

**Alabama EHR
Meaningful Use
Incentive Payment
Program**

**MU APPEALS:
OVERVIEW**

The State is responsible for making sure EHR Meaningful Use Incentive Payments made to Eligible Professionals and Eligible Hospitals are proper as required in 42CFR495.312(c) & 316. In addition, 42CFR495.316 requires the State to conduct audits of Providers who have received incentive payments to verify the Providers' qualifications for the payments. As a result of each of those activities, Medicaid may determine that the criteria for payment have not been satisfied. When that determination is made, Medicaid may initiate an adverse action against the Provider which can include a denial of payment or a recoupment of a payment. When an adverse action is taken, 42CFR495.370 grants the affected EP or EH the right to appeal Medicaid's intended action. An appeal may be granted for issues relating to the Meaningful Use Incentive Payment Program and are:

1. Incentive Payments
2. Incentive Payment Amounts
3. Provider eligibility determinations
4. Demonstration of Adopting, Implementing or Upgrading
5. Demonstration of Meaningful Use eligibility

While the grounds for appeal are specific to the incentive program, the appeal process follows Medicaid's existing appeal procedures. The aggrieved Provider may first request an informal meeting with Medicaid, and if the Provider's concerns are not resolved at that level, a formal administrative hearing may be requested. A request for an informal meeting or an administrative hearing must be made in writing. However, there is no specific form or format for making the request.

Providers will be notified in writing when Medicaid makes a decision adverse to the Provider's program participation. The written notice will expressly identify the deficiency, Medicaid's proposed action, and will also inform the Provider of the appeal rights and how to initiate the appeal.

For a detailed description of Medicaid's appeal (fair hearing) procedures, refer to Medicaid's main website, on the "Resources" tab, and under "Administrative Code", click on "Fair Hearings", and can be found at URL:

http://www.medicaid.alabama.gov/CONTENT/5.0_resources/5.2_Administrative_Code.aspx