
42 C.F.R. § 426.510

Docketing and evaluating the acceptability of NCD complaints.

(a) *Docketing the complaint.* The Board does the following upon receiving a complaint regarding an NCD:

- (1) Dockets the complaint.
- (2) Determines whether the complaint is—
 - (i) The first challenge to a particular NCD; or
 - (ii) Related to a pending NCD review.
- (3) Forwards the complaint to the Board member who conducts the review.

(b) *Evaluating the acceptability of the complaint.* The Board determines if the complaint is acceptable by confirming all of the following:

- (1) The complaint is being submitted by an aggrieved party or, in the case of a joint complaint, that each individual named in the joint complaint is an aggrieved party. (In determining if a complaint is acceptable, the Board assumes that the facts alleged by the treating physician's documentation regarding the aggrieved party's (or parties') clinical condition are true.)
- (2) The complaint meets the requirements for a valid complaint in § 426.500 and is not one of the documents in § 426.325(b).

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)