

### **30 - Review by the CMS Administrator**

*(Rev. 122, Issued: 05-27-16, Effective: 06-28-16, Implementation: 06-28-16)*

CMS or a MAO that has received a hearing decision may request review by the CMS Administrator within 15 calendar days of receiving the hearing decision. Both CMS and the MAO may provide written arguments to the CMS Administrator for review.

The CMS Administrator has the discretion to elect to review the hearing decision or not. The CMS Administrator will notify both parties of his or her determination regarding review within 30 calendar days after receipt of request for review.

If the CMS Administrator declines to review the hearing decision or the CMS Administrator does not make a determination regarding review within 30 calendar days, the decision of the hearing officer is final.

If the CMS Administrator elects to review the hearing decision, s/he will determine, based upon this decision, the hearing record, and any written arguments submitted by the MAO, if the hearing decision should be upheld, reversed, or modified. The CMS Administrator then issues a written decision and furnishes it to the MAO requesting the review.

A decision by the CMS Administrator under this section is final and binding unless it is reopened and revised as described in section 40 below.