

## **Dermatology Coding Alert**

### **Reader Question: Timely Filing Rules May Depend on State Law**

Question: One of our commercial payers has a timely filing rule that says we have to file a claim within 60 days of the date of service. I was told at a conference that we may not have to abide by that rule, however. Can I disregard the payer policy?

Florida Subscriber

Answer: You shouldn't simply disregard the rule. If your payer has a timely filing rule, you should be aware of it and in many cases you are subject to the payer's policy. In some states, however, there is a state law that will supersede your payer's rule. Florida is such a state.

In Florida, there is a state statute that says you have 180 days from the date of service (or inpatient discharge) to file a claim. Therefore, you can require that the commercial payer allow you the full 180 days.

Other states have similar laws as well. For example, in New Hampshire you would have 90 days from the date of service per the state timely filing rules. Be sure to check your individual state laws to figure out if you have more time to file a claim than your payers say you have.

Caution: There are some health plans that do not fall under state law, such as Medicare plans and Employee Retirement Income Security Act (ERISA) plans, so be sure you know who you are billing to and which laws apply.