
CMS Medicare Manual System

Pub. 100-8 Program Integrity

**Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)**

Transmittal 34

Date: NOVEMBER 22, 2002

CHANGE REQUEST 2435

CHAPTERS	REVISED SECTIONS	NEW SECTIONS	DELETED SECTIONS
13	11.E.2		

Red italicized font identifies new material.

CLARIFICATION - EFFECTIVE/IMPLEMENTATION DATE: Not Applicable

Medicare contractors only: These instructions should be implemented within your current operating budget.

This document corrects the Web site address that was given in CR 2196 and to correct a grammatical error.

E – Valid LMRP Reconsideration Request Requirements (Rev. 34, 11-22-02)

1. Contractors:

a. MUST consider all LMRP reconsideration requests from:

- Beneficiaries residing or receiving care in a contractor's jurisdiction; and
- Providers doing business in a contractor's jurisdiction.

b. MAY consider LMRP reconsideration requests from any interested party doing business in a contractor's jurisdiction.

2. Contractors may only accept reconsideration requests for LMRPs published in final form. Requests must not be accepted for other documents including:

- National Coverage Decisions (NCD);
- Coverage provisions in interpretive manuals;
- Draft LMRPs;
- Template LMRPs, unless or until they are adopted by the contractor;
- Retired LMRPs;
- Individual claim determinations;
- Bulletins, articles, training materials; and
- Any instance in which no LMRP exists, i.e., requests for development of an LMRP.

If modification of the LMRP would conflict with an NCD, the request would not be valid. The contractor should refer the requestor to the NCD reconsideration process. *(Requestors can be referred to www.cms.hhs.gov/coverage/8a1.asp or www.access.gpo.gov/nara/index.html. The notice was posted on Thursday, August 22, 2002).*

3. Requests must be submitted in writing, and must identify the language that the requestor wants added to or deleted from an LMRP. Requests must include a justification supported by new evidence, which may materially affect the LMRP's content or basis. Copies of published evidence must be included.

The level of evidence required for LMRP reconsideration is the same, as that required for new/revised LMRP development. (PIM Chapter 13, Section 7.1)

4. Any request for LMRP reconsideration that, in the judgment of the contractor, does not meet these criteria is invalid.

5. Contractors may consolidate valid requests if similar requests are received.