

Department of Health and Human Services

DEPARTMENTAL APPEALS BOARD

Appellate Division

SUBJECT: Minnesota Department of Human Services  
Docket Nos. A-08-20  
Decision No. 2158

DATE: March 4, 2008

DECISION

The Minnesota Department of Human Services (Minnesota) appealed a determination by the Centers for Medicare & Medicaid Services (CMS) disallowing \$854,500 in federal Medicaid funding that Minnesota claimed for the quarter ended March 31, 2007 for capitation payments Minnesota made to a managed care plan for Medicaid recipients enrolled in that plan. In its letter dated September 29, 2007, CMS asserted that the disallowed claim is identical to prior period claims that CMS had disallowed and Minnesota had appealed to the Board. On October 25, 2007, the Board issued its decision reversing the disallowances of the prior period claims. Minnesota Dept. of Human Services, DAB No. 2122 (2007). The Board then ordered CMS to show cause why the Board should not issue a summary decision in this appeal, based on the Board's analysis in DAB No. 2122.

In response to the Board's order, CMS did not contend that the facts in this case are distinguishable from the facts as found in the prior case or argue that this case presents new legal issues. Instead, CMS objected to the issuance of a summary decision solely on the ground that CMS was, on the same day, moving for reconsideration of DAB No. 2122. CMS incorporated by reference its request for reconsideration of that decision. On February 15, 2008, the Board issued a ruling denying CMS's request for reconsideration of DAB No. 2122.

Since we denied CMS's reconsideration request (for the reasons stated in the ruling, which we incorporate by reference here), we also conclude that it is now appropriate to go to decision in this case without further proceedings. CMS has raised no grounds in support of this disallowance that were not already rejected in DAB No. 2122.

We note that Minnesota's notice of appeal said it was appealing a disallowance of \$854,000. In a letter dated December 7, 2007, Minnesota said that the figure in the notice of appeal resulted from a typographical error and that the notice should have indicated Minnesota was appealing CMS's \$854,500 disallowance. Minnesota requested that the Board accept a minor correction to its notice to reflect the correct amount appealed. CMS did not object to this correction when it submitted its response to the order on December 18, 2007, and we see no reason not to accept correction of what was obviously a typographical error.

Accordingly, we reverse the disallowance of \$854,500, based on the analysis set out in DAB No. 2122, which we also incorporate by reference.

\_\_\_\_\_/s/  
Leslie A. Sussan

\_\_\_\_\_/s/  
Constance B. Tobias

\_\_\_\_\_/s/  
Judith A. Ballard  
Presiding Board Member