

The Office of Medicare Hearings and Appeals (OMHA)

**Appellant Forum –October 29, 2014  
Fact Sheet**

**What role does OMHA play in the Medicare Appeals process?** The Office of Medicare Hearings and Appeals (OMHA) was established in June 2005 pursuant to section 931 of the Medicare Prescription Drug, Improvement, and Modernization Act (MMA) of 2003 (Pub. L. 108-173), which required the transfer of responsibility for the Administrative Law Judge hearing level of the Medicare administrative appeals process from the Social Security Administration to the Department of Health and Human Services. Pursuant to the MMA requirement for the Administrative Law Judges to be functionally and organizationally separate from the Centers for Medicare & Medicaid Services (CMS), OMHA was established as a division within the Office of the Secretary.

**What is the purpose of the OMHA Medicare Appellant forum?** The purpose of the forum is to provide updates to OMHA appellants on the status of OMHA operations and to relay information on a number of OMHA initiatives designed to mitigate a backlog in processing Medicare appeals at the OMHA-level of the administrative appeals process.

**What is causing the backlog in the OMHA workload?** At the time OMHA was established, it was envisioned that OMHA would receive the traditional claim and entitlement appeals workload from the Medicare Part A and Part B programs, organization determination appeals from the Part C Medicare Advantage program, coverage determination appeals from the Medicare Part D Prescription Drug program, and appeals of Income Related Monthly Adjustment Amount (IRMAA) premium surcharges assessed by the Social Security Administration. However, beginning in fiscal year 2011, new workloads emerged, including appeals from the Recovery Audit (RA) program and Medicaid State Agencies (MSA), the latter of which had previously been addressed through an alternate dispute resolution process demonstration project. The steady growth in traditional Medicare appeals combined with these new workloads has strained OMHA's ability to issue timely decisions.

As a result of the significant workload increase, a backlog of appeals began to develop in fiscal year 2012, when more requests for hearing were filed than could be adjudicated within the applicable timeframes given current resources and adjudication capacity.

**What initiatives are underway to mitigate the OMHA backlog and future workload?**

CMS Administrative Agreements	OMHA Statistical Sampling
OMHA Settlement Conference Facilitation	RA Contract Changes
CMS Prior Authorization Process	OMHA Kansas City Field Office and Staffing
OMHA Electronic Case Adjudication and Processing Environment	

Please see the document "Overview of OMHA Backlog Reduction Effort" for more information on initiatives.