



Center for Clinical Standards and Quality/Survey & Certification Group

Ref: S&C: 15-36-ALL

DATE: April 24, 2015

TO: State Survey Agency Directors

FROM: Director
Survey and Certification Group

SUBJECT: New Instructions for Providers Filing an Appeal with the Departmental Appeals Board (DAB)

Memorandum Summary

- **File a New Appeal Using DAB E-File:** Effective October 1, 2014, providers that disagree with actions imposed on their facility must file a hearing request electronically using the DAB's E-Filing System (DAB E-File).
- **DAB E-File Filing Assistance:** For assistance in submitting a request through the DAB E-File System, filers may call the Civil Remedies Division main telephone line at 202-565-9462.
- **DAB E-File Technical Assistance:** For technical issues regarding the DAB E-File System, filers may contact E-File System Support at OSDABImmediateOffice@hhs.gov.

Effective October 1, 2014, providers that disagree with actions imposed on their facility and want to request a hearing with an Administrative Law Judge in the Civil Remedies Division must submit their request electronically to the Departmental Appeals Board using the DAB E-File at <https://dab.efile.hhs.gov>. In order to utilize the electronic filing system, petitioners must first become a registered user. Detailed instructions on how to register and use the DAB's Electronic Filing System are attached. Please note that all documents must be submitted in Portable Document Format ("pdf").

Written requests for hearings delivered by postal delivery are no longer accepted as of October 1, 2014, unless the petitioner does not have access to internet or a computer. In those circumstances, the petitioner may call the Civil Remedies Division and provide an explanation as to why they cannot file electronically or a request for a waiver from e-filing can be submitted along with a written request. Confirmation of a waiver from e-filing will be received in writing. Attached is sample language that can be used in the Appeal Rights notice which details a petitioner's options for filing a hearing request.

If petitioners have questions regarding the DAB E-File System they may call the Civil Remedies Division main telephone line at 202-565-9462. If a filer experiences any technical issues with

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the DAB E-File System, they may contact E-File System Support at OSDABImmediateOffice@hhs.gov.

Effective Date: October 1, 2014. This notice should be communicated with all survey and certification staff, their managers and the State/Regional Office training coordinators within 30 days of this memorandum.

/s/

Thomas E. Hamilton

Attachments – DAB E-File Instructions and Appeal Rights Notice

cc: Survey and Certification Regional Office Management