



Related MLN Matters Article #: MM5856

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Revision to Instructions Relating to Compliance Standards for Independent Diagnostic Testing Facilities (IDTFs)

Key Words

MM5856, CR5856, R234PI, Compliance, Standards, IDTF, Diagnostic

Provider Types Affected

IDTFs submitting claims to Part A/B Medicare Administrative Contractors (A/B MACs) or carriers for services provided to Medicare beneficiaries

Key Points

- The effective date of the instruction is January 1, 2008.
- The implementation date is April 22, 2008.
- Change Request (CR) 5856 incorporates into Pub.100-08, Chapter 10, recent revisions to 42 Code of Federal Regulations (CFR) 410.33, pertaining to IDTFs and clarifies provisions in Section 4.19 of Chapter 10.

Key Points of CR5856

- IDTF changes in ownership, changes of location, changes in general supervision, and adverse legal actions must be reported to the contractor via the CMS-855B within 30 calendar days of the change.
- All other changes to the IDTF's enrollment information must be reported within 90 calendar days.
- For purposes of 42 CFR 410.33 (g)(3), hotel or motel is not considered an "appropriate site."
- IDTF suppliers that provide services remotely and do not see beneficiaries at their practice location are exempt from providing hand washing and adequate patient privacy accommodations.
- Failure to maintain required insurance at all times will result in revocation of the IDTF's billing privileges retroactive to the date the insurance lapsed. IDTF suppliers are responsible for providing the contact information for the issuing insurance agent and the underwriter.

- In addition, the IDTF must:
 - Ensure that the insurance policy remains in force at all times and provides coverage of at least \$300,000 per incident; and
 - Notify the Centers for Medicare & Medicaid Services' (CMS') designated contractor in writing of any policy changes or cancellations.
 - Answer, document, and maintain documentation of a beneficiary's written clinical complaint at the physical site of the IDTF (For mobile IDTFs, this documentation would be stored at their home office.). This includes, but is not limited to, the following:
 - The name, address, telephone number, and health insurance claim number of the beneficiary;
 - The date the complaint was received, the name of the person receiving the complaint, and a summary of actions taken to resolve the complaint; and
 - The name of the person making the decision and the reason for the decision, if an investigation was not conducted.
- Effective January 1, 2008, with the exception of hospital-based and mobile IDTFs, a fixed-base IDTF does not:
 - Share a practice location with another Medicare-enrolled individual or organization;
 - Lease or sublease its operations or its practice location to another Medicare-enrolled individual or organization; or
 - Share diagnostic testing equipment used in the initial diagnostic test with another Medicare-enrolled individual or organization. (See 42 CFR §410.33(g) (15).)
- Effective January 1, 2008, if the contractor determines that an IDTF is leasing or subleasing its operations to another organization or individual, the contractor will revoke the supplier's Medicare billing privileges.

Note: While the prohibition against the sharing of space at a practice location is effective on January 1, 2008, for newly-enrolling IDTFs (including those with applications that are still pending as of January 1, 2008), the space-sharing provision in 42 CFR §410.33(g) (15) (i) for IDTFs that are currently occupying a practice location with another Medicare-enrolled individual or organization will not become effective until January 1, 2009.

- Effective January 1, 2008, the filing date of the Medicare enrollment application is the date that the Medicare contractor receives a signed provider enrollment application that it is able to process to approval. (See 42 CFR 410.33(i).)
- The effective date of billing privileges for a newly enrolled IDTF is the latter of the following:
 - The filing date of the Medicare enrollment application that was subsequently approved by a Medicare fee-for-service contractor; or
 - The date the IDTF first started furnishing services at its new practice location.
- A newly enrolled IDTF, therefore, may not receive reimbursement for services furnished before the effective date of billing privileges.

- The contractor will note that if it rejects an IDTF application on or after January 1, 2008, and a new application is later submitted, the date of filing is the date the contractor receives the new enrollment application.
- Under 42 CFR §410.33(b)(1), each supervising physician must be limited to providing supervision to no more than three IDTF sites. **This applies to both fixed sites and mobile units where three concurrent operations are capable of performing tests.**

Important Links

The related MLN Matters article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM5856.pdf> on the CMS website.

The official instruction issued (CR5856) regarding this change may be found at

<http://www.cms.hhs.gov/Transmittals/downloads/R234PI.pdf> on the CMS website.

If providers have questions, they may contact their Medicare Carrier or A/B MAC, at their toll-free number, which may be found at <http://www.cms.hhs.gov/MLNProducts/downloads/CallCenterTollNumDirectory.zip> on the CMS website.