

HANDOUT 4



KEY SOURCES OF MEDICARE AUTHORITY

By	Authority	Published In	Example Citation	Location
Congress	Statutes	Public Laws	American Relief Act, 2025, Pub. L. 118-158	Congress.gov
		United States Code	42 U.S.C. § 1395y(a) (Exclusions from Coverage)	GPO's Federal Digital System (FDsys)
		Social Security Act	Soc. Sec. Act § 1862(a) (Exclusions from Coverage)	SSA website
CMS	Proposed and Final Rules	Federal Register	89 Fed. Reg. 93912 (CY2025 OPPS Final Rule)	GPO's FDsys CMS website
	Regulations	Code of Federal Regulations	42 C.F.R. § 412.3 (Admissions – definition of inpatient for Part A)	GPO's FDsys
		Electronic Code of Federal Regulations (e-CFR)		
	National coverage policies	National Coverage Determinations (NCD)	NCD 20.8.3 Cardiac Pacemakers: Single Chamber and Dual Chamber Permanent Cardiac Pacemakers	CMS website
CMS	Sub-regulatory Guidance	Manuals	Medicare Claims Processing Manual, Chapter 4 § 230.1	CMS website
		Transmittals	Medicare Claims Processing Manual Transmittal 10541	CMS website
		MLN Matters Articles	MLN Matters MM13918	CMS website
		Other guidance	"BFCC QIO 2 Midnight Claim Review Guideline"	CMS website
MAC	Local coverage policies	Local Coverage Determinations (LCD) and Articles	LCD ID L36902, Article ID A57049	CMS website, MAC website

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A. Statutes

1. Public Laws

- a. Congress adopts new statutes as Public Laws. Public Laws are found on Congress.gov, maintained by the Library of Congress.
- b. Each public law has a home page that provides information on the adoption of the bill and the final text.

Tip: Under the “Text” tab, use the “Enrolled Bill” for an easy-to-use version of the text of a bill, with embedded links to related provisions.

2. United States Code (U.S.C.)

- i. The U.S.C. is a compilation of the statutes of the United States. Title 42 of the U.S.C. contains the Medicare laws

3. Social Security Act

- a. Frequently, Medicare laws are cited by their Social Security Act section number, rather than their U.S.C. section number. The Social Security Administration maintains an updated version of the Social Security Act.

B. Regulations

1. Federal Register

- a. CMS publishes proposed and final regulations in the Federal Register.
- b. On the Federal Register site, you can browse by date or use the “Search” function at the top of the page to search for a particular volume and page number.
- c. CMS also makes display copies of important hospital related proposed and final rules, along with accompanying data files and tables, available on their website on the IPPS Final Rule home page for the applicable year or the Outpatient Regulations and Notices page.
- d. Proposed and final rules can be very large and difficult to navigate.

Tip: Use the Table of Contents to find sections of interest and the “find” feature of the software to navigate to pertinent sections.

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- i. Follow-up questions can be directed to the individuals in the “For Further Information Contact:” section.
- 2. Code of Federal Regulations (C.F.R.)
 - a. The C.F.R. is a compilation of the regulations of the United States. Title 42 contains the Medicare regulations.
 - i. The C.F.R. is published in an official annual edition and a regularly updated electronic version referred to as the eCFR, an unofficial compilation of the C.F.R. and recent Federal Register amendments.

Tip: Use the Federal Register citations noted at the end of each regulation to find important preamble discussion published when the regulation or amendment was adopted.

C. Sub-Regulatory Guidance

- 1. Sub-regulatory guidance, such as manuals and transmittals, are binding on Medicare contractors and ALJs must give them “substantial deference”.
- 2. “Internet-only” Manuals (IOMs)
 - a. The following IOMs, published on the CMS website, may be helpful:
 - i. Pub. 100-02 – Medicare Benefit Policy Manual provides coverage requirements for various inpatient and outpatient services.
 - ii. Pub. 100-04 – Medicare Claims Processing Manual provides coding, billing and claims guidance.
 - iii. Pub. 100-07 – State Operations Manual provides guidance on the Conditions of Participation.

Tip: To access detailed information, such as Tag numbers, Interpretive Guidelines, and Survey Procedures, open the “Appendices Table of Contents” and click on the “Appendix Letter” for the provider type (e.g., “A” for “Hospitals” or “W” for “Critical Access Hospitals”).

- iv. Pub. 100-08 – Medicare Program Integrity Manual provides guidance to Medicare auditors.

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3. Transmittals and Program Memoranda

- a. Transmittals communicate new or revised policies or procedures, as well as new, deleted or revised manual language.
- b. Components of a Transmittal
 - i. “Date” (in the header) represents the date the transmittal was published.
 - ii. “Effective Date” represents the date of service the policy in the transmittal will begin to apply, unless noted otherwise, and may be retroactive.
 - iii. “Implementation Date” represents the date processing systems will be able to process claims correctly according to the policies in the transmittal, unless noted otherwise.
 - iv. If there are new, deleted, or revised manual sections associated with the transmittal, they will be listed in the “Changes in Manual Instructions” table at the beginning of the transmittal and the full text will appear after the attachments at the end of the transmittal.
 - v. “Background” and “Policy” sections provide important information about the policy changes in the transmittal.
 - vi. The “Business Requirements Table” contains specific instructions to CMS contractors for implementation of changes in the transmittal.

4. MLN Matters Publications

- a. MLN Fact Sheets, Articles and other educational documents are published on the CMS website and explain Medicare policy in an easy to understand format, often written for specific provider types.
 - i. Many of the Fact Sheets appear to replace the former Special Edition MLN Articles, last published in March of 2022.
 - b. MLN Matters Articles are linked to a particular transmittal intended to provide practical and operational information about the transmittal to providers.
5. CMS frequently posts other guidance such as FAQs, algorithms, or other information on the Inpatient Hospital Reviews, Hospital Center, or OPPS Home Page on the CMS website.