

The Relationship between Cash Practices and Medicare

References

HIPAA Privacy Rights Exception

- **HIPAA Omnibus Final Rule (78 Fed. Reg. 5565, January 25, 2013):**
<https://www.gpo.gov/fdsys/pkg/FR-2013-01-25/pdf/2013-01073.pdf>
- **Medicare Benefit Policy Manual, Chapter 15, Section 40: Effect of Beneficiary Agreements Not to Use Coverage:**
<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c15.pdf>

Mandatory Claims Submission

- Social Security Act
- **Social Security Act 1848(g)(4) (Mandatory Claims Submission Rule)**
- **Social Security Act 1842(p)(3) (Civil Penalties)**
- **Medicare Claims Processing Manual, Chapter 1, Section 70.8.8.6: Monitoring Claim Submission Violations:** <https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/clm104c01.pdf>

Private Contracting with Medicare Beneficiaries

- **Medicare Patient Empowerment Act of 2017 (HR 4133) (Introduced in the House of Representatives):**
<https://www.congress.gov/bill/115th-congress/house-bill/4133?q=%7B%22search%22%3A%5B%22HR+4133%22%5D%7D&r=1>
- **Letter from AMA to CMS seeking clarification on “4th” option (January 20, 2012):**
https://www.mag.org/georgia/UploadedFiles/cms_nonenrolled_physician_billing_012012.pdf
- **Letter from CMS Administrator Tavenner to AMA CEO (March 15, 2012):**
[https://static1.squarespace.com/static/54c15fbce4b06765d7d750d5/t/57c36939e3df28e6ed795f03/1472424287164/cms-fourth-option-response-letter+\(D0671480\).pdf](https://static1.squarespace.com/static/54c15fbce4b06765d7d750d5/t/57c36939e3df28e6ed795f03/1472424287164/cms-fourth-option-response-letter+(D0671480).pdf)
- **Stewart v. Sullivan, 816 F. Supp. 281 (D.N.J. 1992) (October 26, 1992)**
- **United Seniors Ass'n v. Shalala, 182 F.3d 965 (1999)**

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References

- *Association of American Physicians and Surgeons, Inc. v. Sebelius*, 901 F. Supp. 2d 19, 41-43 (D.D.C. 2012), 763F. 3d 468 (D.C. Cir 2014)

[False Claims Act, 31 U.S.C. §§ 3729 - 3733](#)

[US Constitution](#), 14th Amendment

APTA Resources on HR 4133:

- <http://www.apta.org/FederalIssues/PrivateContracting/>
- Position paper:
<http://www.apta.org/PolicyResources/PositionPapers/MedicarePrivateContracting/>