

From: Simons, Stephanie (CMS/CPC)
Sent: Wednesday, July 14, 2010 4:29 PM
To: Harkless, Bonnie (CMS/OSORA)
Cc: Nishimoto, Kristy L. (CMS/CPC); McCann Smith, Kathryn D. (CMS/CPC); Roe, Timothy G. (CMS/CPC)
Subject: : Detailed Explanation of Non-Coverage and Notice of Medicare Non-Coverage (10095)

CMS RESPONSE:

Thank you for your comment requesting that CMS permit plan letterhead on the Notice of Medicare Non-Coverage (NOMNC) and the Detailed Explanation of Non-Coverage (DENC).

CMS has decided not to revise the NOMNC and DENC published in the Federal Register on April 30, 2010 for the following reasons:

- CMS has received anecdotal information suggesting that provider contact information often is missing from the currently approved version of the NOMNC – delaying Medicare appeals decisions and impeding survey and certification activities. We believe requiring the provider's information at the top of the NOMNC is the optimal manner in which to improve the efficiency and effectiveness of the Medicare appeals process and survey & certification efforts.
- Plans are permitted to use their letterhead on the DENC when a plan is the entity to deliver the notice to the Medicare enrollee.
- As set forth in 42 C.F.R. 422.624(b), providers are required to deliver the NOMNC to Medicare enrollees. Thus, requiring provider contact information at the top of the NOMNC is consistent with CMS requirements concerning the DENC – requiring the entity that delivers the DENC to appear at the top of the form.
- Plan contact information already is required on page 2 of the NOMNC; so requiring plan letterhead on the NOMNC is unnecessary.

Thank you.