

**Department of Health and Human Services**

**DEPARTMENTAL APPEALS BOARD**

**Civil Remedies Division**

Andrew J. Elliott, M.D.,  
(NPI: 1649356486),

Petitioner

v.

Centers for Medicare and Medicaid Services.

Docket No. C-10-1010

Decision No. CR2256

Date: September 29, 2010

**DECISION REMANDING CASE TO  
CENTERS FOR MEDICARE AND MEDICAID SERVICES**

I remand this case to the Centers for Medicare and Medicaid Services (CMS) so that it or its contractor may conduct a new determination of the effective date of Petitioner's participation in Medicare, consistent with the Departmental Appeals Board's (Board) decision in *Andrew J. Elliott, M.D.*, DAB No. 2334 (2010). I have decided to do so, because it will be more efficient for CMS or its contractor to review the documents of record pursuant to applicable regulations and policy criteria than for me to conduct a review pursuant to the rules governing an adversary hearing.

In redetermining Petitioner's effective date of participation CMS or its contractor must determine whether Petitioner filed an acceptable application for participation on August 21, 2008. CMS or its contractor must review all documentation filed by, or on behalf of, Petitioner consistent with the analysis made by the Board in its decision. A determination should state exactly what documents were considered and explain exactly why these documents either do or do not constitute an acceptable application for participation.

