

Part B Insider (Multispecialty) Coding Alert

ALJs Now Work For HHS

WARNING: Fraud hawks have finally won their fight to limit the independence of Administrative Law Judges. ALJs will now work directly for the **Department of Health and Human Services**, and you will be denied the chance to give live evidence in your ALJ appeals.

"For years the government, especially the OIG, complained about the fact the ALJs were independent," notes attorney **Alan Reider** with **Arent Fox** in Washington. "The OIG said the ALJs were reversing the carriers in 70 percent of cases, and this shows the ALJ system isn't working. My response to that is, 'No, the carrier system isn't working.'" It remains to be seen whether the ALJs will now be on a leash.

Under the new rules, there are no more live hearings, and no opportunities to submit new information after the carrier's internal appeal, notes Reider, so the ALJ will only be able to review the evidence the carrier admitted in its review. It's easier to overturn a carrier decision if you can speak before a judge and bring forward expert testimony, says Reider.