

Mandatory Electronic Filing and PRRB Rule Changes Are Effective November 1, 2021; Join Us for a Webinar on November 18, 2021

Insights

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Mandatory electronic filing and a host of other changes to the rules for Provider Reimbursement Review Board (“PRRB”) appeals take effect on November 1, 2021. We welcome you to join us on November 18, 2021 at 11AM PST / 2 PM EST for a webinar where we will unpack these rule changes and offer practice pointers for navigating them in filing and managing your PRRB appeals. We highlight some of the more significant changes below.

As our [June Client Alert](#) discussed, the PRRB recently announced mandatory electronic filing for all appeals effective *November 1, 2021*, along with a number of additional proposed changes to the PRRB Rules. After a period for public comment, the PRRB issued [Alert 22](#), finalizing its revisions to the [PRRB Rules \(Version 3.1\)](#), also effective *November 1*. The PRRB finalized most of the proposed changes with little or no modification.

The more significant changes to the revised PRRB Rules include the following:

Changes in filing requirements and appeal formation

- **Mandating that all submissions to the Board for new or pending appeals must be filed electronically** using the PRRB’s electronic filing system, the Office of Hearings Case and Document Management System (“OH CDMS”), unless the PRRB grants an exemption. (Rule 2.)
- **Updating information requirements for Self-Disallowed Items**. (Rules 7.3 and 7.4.)
- **Requiring providers filing individual appeals to include information on parent owner or organization** for the year under appeal with an appeal request. (Rule 6.6.)
- **Revising the mandatory Common Issue Related Party (“CIRP”) group appeal rules**, including by prohibiting providers that are not part of a CIRP organization **for the calendar year at issue** from joining a CIRP group appeal covering that year. (Rules 12.7 and 19.2.)
- **Eliminating the filing of Schedules of Providers (“SoP”) in hard copy for group appeals fully populated in OH CDMS** and adding new procedures regarding supporting documentation. (Rule 20.)
- **Adding actions to be performed by the MAC upon the provider’s filing of an individual appeal**, including ensuring the record before the Board includes evidence the MAC or, where applicable, CMS considered in the determination at issue. (Rule 10.1.)

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Changes relating to provider representatives

- **Updating responsibilities** to include familiarity with the Board's governing statute and regulations, the revised PRRB Rules, and OH CDMS. (Rule 5.2.)
- **Requiring letterhead identifying the parent corporation** for representation letters for commonly owned or controlled providers. (Rule 5.4.)

Procedural changes

- **Adding new procedures for "substantive claim challenges"** (for cost reporting periods starting 1/1/2016 or later). This rule sets deadlines and briefing schedules in group and individual appeals for MACs to raise a challenge that a provider has not included an appropriate cost report claim for an item under appeal. Significantly, if the MAC timely makes a substantive claim challenge after an EJR request is filed, this rule stops the clock on the Board's 30-day statutory deadline to decide the EJR request until it decides the substantive claim challenge. (Rules 44.5 & 44.6.)
- **Setting a deadline for MACs to oppose EJR requests**. If a MAC disagrees that an issue is subject to EJR, it must file any opposition within 5 business days after an EJR request was filed. (Rule 42.4.)
- **Adding deadline for jurisdictional challenges when EJR request is pending**. When an EJR request is filed, the MAC has 5 business days to file a jurisdictional challenge, and the Board will set a deadline for the provider's response. (Rule 44.4.1.)
- **Setting default deadline for optional provider response to the MAC's Preliminary Position Paper** — 90 days after the due date for the MAC's Preliminary Position Paper. (Rule 25 commentary.)

Changes in hearing procedures

- **Adding video conferencing and video hearings** as options for pre-hearing status calls and for actual hearings. (Rule 32.3.)
- **Updating the requirements for requests to postpone a hearing**. (Rule 30.3.)

Our webinar on November 18 will cover these changes in depth and will offer CLE credit. We look forward to engaging with you on these important changes affecting PRRB appeals.

For further information, please contact [Kelly Carroll](#), [Bob Roth](#) or [David Vernon](#) in Washington D.C., [Sven Collins](#) in Denver, [Nina Adatia Marsden](#) in Los Angeles, [Katrina Pagonis](#) in San Francisco, or any other member of your Hooper, Lundy, and Bookman team.

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