

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Civil Remedies Division

Diane N. Burke, D.C.,
(PTAN: M011004726),

Petitioner,

v.

Centers for Medicare & Medicaid Services.

Docket No. C-15-1195

Decision No. CR4010

Date: July 2, 2015

DECISION

I. Background

I sustain the determination of the Centers for Medicare & Medicaid Services (CMS) to establish an effective participation date of July 18, 2014 for Petitioner Diane N. Burke, D.C., at her new practice location.¹

CMS established an effective date of participation for Petitioner of July 18, 2014 based on an application for participation that she filed on that date. Petitioner challenged this determination. CMS subsequently moved for summary judgment. Petitioner filed a statement in which she acknowledged that she did not oppose the facts or arguments asserted by CMS.

¹ CMS refers to the effective date of Petitioner's participation as June 18, 2014. That is technically incorrect. June 18 is the earliest date for which CMS will reimburse for items or services provided by Petitioner. Regulations allow a participating supplier to claim reimbursement for services provided up to 30 days prior to the effective date of participation. Petitioner's effective date of participation is July 18, 2014 and the earliest date for which her claims may be reimbursed is June 18, 2014.

