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[www.sclonm.org](http://www.sclonm.org)



## *Medicare Beneficiaries*

**STOP!**

**Before you visit your  
medical provider, read  
this pamphlet!**

Senior Citizens' Law Office is funded by the City of Albuquerque Area Agency on Aging, McCune Charitable Foundation, New Mexico Civil Legal Services and Access to Justice Commissions, Sandia Foundation's Hugh and Helen Woodward Fund of the Albuquerque Community Foundation, and Con Alma Health Foundation.

**This information is not intended as a substitute for specific legal advice.**

Doctors, laboratories and durable medical equipment providers routinely ask Medicare patients to agree to pay for services and supplies if Medicare does not pay, by signing an Advance Beneficiary Notice (ABN). Some other providers such as hospitals, nursing homes, home health care agencies and ambulances may also ask you to sign under some circumstances before you receive services.

**ALWAYS** insist upon receiving a copy of what you sign **AT THE TIME YOU SIGN** and date the document. Do **NOT** agree to allow the provider to give or send you the form at some later time. Federal rules require the provider to give you a copy at the time you are asked to sign. If the provider refuses or gives you an excuse for not providing a copy immediately, **YOU SHOULD CONSIDER NOT HAVING THE SERVICE!**

**ALWAYS** keep your copy until you receive the Medicare Summary Notice from the Medicare system and you are sure that Medicare has paid the provider.

If Medicare does not pay and you receive a bill from the provider, **DO NO PAY UNTIL YOU ARE SATISFIED THAT THE PROVIDER HAS COMPLIED WITH THE LAW.**

For example, the provider may have left the ABN blank – not having filled in the description of the item or service or the reason why the provider thinks that Medicare might not pay your medical service. **THIS NOTICE IS DEFECTIVE.** You are not liable for payment if the provider did not specifically describe the service or item and state the reason why the provider believes that Medicare may not pay.

For example, the provider may have failed to explain the reasons why Medicare might not pay in clear and understandable language to enable a non-medical person to know exactly why the provider believes that the item or service may not be paid for by Medicare. **THIS NOTICE MAY BE DEFECTIVE** depending on the circumstances. You may not be liable for payment and should seek assistance before you decide to pay.

For example, you may have signed the ABN under duress and not have truly consented to receiving the service. For example, an ambulance provider may require you to sign an ABN before you are transported to a hospital for an emergency. **A NOTICE SIGNED UNDER DURESS IS DEFECTIVE** and you are not liable for this payment.

If you have any questions about the validity of your agreement to pay for services or items when Medicare has not paid, call sources such as:

Law Access New Mexico (LANM)  
1-800-340-9771

The Senior Citizens' Law Office, Inc. (SCLO)  
505-265-2300

Assistance provided by SCLO's Seniors Savings Medicare (SSM) and LANM is free to all Medicare beneficiaries. SCLO provides legal assistance without any charge to persons 60 and over who are living in Bernalillo, Sandoval, Torrance, and Valencia Counties.