

**Department of Health and Human Services**

**DEPARTMENTAL APPEALS BOARD**

**Civil Remedies Division**

Natalie Vallot, CRNA,  
(PTAN: CA153957),  
(NPI: 1811386246)

Petitioner,

v.

Centers for Medicare & Medicaid Services.

Docket No. C-16-337

Decision No. CR4607

Date: May 12, 2016

**DECISION**

I sustain the determination of the Centers for Medicare & Medicaid Services (CMS) to assign Petitioner, Natalie Vallot, CRNA, an effective Medicare participation date of April 15, 2015.<sup>1</sup>

**I. Background**

Petitioner appealed a determination by a Medicare contractor, affirmed on reconsideration and ratified by CMS, to assign her an effective Medicare participation date of April 15, 2015. CMS filed a motion for summary judgment that included four proposed exhibits, identified as CMS Ex. 1-CMS Ex. 4. Petitioner opposed the motion

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<sup>1</sup> CMS incorrectly argues that Petitioner's effective date of Medicare participation is March 16, 2015. That is plainly wrong. As I shall discuss, Petitioner's effective date of participation is April 15, 2015 because that is the date when a Medicare contractor received an application for participation from Petitioner that it subsequently approved. 42 C.F.R. § 424.520(d). By contrast, March 16, 2015 is the earliest Medicare service date for which Petitioner may file reimbursement claims based on her April 15 effective participation date. 42 C.F.R. § 424.521(a)(1).

and filed four proposed exhibits that I identify as P. Ex. 1 - P. Ex. 4. I receive the parties' exhibits into the record.

It is unnecessary that I decide whether the criteria for summary judgment are met here. Neither CMS nor Petitioner offers testimony in their exchanges. I decide the case based on the written record.

## **II. Issue, Findings of Fact and Conclusions of Law**

### **A. Issue**

The issue is whether a Medicare contractor properly assigned Petitioner an effective participation date of April 15, 2015.

### **B. Findings of Fact and Conclusions of Law**

There is no meaningful dispute as to the facts. Petitioner submitted an application to participate in Medicare that was received by a Medicare contractor on January 6, 2015. CMS Ex. 1 at 1. The contractor found problems with the application and there was an exchange of communications with Petitioner or her representative in which Petitioner attempted to supplement the application. CMS Ex. 4 at 2; P. Ex. 1. Ultimately, the contractor determined that the application remained incomplete despite Petitioner's attempts to correct or supplement it and it rejected the application on April 6, 2015. CMS Ex. 1 at 1. Petitioner filed a second Medicare enrollment application that was received by the contractor on April 15, 2015. CMS Ex. 4 at 2. The contractor accepted this application and assigned Petitioner an effective enrollment date of April 15, 2015, with March 16, 2015 being the earliest Petitioner could bill for her services. CMS Ex. 2.

The effective date of participation in Medicare is governed by regulations. For purposes of this decision, the *earliest* date when a supplier or a provider such as Petitioner may participate is the date on which CMS or its contractor receives an application for participation that it subsequently approves. 42 C.F.R. § 424.520(d). No authority exists to approve an application for participation at an earlier date.

In this case, Petitioner submitted two applications for participation consisting of an application that the contractor received on January 6, 2015, and a subsequent application that the contractor received on April 15, 2015. The contractor rejected the January 6 application because it was incomplete or contained inadequate information. Petitioner cannot receive an effective date based on the January 6 application because it was rejected. Nor does Petitioner have a right to challenge the contractor's rejection of that application. 42 C.F.R. § 424.525(d).

Thus, the *only* application that the contractor could process was the application that the contractor received on April 15, 2015 (Petitioner's second application). It did so, and assigned Petitioner an effective date of April 15, the date that it received the application. That is entirely consistent with regulatory requirements and is the correct effective date of Petitioner's Medicare participation.

Petitioner seems to argue that the information she provided the contractor in an attempt to rectify problems with the application that the contractor received on January 6 was sufficient and that the contractor ought to have accepted the application and processed it to approval. That is, in fact, a challenge to the contractor's determination to reject the application that it received on January 6, 2015. Petitioner has no right to challenge the contractor's rejection of that application for the reasons that I have stated, and I have no authority to decide that the contractor inappropriately rejected that application.

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/s/

Steven T. Kessel  
Administrative Law Judge