

U.S. House and Senate Notification
Friday, April 30, 2010

To: Congressional Health Staff

From: Amy Hall
Director, Office of Legislation
Centers for Medicare & Medicaid Services

Re: CMS Issues Interim Final Rule Implementing Certain Fraud, Waste and Abuse Provisions Enacted by the Affordable Care Act

Today, CMS issued an Interim Final Rule with Comment Period that implements several provisions set forth in the Patient Protection and Affordable Care Act (Affordable Care Act). It implements the provision which requires all providers of medical or other items or services and suppliers that qualify for a National Provider Identifier (NPI) to include their NPI on all applications to enroll in the Medicare and Medicaid programs and on all claims for payment submitted under the Medicare and Medicaid programs. This rule also requires physicians and eligible professionals who order and refer covered items and services for Medicare beneficiaries to be enrolled in Medicare. In addition, it adds requirements for providers, physicians, and other suppliers participating in the Medicare program to provide documentation on referrals to programs at high risk of waste and abuse – specifically, durable medical equipment, prosthetics, orthotics and supplies (DMEPOS), home health services, and other items or services specified by the Secretary.

Comments received within 60-days of publication will be considered by CMS. The rule is effective 60-days following publication. Please see <http://www.federalregister.gov/inspection.aspx> for the full text of the rule currently on display at the Federal Register.

If you have any additional questions, please contact the CMS Office of Legislation.