

Yes, A Physician May Bill Medicare for Incident-To Services of Another Physician and Answers to Other Questions About Incident-To Policy

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Incident-To: What is it?

- **Services and supplies that are not separately and independently listed in the Social Security Act (Medicare statute)**
- **Services that are incident to a professional service of a physician (or certain non-physician practitioner)**

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What is it?

- **Services that are furnished by auxiliary personnel under direct supervision of a physician (or certain NPP)**
- **Services that are integral, albeit incidental, to diagnose or treat**

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What is it?

- **Services that are commonly furnished**
- **Example: Patient sees physician for office visit, then sees nurse for injection**

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Incident Two?

- **Non-Institutional or Office Settings**
- **Soc. Sec. Act §1861(s)(2)(A)**
- **42 CFR §410.26**
- **66 Fed. Reg. 55246 at 55267 (November 1, 2001)**
- **Medicare Benefit Policy Manual Chapter 15 Section 60**

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Incident Two?

- **Institutional or Hospital Settings**
- **Soc. Sec. Act §1861(s)(2)(B)**
- **42 CFR §410.27**
- **65 Fed. Reg. 18434 at 18524 (April 7, 2000)**
- **Medicare Benefit Policy Manual Chapter 6 Section 20**

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- **Services and supplies that are not separately and independently listed in the Social Security Act**

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Incident-To-Like?

- **Diagnostic Services**
- **Soc. Sec. Act §1861(s)(3)**
- **42 CFR §410.32**
 - **(a) Ordering of Diagnostic Tests by Treating Practitioner**
 - **(b) Supervision of Diagnostic Tests by Physician**

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- **Services that are incident to a professional service of a physician (or certain non-physician practitioner)**

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New Patient vs. Problem

- **Physician Encounter Required for New Patient vs. Established Patient with New Problem**
- **CPT Definition of Established Patient**
- **Involvement of Clinical Staff in Initial Visit**
- **Local Coverage Determinations**
- **Freestanding Infusion Centers**

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- **Services that are furnished by auxiliary personnel**

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Auxiliary Personnel

- **Non-Physicians (e.g., Registered Nurse)**
- **Medicare Non-Physician Practitioners**
 - **Physician Assistant**
 - **Nurse Practitioner**
 - **Clinical Nurse Specialist**
 - **Certified Nurse Midwife**
 - **Clinical Psychologist**
- **Physicians**

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- **Services that are furnished under direct supervision of a physician (or certain NPP)**

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Direct Supervision

- **Office Suite**
 - **Same Floor**
 - **Same Building**
 - **On-Campus**

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Direct Supervision

- **Immediately Available**
 - **Geographic distance**
 - **Audio distance (shouting)**
 - **Mental distance (preoccupation)**
- **Number of Incident-To Services**
- **Supervising Physician Awareness**

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Exceptions

- **Chemotherapy**
- **Physician Encounter Required Every Xth Visit**
- **LCDs**

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Exceptions

- **Homebound Patients**
- **Transitional or Chronic Care Management**
- **Physician Presence in Patient's Home Not Required**

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Exceptions

- **Evaluation & Management Services**
- **CPT Code 99211 Required if Auxiliary Personnel is Not Medicare Non-Physician Practitioner**

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Exceptions

- **Physical or Occupational Therapy**
- **Auxiliary Personnel must be Qualified to Perform Therapy**

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Shared/Split Visit

- **Evaluation & Management Services**
- **Hospital Settings**
- **Common Employment**
- **Face-to-Face Encounter**
- **LCDs**

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Issues

- **Claims**
 - **Identity of Auxiliary Personnel**
 - **Ordering vs. Supervising Practitioner**
 - **Attending Physician in Group Practice**
- **Compensation**
- **Liability**

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Pending CMS Oversight

- **CMS Oversight of Compliance**
 - **Audit**
 - **Registration**
 - **New Enrollment Categories**
 - **Modifiers**

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Checklist

- **Policies & Procedures**
- **LCDs**
- **Documentation**
 - **Daily Log**
 - **Physician Schedules**
- **Claims**

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Questions?

Thank you!

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