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LEGISLATION INTRODUCED TO PRESERVE MEDICARE BENEFICIARIES' ACCESS TO TIMELY, IMPARTIAL, IN-PERSON HEARINGS

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Senator Christopher J. Dodd (D-CT) on June 29, 2005, introduced the Justice for Medicare Beneficiaries Act of 2005. The legislation seeks to rectify changes to Medicare beneficiaries' appeal rights brought about by the Medicare Prescription Drug, Improvement and Modernization Act (MMA).

The changes to the appeals regulations, effective July 1, 2005, would take away the right of Medicare beneficiaries to have a face-to-face hearing with an impartial Administrative Law Judge, and require that hearings be conducted by video-teleconference. There will be only three "regions" for ALJ's hearing cases, rather than beneficiaries being able to have appeals heard in their home state. Judges are encouraged to give deference to Centers for Medicare & Medicaid Services (CMS) policies.

Attorney Judith Stein, Executive Director of the Center for Medicare Advocacy, says "impartial, in-person ALJ hearings are the best chance for people with Medicare to win coverage to which they are entitled. The Center for Medicare Advocacy has won thousands of ALJ hearings on behalf of beneficiaries. The changes to the appeals system would make it harder, not easier, for Medicare beneficiaries to get a fair and fast review. Medicare beneficiaries deserve timely, impartial, in-person Hearings."

Senator Dodd's Justice for Medicare Beneficiaries Act seeks to ensure the right to in-person hearings in a timely manner, with hearing locations in each state. The Act also seeks to relieve ALJ's of the mandate to emphasize CMS policy, ensuring the judges' impartiality under the law.