

11-1231 SEBELIUS, SEC. OF HEALTH AND HUMAN SERVICES V. AUBURN REGIONAL MEDICAL CENTER

DECISION BELOW: 642 F.3d 1145

LOWER COURT CASE NUMBER: 10-5115

QUESTION PRESENTED:

Whether the 180-day statutory time limit for filing an appeal with the Provider Reimbursement Review Board from a final Medicare payment determination made by a fiscal intermediary, 42 U.S.C. 1395oo(a)(3), is subject to equitable tolling.

ORDER OF JULY 23, 2012

JOHN F. MANNING, ESQUIRE, OF CAMBRIDGE, MASSACHUSETTS, IS INVITED TO BRIEF AND ARGUE THIS CASE, AS *AMICUS CURIAE*, IN SUPPORT OF THE POSITION THAT THE 180-DAY STATUTORY TIME LIMIT FOR FILING AN APPEAL WITH THE PROVIDER REIMBURSEMENT REVIEW BOARD FROM A FINAL MEDICARE PAYMENT DETERMINATION MADE BY A FISCAL INTERMEDIARY, 42 U.S.C. § 1395OO(A)(3), MAY NOT BE EXTENDED FOR ANY PERIOD.

CERT. GRANTED 6/25/2012