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Medicare Proposes To Require Providers To Notify Beneficiaries Of Quality Of Care Complaint Rights

The Centers for Medicare & Medicaid Services (CMS) is proposing to require most Medicare-participating providers and suppliers to give Medicare beneficiaries written notice about their right to contact a Medicare Quality Improvement Organization (QIO) with concerns about the quality of care they receive under the Medicare program.

Under current CMS rules, only beneficiaries admitted to hospitals as inpatients are required to receive information about contacting their state QIO regarding quality of care issues. The [Proposed Rule](#) published February 2, 2011 would require providers and suppliers wishing to participate in the Medicare program to inform beneficiaries of their right to complain to a QIO about quality of care, as well as how to contact their local QIO. As proposed, the notification requirement would apply to:

- Clinics, rehabilitation agencies, and public health agencies that provide outpatient physical therapy and speech-language-pathology services;
- Comprehensive outpatient rehabilitation facilities;
- Critical access hospitals;
- Home health agencies;
- Hospices;
- Hospitals;
- Long-term care facilities;
- Ambulatory Surgical Centers;
- Portable x-ray services; and
- Rural health clinics and Federally Qualified Health Centers.

Since the 1970s, Medicare has contracted with private, mostly not-for-profit organizations such as QIOs to preserve beneficiaries' access to high-quality, high-value healthcare. QIOs are located in every state as well as the District of Columbia, Puerto Rico, and the U.S. Virgin Islands. Each QIO is staffed by professionals, mostly doctors and other healthcare professionals, who are trained to review medical care and help beneficiaries with complaints about the quality of care they receive. These professionals also work directly with providers and facilities to make improvements in quality across all care settings.

For More Information Or Assistance

If you need assistance reviewing or responding to these proposed rules or other health care related risk management, compliance, enforcement or management concerns, the author of this update, attorney Cynthia Marcotte Stamer, may be able to help. Vice President of the North Texas Health Care Compliance Professionals Association, Past Chair of the ABA Health Law Section Managed Care & Insurance Section and the former Board Compliance Chair of the National Kidney Foundation of North Texas, Ms. Stamer has more than 23 years experience advising health industry clients about these and other matters. Ms. Stamer has extensive experience advising and assisting health care providers and other health industry clients to establish and administer compliance and risk management policies and to respond to DEA and other health care industry investigation, enforcement and other compliance, public policy, regulatory, staffing, and other operations and risk management concerns. A popular lecturer and widely published author on health industry concerns, Ms. Stamer continuously advises health industry clients about compliance and internal controls, workforce and medical staff performance, quality, governance, reimbursement, and other risk management and operational matters. Ms. Stamer also publishes and speaks extensively on health and managed care industry regulatory, staffing and human resources, compensation and benefits, technology, public policy, reimbursement and other operations and risk management concerns including a number of programs and publications on Medicare quality and other compliance concerns. Her insights on these and other related matters

appear in the Health Care Compliance Association, Atlantic Information Service, Bureau of National Affairs, World At Work, The Wall Street Journal, Business Insurance, the Dallas Morning News, Modern Health Care, Managed Healthcare, Health Leaders, and a many other national and local publications. You can get more information about her health industry experience [here](#). If you need assistance with these or other compliance concerns, wish to inquire about arranging for compliance audit or training, or need legal representation on other matters please contact Ms. Stamer at (469) 767-8872 or via e-mail [here](#).

Other Recent Developments

If you found this information of interest, you also may be interested in reviewing some of the following recent Updates available online by clicking on the article title:

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- [OCR Requires Rhode Island DHS To Provide Translation, Other Services For Limited English, Other Language Impaired Accommodations](#)
- [Wage & Hour Law Settlements Highlight Rising Wage & Hour Risks of U.S. Employers](#)
- [Texas Suspension of Doctor, Pharmacy Highlights Pain Management Prescribing Risks](#)
- [Supreme Court Ruling Medical Resident Stipend Are Wages Highlights Advisability of Compliance Review](#)
- [CMS Physician Compare Tool Gives Patients New Info On Physicians & Other Providers](#)
- [President Signs Long-Sought Red Flag Rule Exemption Into Law](#)
- [Texas Suspension of Doctor, Pharmacy Highlights Pain Management Prescribing Risks](#)
- [Managed Care Executive Quotes Stamer On Implications Of Affordable Care Act Claims & Appeals Rules](#)
- [OIG Shares Key Insights On When Owners, Officers & Managers Face OIG](#)
- [DEA Cautions Practitioners Must Restrict Delegation of Controlled Substance Prescribing Functions, Urges Adoption of Written Policies & Agreements](#)
- [HHS announces new tools and resources from the Affordable Care Act to prevent fraud in Medicare, Medicaid and CHIP](#)
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- [Revised Joint Commission Medical Staff Bylaw Standard Requires New Collaboration, Other Updates](#)
- [OIG Special Fraud Alert Targets DME Telemarketing](#)
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If you or someone else you know would like to receive future updates about developments on these and other concerns, please be sure that we have your current contact information – including your preferred e-mail – by creating or updating your profile at [here](#) or e-mailing this information [here](#). To unsubscribe, e-mail [here](#).