

Part B Insider (Multispecialty) Coding Alert

COURTS AND CASES: Missed Deadline Costs Home Infusion Provider \$185,000

A deadline is a deadline, and infusion provider **Caremark Therapeutic Services** wasn't able to bypass one with an appeal to federal court. Caremark missed the six-month deadline to appeal a decision by Part B carrier **Noridian Mutual Insurance Company** to disallow \$185,000 in pharmacy and infusion services, says the **U.S. District Court for Southern New York** in a Jan. 29 decision in *Caremark v. Thompson* (No. 01 Civ. 11316 (VM)). Caremark admitted that it missed the deadline and blamed it on a discharged employee.

When Noridian refused to reopen the decision, Caremark filed suit, charging that Noridian had violated Medicare due process and Administrative Procedure Act laws by refusing to review the case. Caremark also sought for the court to exert mandamus jurisdiction, used only in extraordinary situations.

The court shot down Caremark's claims, noting that the company simply missed its deadline to appeal and would have to face the consequences.