

## **REQUIREMENT TO REPORT DMEPOS LICENSURE, PRODUCT, AND SERVICE CHANGES**

### **PROVIDER TYPE AFFECTED**

This MLN Matters Article is applicable to **all** Durable Medical Equipment, Prosthetics, Orthotics, & Supplies (DMEPOS) suppliers submitting claims to Durable Medical Equipment Medicare Administrative Contractors (DME MACs) for DMEPOS items/supplies furnished to Medicare beneficiaries.

### **WHAT ALL DMEPOS SUPPLIERS NEED TO KNOW**

This article informs **all** DMEPOS suppliers about the requirement to update your Medicare enrollment record with changes to the products/services for which you bill Medicare and the applicable DMEPOS licensure information. Changes to products/services and DMEPOS licensure should be submitted via the Internet-based Provider Enrollment, Chain, and Ownership System (PECOS) or the CMS-855S application to update your enrollment record. As established in 42 CFR 424.57(c)(2), **all** DMEPOS suppliers must report to CMS any changes in information via the Internet-based PECOS or the CMS-855S application within 30 days of the change. This includes **all** changes to information located on a DMEPOS supplier's enrollment record, including changes unrelated to licensure, products or services. This article highlights changes pertaining to licensure, products and services.

**NOTE:** Although the example featured in the background section of this MLN article is specific to DMEPOS suppliers that supply OR01 and OR02 items under the prosthetic/orthotics specialty, the supplier standard established at 42 CFR 424.57(c)(1) requires that **all** DMEPOS suppliers acquire, maintain and report the appropriate licensure for **all** items/supplies that are furnished to Medicare beneficiaries per applicable federal and state licensure and regulatory requirements.

### **BACKGROUND**

Prospective DMEPOS suppliers must comply with **all** supplier standards at 42 CFR 424.57(c) to enroll in the Medicare program. Further, enrolled DME suppliers must continue to comply with all of the supplier standards to maintain enrollment. The standard at 42 CFR 424.57(c)(1) requires **all** DMEPOS suppliers to operate their business and furnish Medicare-covered items in compliance with all applicable federal and state licensure and regulatory requirements. Accordingly, the DMEPOS enrollment contractor, the National Supplier Clearinghouse (NSC), validates that the supplier has the appropriate license in each state where the supplier enrolls to provide services.

If a state indicates that a specific DMEPOS item must be provided by a physician, non-physician practitioner or personnel with specialized training, Medicare payment may only be made when furnished by an individual with requisite training and licensure. For example, some states require that suppliers vending DMEPOS orthotics codes OR01 or OR02 have a *licensed* orthotist or prosthetist at the supplier to serve as the person responsible for designing, fitting, and/or adjusting the OR01 or OR02 orthotics devices for beneficiaries. To accurately fit these kinds of orthotics requires a high degree of skill, which is gained from years of training. If the device is poorly fitted, there is the potential for patient harm.

A DMEPOS supplier shall send copies of pertinent state licenses to the NSC if the supplier is in one of the states requiring a licensed orthotist or prosthetist to furnish OR01 or OR02 orthotics. In addition to providing necessary licensure documentation, if a prospective DMEPOS supplier wishes to bill Medicare for OR01 and/or OR02 orthotics items, it must report the correct specialty code(s) to the NSC upon initial enrollment. If a DMEPOS supplier does not furnish OR01 or OR02 orthotics at the time of initial enrollment, but later begins to, it must report the change to the NSC within 30 days of the change under 42 CFR 424.57(c)(2). If a DMEPOS supplier needs to update its enrollment with the correct specialty code(s), the supplier must submit a “Change of Information” via the Internet-based PECOS or the CMS-855S to the NSC, along with all applicable licenses or certifications. The NSC is responsible for maintaining a central data repository of enrollment information regarding DMEPOS suppliers.

Regardless of DMEPOS specialty type, if the NSC determines a DMEPOS supplier is providing products in a supply category not disclosed on an application—i.e., the supplier does not appropriately update its enrollment—the NSC may revoke the supplier’s billing privileges.