



Related MLN Matters Article #: SE0737

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Notification of the 2008 Physician Election Period for the Part B Drug Competitive Acquisition Program (CAP)

Key Words

SE0737, Election, Drug, Competitive, Acquisition, CAP

Provider Types Affected

Physicians participating in the CAP for Part B Drugs and Biologicals and physicians who would like to participate in the program during 2008

Key Points

- **Special Edition (SE) 0737 announces the 2008 annual physician election period.**
- The CAP is mandated by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA, Section 303 (d)), which requires the implementation of a CAP for Medicare Part B drugs and biologicals not paid on a cost or prospective payment system basis.
- CAP is an alternative to the Average Sales Price (ASP) system of obtaining drugs for Medicare.
- The CAP is open to Medicare physicians who administer drugs under the "incident to" provision in their offices. The term "physician" includes individuals who are authorized to provide services under the Social Security Act and who can, within their state's scope of practice, prescribe and order drugs covered under Medicare Part B.
- Physicians can buy and bill drugs under the ASP system or obtain drugs from an approved CAP vendor that has been selected in a competitive bidding process.
- The CAP drug list includes nearly 190 injectable and infused Part B drugs.
- A list of the CAP drugs is available in the download section at http://www.cms.hhs.gov/CompetitiveAcquisforBios/15_Approved_Vendor.asp on the CMS CAP webpage. Providers should make sure they select the most recent list of drugs.

Annual CAP Physician Election

- The 2008 annual fall physician election period for CAP will begin on October 1, 2007, and will conclude on November 15, 2007.

- **To begin participating in CAP** effective January 1, 2008, the 2008 Physician Election Agreement Form must be postmarked by November 15, 2007, and mailed to the provider's local carrier.
- **Current participating CAP physicians must re-elect yearly** during the annual fall election period if they wish to continue participating in CAP. New Medicare physicians have 90 days to elect into the CAP.
- Physicians who are not currently participating in CAP and who do not wish to participate in CAP at this time are not required to take any action.
- Physicians/groups must return a completed CAP Physician Election Agreement form by mail to their local carrier or Part A/B Medicare Administrative Contractor. Include "ATTENTION: CAP PHYSICIAN ELECTION" in the address.
- The provider's local Medicare carrier's or A/B MAC's address may be found at http://www.cms.hhs.gov/MedicareProviderSupEnroll/Downloads/contact_list.pdf on the CMS website.
- Participating CAP physicians are encouraged to join the dedicated CAP listserv, CMS-CAP-PHYSICIANS-L, in order to receive pertinent and timely information regarding the CAP program. Providers should view the "Related Links Inside CMS" section on the "Information for Physicians" page at http://www.cms.hhs.gov/CompetitiveAcquisforBios/02_infophys.asp on the CMS website.

Important Links

The related MLN Matters article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/SE0737.pdf> on the CMS website.

For additional information on the election process, providers may review Change Request (CR) 4404 at

<http://www.cms.hhs.gov/transmittals/downloads/R932CP.pdf> and its related article at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM4404.pdf> on the CMS website.

Providers may also want to review the following MLN Matters articles:

- MM5546: "Competitive Acquisition Program (CAP) for Part B Drugs" at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM5546.pdf> and
- MM5332: "Instructions for the Coordination of Medicare Secondary Payer (MSP) claims for the Competitive Acquisition Program (CAP)" at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM5532.pdf> on the CMS website.

For more information on CAP and how to elect to participate in the program, providers may visit

http://www.cms.hhs.gov/CompetitiveAcquisforBios/02_infophys.asp#TopOfPage on the CMS website.

The Physician Election Guide and Physician Election Agreement Form can be found at the bottom of that page in the "Downloads" section.

Providers can review the MMA, Section 303(d) at

<http://www.cms.hhs.gov/CompetitiveAcquisforBios/Downloads/303d.pdf> on the CMS website.