

## **Form Instructions for the Notice of Medicare Non-Coverage (NOMNC) CMS-10123**

### **When to Deliver the NOMNC**

A Medicare provider or health plan must give an advance, completed copy of the Notice of Medicare Non-Coverage (NOMNC) to beneficiaries/enrollees receiving skilled nursing, home health, comprehensive outpatient rehabilitation facility, and hospice services not later than two days before the termination of services. This notice fulfills the requirement at 42 CFR §405.1200(b)(1) and (2) and 42 CFR 422.624(b)(1) and (2). In situations where the termination decision is not delegated to a provider by a health plan, the plan must provide the service termination date to the provider not later than two days before the termination of services for timely delivery to occur.

### **Valid Notice Delivery**

This notice must be validly delivered. Valid delivery means that the beneficiary/enrollee must be able to understand the purpose and contents of the notice in order to sign for receipt of it. The beneficiary must be able to understand that he or she may appeal the termination decision. If the beneficiary/enrollee is not able to comprehend the contents of the notice, it must be delivered to and signed by a representative.

Valid delivery does not preclude the use of assistive devices, witnesses, or interpreters for notice delivery. Thus, if a beneficiary/enrollee is not able to physically sign the notice to indicate receipt, then delivery may be proven valid by other means.

In general, notices are valid when all patient specific information required by the notice is included, and any non-conformance is minor; that is, the non-conformance does not change the meaning of the notice or the ability to request an appeal. For example, misspelling the word “health” is a minor non-conformance of the notice that would not invalidate the notice. However, a transposed phone number on the notice would not be considered a minor non-conformance since the beneficiary/enrollee would not be able to contact the QIO to file an appeal. Errors brought to the attention of the provider or plan should also be reported to the appropriate regional office staff member.

### **Notice Delivery to Incompetent Beneficiaries/Enrollees in an Institutionalized Setting**

CMS requires that notification of changes in coverage for an institutionalized beneficiary/enrollee who is not competent be made to a representative. Notification to the representative may be problematic because he or she may not be available in person to acknowledge receipt of the required notification. Providers are required to develop procedures to use when the beneficiary/enrollee is incapable or incompetent, and the provider cannot obtain the signature of the beneficiary’s/enrollee’s representative through direct personal contact. If the provider is unable to personally deliver a notice of noncoverage to a person acting on behalf of a beneficiary/enrollee, then the provider should telephone the representative to advise him or her when the beneficiary’s services are no longer covered.

The date of the conversation is the date of the receipt of the notice. Confirm the telephone contact by written notice mailed on that same date. When direct phone contact cannot be made, send the notice to the representative by certified mail, return receipt requested. The date that someone at the representative's address signs (or refuses to sign) the receipt is the date of receipt. Place a dated copy of the notice in the beneficiary's/enrollee's medical file. When notices are returned by the post office, with no indication of a refusal date, then the beneficiary's liability starts on the second working day after the provider's mailing date.

## **Special Circumstances**

Do not use the NOMNC if coverage is being terminated for any of the following reasons:

- Because the Medicare benefit is exhausted
- For denial of Medicare admission
- For denial of a service that is not a Medicare benefit
- Due to a reduction or termination of a Medicare service that does not end the skilled Medicare stay

In these cases, the plan must issue the CMS form 10003 – Notice of Denial of Medical Coverage (NDMC). (Health plans only)

## **Modifications to the NOMNC**

The NOMNC is a standardized notice. Therefore, providers and plans may not re-write, re-interpret, or insert non-OMB-approved language into the body of the notice except where indicated. Without CMS regional office approval, however, you may modify the form for mass printing to indicate the kind of service being terminated if only one type of service is provided, i.e., skilled nursing, home health, comprehensive outpatient rehabilitation, or hospice. You may also modify the form to reference the kind of plan issuing the notice. Notices may not be highlighted or shaded. Additionally, text must be no less than 12-point type, and the background must be high contrast. Please note that the CMS form number and OMB control number must be displayed on the notice.

## **Heading**

**Contact information:** The name, address and telephone number of the provider that delivers the notice must appear above the title of the form. The provider's registered logo may be used.

**Patient Name:** Insert the patient's full name.

**Patient Number:** Providers may fill in the beneficiary's/enrollee's unique medical record or other identification number. Note that the HIC number must not be used.

**THE EFFECTIVE DATE YOUR {INSERT TYPE} SERVICES WILL END: {Insert Effective Date}:** Fill in the type of services ending, {**home health, skilled nursing, comprehensive outpatient rehabilitation services, or hospice**} and the actual date the covered service will end. Note that the date should be in no less than 12-point type. If handwritten, notice entries must be at least as large as 12-point type and legible.

## **YOUR RIGHT TO APPEAL THIS DECISION**

**Bullet # 1** N/A

**Bullet # 2** N/A

**Bullet # 3** N/A

**Bullet # 4** N/A

**Bullet # 5** N/A

## **HOW TO ASK FOR AN IMMEDIATE APPEAL**

**Bullet # 1** N/A

**Bullet # 2** N/A

**Bullet # 3** N/A

**Bullet # 4** Insert the name and telephone numbers (including TTY) of the applicable QIO in no less than 12-point type.

## **IF YOU MISS THE DEADLINE**

**Bullet #1** N/A

**Bullet #2** N/A

**Plan contact information:** The plan's name and contact information must be displayed here for the enrollee's use in case an expedited appeal is requested or in the event the enrollee or the QIO seeks the plan's identification.

**OPTIONAL: Additional Information.** This section provides space for additional pertinent information that may be useful to the enrollee. It may not be used as the Detailed Explanation of Non-Coverage, even if facts pertinent to the termination decision are provided.

**Signature line:** The beneficiary or the representative must sign this line.

**Date:** The beneficiary or the representative must fill in the date that he or she signs the document. If the document is delivered, but the enrollee or the representative refuses to sign on the delivery date, then annotate the case file to indicate the date that the form was delivered.

According to the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number. The valid OMB control number for this information collection is 0938-0953. The time required to distribute this information collection once it has been completed is 10 minutes per notice, including the time to select the preprinted form, complete it and deliver it to the beneficiary. If you have any comments concerning the accuracy of the time estimates or suggestions for improving this form, please write to CMS, PRA Clearance Officer, 7500 Security Boulevard, Baltimore, Maryland 21244-1850.