

PRRB Ends Alert 19 And Resumes Normal Pre-Pandemic Deadlines

Insights

11.11.22

On November 7, 2022, the Provider Reimbursement Review Board (PRRB or Board) Issued [Alert 23](#) and [Order 3](#) giving 30 days' notice that the PRRB is lifting its over two-year suspension of its normal operations due to the COVID-19 pandemic.

Thus, on December 7, 2022, the PRRB will resume normal pre-pandemic operations, which specifically will result in the following important changes to managing cases before the PRRB:

1. **All case deadlines will apply.** The PRRB withdraws the Alert 19 suspension of Board-set deadlines and “will hold parties to the deadline specified in: (1) any Board rule or instruction; and/or (2) any Board notice or correspondence issued on or after” December 7, 2022.

- Over the next six months, the PRRB will be issuing “revised Notices of Hearing or Notices of Critical Due Dates on a rolling basis...”
- Existing deadlines that were exempt from the Alert 19 suspension—i.e., deadlines the Board specifically exempted in its orders and deadlines set by statute or regulation—must be complied with.

2. **Normal processing of EJR requests resumes.** The Board will no longer exclude any days in which the pandemic interfered with normal operations from the 30-day deadline to process requests for expedited judicial review (EJR).

3. **In-person hearings resume.** The PRRB will begin conducting live hearings in Baltimore “in the near future.” The PRRB will continue to offer the option of virtual hearings, which it introduced during the pandemic.

4. **Reminder to file Rule 20 certifications or traditional schedules of providers.** The PRRB reminds providers of PRRB Rule 20's requirement, within 60 days after a group is fully formed, either to (a) file a certification that the group is “fully populated in OH CDMS with the relevant supporting jurisdictional documentation” or (b), if the group is not fully populated in OH CDMS, file a traditional schedule of providers (both in hard copy and electronically).

Action Items to take in Pending PRRB Cases before December 7, 2022

- **Review all pending case deadlines.** If you have any questions about deadlines the PRRB set during Alert 19 (e.g., hearing and pre-hearing deadlines), contact the Board advisor (or file a request for clarification with OH CDMS) to confirm whether they are affected by Alert 23 or Order 3.
- **File Rule 20 certifications or Schedules of Providers for fully formed groups.** Since these deadlines are default deadlines under the PRRB

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Rules, they were suspended under Alert 19. Complete any Rule 20 certifications or Schedule of Providers filings for any fully formed groups before normal PRRB operations resume.

Opportunity to Comment on EJR Process by December 22, 2022

The PRRB is soliciting comments on potential changes to its process for handling EJR requests, because it “experienced a historic concentrated volume of EJR requests” in the lead up to “the Supreme Court’s June 24, 2022 decision in *Becerra v. Empire Health Plan*, No. 20-1312, 2022 WL 2276810 (S. Ct. June 24, 2022)....” The PRRB asks stakeholders to send comments on how to improve the EJR process, with a specific emphasis on Board Rules 42 (covering EJR requests generally) and 44.6 (establishing special procedures for filing jurisdictional or substantive claim challenges in group cases when an EJR request is filed within 60 days of the final Schedule of Providers). Interested providers may submit comments by email only to “PRRB@cms.hhs.gov” by Thursday, December 22, 2022.

Please contact [Sven Collins](#), [Kelly Carroll](#), [Robert Roth](#), or your regular Hooper, Lundy & Bookman contact if you have any questions or need advice on how PRRB Alert 23 or Order 3 impact your pending PRRB appeals.

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