

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA**

AMERICAN HOSPITAL ASSOCIATION, <i>et al.</i> ,)	
)	
Plaintiffs,)	
)	Civil Action No. 14-cv-00851 (JEB)
v.)	
)	
ALEX. M. AZAR, in his official capacity as)	
Secretary of Health and Human Services,)	
)	
Defendant.)	
)	

DEFENDANT’S STATUS REPORT

Pursuant to the Court’s 2018 Order (ECF No. 89), the Secretary of Health and Human Services (“HHS”) provides this status report to inform the Court that HHS remains on track to meet the reduction targets set forth in the Court’s November 1, 2018 Order. Attached to this status report are statistics concerning, *inter alia*, the backlog of appeals at the Office of Medicare Hearings and Appeals (“OMHA”) as of the end of the second quarter of FY 2020. *See* Medicare Appeals Dashboard, Exhibit 1. By the end of the second quarter of 2020, a total of 242,995 appeals remain pending at OMHA, which is a 43% reduction from the starting number of appeals identified in the Court’s order (426,594 appeals).

Dated: June 26, 2020

Respectfully submitted,

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EXHIBIT 1

Medicare Appeals Dashboard

Reporting Period: Through Quarter 2 of FY 2020 (March 31, 2020)

(Data in Appeals)

Level 3 - OMHA	Fiscal Year						Most Recent 6 Quarters					
	FY 2020	FY 2019	FY 2018	FY 2017	FY 2016	FY 2015	FY 2020		FY 2019			
							Qtr.2	Qtr.1	Qtr.4	Qtr.3	Qtr.2	Qtr.1
Beginning Workload Balance	292,517	417,198	578,683	675,530	886,418	767,422	268,115	292,517	318,254	343,658	379,831	417,198
Receipts	16,056	43,887	62,762	112,933	184,240	240,360	8,496	7,560	11,744	7,989	10,195	13,959
<i>RAC</i>	472	485	774	13,782	35,527	47,929	230	242	181	97	76	131
<i>non-RAC</i>	15,584	43,402	61,988	99,151	148,713	192,431	8,266	7,318	11,563	7,892	10,119	13,828
Appeals Removed	(65,578)	(168,568)	(224,247)	(209,780)	(395,128)	(121,364)	(33,616)	(31,962)	(37,481)	(33,393)	(46,368)	(51,326)
<i>OMHA Dispositions</i>	(58,549)	(119,848)	(92,113)	(82,240)	(87,123)	(78,881)	(30,269)	(28,280)	(26,301)	(29,570)	(31,490)	(32,487)
<i>RAC</i>	(7,957)	(15,708)	(24,690)	(26,054)	(33,511)	(15,586)	(4,077)	(3,880)	(3,707)	(4,434)	(4,021)	(3,546)
<i>non-RAC</i>	(50,592)	(104,140)	(67,423)	(56,186)	(53,612)	(63,295)	(26,192)	(24,400)	(22,594)	(25,136)	(27,469)	(28,941)
<i>Settlement Conference Facilitation (non-add)</i>	(45)	(14,021)	(57,097)	(3,208)			(29)	(16)	(129)	(4,243)	(2,860)	(6,789)
<i>Appeals combined for efficiency</i>	(5,323)	(25,339)	(29,248)	(10,426)	(59,375)		(2,303)	(3,020)	(3,796)	215	(8,065)	(13,693)
<i>QIC demo - remands for resolution</i>	(1,696)	(14,243)	(20,175)	(22,505)	(2,387)		(1,040)	(656)	(4,168)	(3,176)	(5,888)	(1,011)
<i>Serial Claims Initiative</i>	(2)	(3,076)	(2,574)				(2)	0	(961)	(579)	(746)	(790)
<i>Low Volume Appeals</i>	(2)	(5,784)	(20,817)				(1)	(1)	(2,231)	(282)	(174)	(3,097)
<i>Hospital Settlements</i>	(6)	(278)	(2,223)	(91,401)	(246,243)	(42,483)	(1)	(5)	(24)	(1)	(5)	(248)
<i>Inpatient Rehab Facility Settlements (non-add)</i> ⁷	(1,100)	(6)					(640)	(460)	(6)			
Net Pending Receipt Increase / (Decrease)	(49,522)	(124,681)	(161,485)	(96,847)	(210,888)	118,996	(25,120)	(24,402)	(25,737)	(25,404)	(36,173)	(37,367)
Ending Workload (pending appeals)	242,995	292,517	417,198	578,683	675,530	886,418	242,995	268,115	292,517	318,254	343,658	379,831

1/ FY20 Qtr 2 includes the majority of appeals received through March 31, 2020

2/ Receipts and dispositions have been updated due to appeal adjustments such as combinations, deletions, and/or corrections

3/ Receipts exclude reopened appeals but include appeals involved in CMS Hospital Settlements

4/ The number of appeals adjudicated each fiscal year reflects receipts from multiple fiscal years

5/ Dispositions exclude remands

6/ OMHA Dispositions reflect appeals removed by all types of adjudicators

7/ Starting in FY19, Settlement Conference Facilitation *and* Inpatient Rehab Facility Settlement counts are non-adds to avoid double counting (included in OMHA Dispositions at a 1:1 ratio) Both counts reflect appeals closed (vs settled)

8/ FY15 through FY18 reflect changes in methodology to include combined appeals Discrepancies between Level 2 and Level 3 RAC receipts are largely attributable to these changes in methodology

9/ Appeals combined for efficiency result in one disposition for a group of combined appeals This line accounts for the remainder of received appeals that were combined into single appeals within disposition counts

10/ Initiative dispositions not reflected separately within the table are counted in "OMHA Dispositions" (as 1 disposition if multiple appeals were combined), and "Received appeals combined for efficiency" (remainder of groups of appeals combined for efficient disposition)

11/ OMHA combines appeals to improve the efficiency of our ALJs