



Related MLN Matters Article #: MM6018

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Date of Service (DOS) for Clinical Laboratory and Pathology Specimens

Key Words

MM6018, CR6018, R1515CP, Laboratory, Tests, Pathology, DOS

Provider Types Affected

Providers who submit claims to Part A/B Medicare Administrative Contractors (A/B MACs), Fiscal Intermediaries (FIs) or carriers for laboratory tests, or the technical component of physician pathology services, provided to Medicare beneficiaries

Key Points

- The effective date of the instruction is January 1, 2009.
- The implementation date is January 5, 2009.
- Change Request (CR) 6018 alerts providers that the Centers for Medicare & Medicaid Services (CMS) revised the DOS policy for clinical laboratory tests and added the technical component of physician pathology service effective January 1, 2009.
- These changes were announced in the final Medicare physician fee schedule rule published in the Federal Register on November 27, 2007 (42 Code of Federal regulations (CFR) § 414.510).
- The DOS policy as specified in 42 CFR § 414.510 for either a clinical laboratory test or the technical component of physician pathology service is as follows:
 - **General Rule:** The DOS of the test/service must be the date the specimen was collected.
 - **Variation:** If a specimen is collected over a period that spans two calendar days, then the DOS must be the date the collection ended.

Exceptions to the DOS Policy

- Two exceptions apply to this DOS policy for either a clinical laboratory test or the technical component of physician pathology service:

1. DOS for Tests/Services Performed on Stored Specimens: In the case of a test/service 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/service must be the date the test/service was performed only if:

- The test/service 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/service do not guide treatment provided during the hospital stay; and
 - The test/service was reasonable and medically necessary for treatment of an illness.
- If the specimen was stored **for more than 30 calendar days** before testing, the specimen is considered to have been archived and the DOS of the test/service must be the date the specimen was obtained from storage.

2. DOS for Chemotherapy Sensitivity Tests/Services Performed on Live Tissue: In the case of a chemotherapy sensitivity test/service performed on live tissue, the DOS of the test/service must be the date the test/service 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/service do not guide treatment provided during the hospital stay; and
- The test/service was reasonable and medically necessary for treatment of an illness.

Important Links

The related MLN Matters article can be found at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM6018.pdf> on the CMS website.

The official instruction (CR6018) issued regarding this change may be found at

<http://www.cms.hhs.gov/Transmittals/downloads/R1515CP.pdf> on the CMS website.