



Related MLN Matters Article® #: MM5573 **Revised**

Date Posted: August 20, 2007

Related CR #: 5573

Date of Service (DOS) for Laboratory Specimens – JA5573

Note: This job aid was revised to delete a Web address from page 2 that was no longer available. All other information remains the same.

Key Words

MM5573, CR5573, R1319CP, DOS, Specimen, Laboratory

Provider Types Affected

Physicians, providers, and suppliers submitting claims to Medicare Carriers, Fiscal Intermediaries (FIs), or Part A/B Medicare Administrative Contractors (A/B MACs) for services provided to Medicare beneficiaries related to tests performed on laboratory specimens

Key Points

- The effective date of the instruction is January 1, 2007.
- The implementation date is January 1, 2008.
- The general rule for the DOS of a test performed on a laboratory specimen is the date that the specimen is collected.
- If a specimen is collected over a period that spans two calendar days, then the DOS must be the date that the collection period ended.
- The current DOS policy allows an exception to the general rule for tests performed on an archived specimen. If a specimen was stored for more than 30 calendar days before testing (otherwise known as “an archived specimen”), the DOS of the test must be the date that the specimen was obtained from storage.
- In the final physician fee schedule regulation published in the Federal Register on December 1, 2006 (http://www.access.gpo.gov/su_docs/fedreg/a061201c.html), the Centers for Medicare & Medicaid Services (CMS) revised the DOS policy for laboratory specimens to allow additional exceptions to the general rule and the DOS rule for tests performed on an archived specimen.

- Change Request (CR) 5573 implements the revisions to the DOS policy for tests performed on laboratory specimens specified in the final rule, in accordance with the updates to 42 Code of Federal Regulations 414.510.

Exceptions to the DOS Policy for Laboratory Tests

DOS for Tests Performed on Stored Specimens

- In the case of a test performed on a stored specimen, if a specimen was stored for less than or equal to 30 calendar days from the date it was collected, the DOS of the test must be the date the test was performed **only if**:
 - The test is ordered by the patient's physician at least 14 days following the date of the patient's discharge from the hospital;
 - The specimen was collected while the patient was undergoing a hospital surgical procedure;
 - It would be medically inappropriate to have collected the sample other than during the hospital procedure for which the patient was admitted;
 - The results of the test do not guide treatment provided during the hospital stay; and
 - The test was reasonable and medically necessary for treatment of an illness.

DOS for Chemotherapy Sensitivity Tests Performed on Live Tissue

- In the case of a chemotherapy sensitivity test performed on live tissue, the DOS of the test must be the date the test was performed **only if**:
 - The decision regarding the specific chemotherapeutic agents to test is made at least 14 days after discharge;
 - The specimen was collected while the patient was undergoing a hospital surgical procedure;
 - It would be medically inappropriate to have collected the sample other than during the hospital procedure for which the patient was admitted;
 - The results of the test do not guide treatment provided during the hospital stay; and
 - The test was reasonable and medically necessary for treatment of an illness.

Note: For purposes of applying the above exception, a "chemotherapy sensitivity test" is defined as a test that requires a fresh tissue sample to test the sensitivity of tumor cells to various chemotherapeutic agents.

Important Links

The related MLN Matters® article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM5573.pdf> on the CMS website.

The official instruction (CR5573) regarding this change may be viewed at

<http://www.cms.hhs.gov/Transmittals/downloads/R1319CP.pdf> on the CMS website.