

Eli's Hospice Insider

Hospice News: ALJ Delays Stretch Into Years

The wheels of justice grind slowly □ and now will be even slower when it comes to Administrative Law Judge decisions.

You may have to wait an extra two years or more to get your requested hearing in front of an ALJ, the **HHS Office of Medicare Hearings and Appeals** warns on its website. "Due to record receipt levels, we are currently projecting an 18 to 22 week delay in entering ('docketing') new requests into our case processing system," OMHA says. "Based on our current workload and volume of new requests, we anticipate that assignment of your request for hearing to an Administrative Law Judge may be delayed for up to 28 months."

Timeline: "The average processing time for appeals decided in fiscal year 2014 is 301.7 days," OMHA adds.

Your patients won't see the same problem, though. "The relatively small numbers of beneficiary-initiated appeals are being immediately addressed by prioritizing their cases," OMHA says in a notice published in the Jan. 3 Federal Register. "Because they are among our nation's most vulnerable populations, OMHA is committed to being as responsive as possible to the Medicare beneficiary community, regardless of the challenges presented by the significant increase in the number of requests being filed," OMHA Chief Judge **Nancy Griswold** told the Washington Post. "Beneficiary appeals continue to be assigned as quickly as OMHA can process them, and processing times for beneficiary appeals are expected to decrease."

Traditional Medicare appeals have risen due to factors including the increase in the number of beneficiaries. There are also more appeals caused by Recovery Audit Contractor (RAC) review and Part D drug coverage. These increases have maxed out OMHA's resources, the office says. From 2010 to 2013, OMHA's caseload grew by nearly 185 percent while the office's resources stayed the same.