
- (iv) Telephone number, if any.

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