

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

Brad Carlson, M.D.,

Petitioner,

v.

Centers for Medicare and Medicaid Services.

Docket No. C-12-6

Decision No. CR2519

March 26, 2012

DECISION DISMISSING REQUEST FOR HEARING

This matter is before me on the Motion to Dismiss that the Centers for Medicare and Medicaid Services filed on March 20, 2012. Petitioner opposes the motion. For the reasons set out below, I grant the Motion to Dismiss.

This case arises from the July 8, 2011, unfavorable redetermination affirming the Medicare contractor's, TrailBlazer Health Enterprises, LLC (TrailBlazer), determination of Petitioner's enrollment date in the Medicare program as a supplier.* Petitioner is a diagnostic radiologist employed with Tulsa X-Ray Lab, Inc., located in Tulsa, Oklahoma. Petitioner started treating Medicare-eligible patients at Tulsa X-Ray Lab, Inc. on July 1, 2010. Prior to that date, Petitioner submitted to TrailBlazer two Medicare enrollment applications on June 1, 2010 - a CMS-855I application to enroll as a solo practitioner and a CMS-855R application reassigning his benefits to Tulsa X-Ray Lab, Inc. CMS Exs. 7, 8, 9, 11. TrailBlazer received the enrollment applications on June 3, 2010. TrailBlazer

* Medicare defines "supplier" to mean "a physician or other practitioner, a facility, or other entity (other than a provider of services) that furnishes items or services" under the Medicare statute. Social Security Act (Act) § 1861(d), 42 U.S.C. § 1395x(d); *see also* 42 C.F.R. § 400.202.

