

FEDERAL HEALTH CARE REFORM WHAT IT MEANS FOR YOU

This is the second in a series of Legal Alert emails highlighting some of the key provisions in the Patient Protection and Affordable Care Act, as modified by the Health Care and Education Reconciliation Act of 2010 (collectively, the "Health Care Reform Act"). This Legal Alert summarizes and clarifies the timely claims submission requirements, based on a recent CMS Transmittal.

- **For services furnished on or after January 1, 2010, all Medicare providers and suppliers must submit claims to their Medicare Administrative Contractors within one (1) year of the date of service. CMS, in a Transmittal issued on May 7, 2010, has interpreted this to mean that claims must be submitted within 365 days of the date of service. For example, if a service is furnished on March 15, 2010, then the claim must be submitted to Medicare by March 15, 2011. (Formerly, providers and suppliers that provided services had at least 15 to 27 months to submit their claims.)**
- **The CMS Transmittal instructing the Medicare Administrative Contractors on implementing this change is available at <http://www.cms.gov/transmittals/downloads/R697OTN.pdf>.**
- **We expect CMS to propose an interim rule interpreting this new law and addressing whether any exceptions to the filing deadlines will be permitted. We note that CMS's interpretation of this billing change, specifically the requirement that the claim must be submitted within one (1) "calendar year after the date of service" is a change from its previous interpretation of this same phrase under the prior law. Previously, CMS had interpreted "calendar year" as the year ending on December 31st following the date of service, and not as a 365-day period from the date of service. We will keep you apprised of these changes.**
- **You should evaluate your claims submission practices and/or billing vendor contracts to make sure you are compliant with this CMS Transmittal.**

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If you have any questions, please contact the GW attorney with whom you regularly consult or send us an email at HCR@garfunkelwild.com.

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