



News Flash - Medicare is starting a new program to encourage physicians to adopt e-prescribing systems. Incentive payments will be made in mid-2010 for physicians who are successful e-prescribers during the 2009 reporting period which is January 1, 2009 through December 31, 2009. The initiative is part of the Administration's broader efforts to accelerate the adoption of health IT and the establishment of a health care system based on value. To read more, see the entire HHS Fact Sheet at <http://www.hhs.gov/news/facts/eprescribing.html> on the CMS website.

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Medicare Part B Drug Competitive Acquisition Program (CAP) Postponed for 2009

Provider Types Affected

Physicians who are currently participating in the 2008 Medicare CAP for Part B drugs and biologicals and physicians who are interested in participating in the program in 2009.

Provider Action Needed



STOP – Impact to You

The Centers for Medicare & Medicaid Services (CMS) has postponed the CAP for 2009, which was to begin on January 1, 2009.



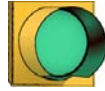
CAUTION – What You Need to Know

The contract with the current Approved CAP Vendor, BioScrip Inc., will remain in effect through December 31, 2008. Physicians who are currently participating in the CAP must transition back into the Average Sales Price (ASP) method of

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acquiring part B drugs for services provided on or after January 1, 2009. Claims processing for the CAP will continue past January 1, 2009 for claims with dates of service through December 31, 2008. The physician election period for 2009 that was scheduled for October 1 to November 15, 2008 will not be held.



GO – What You Need to Do

See the Background and Additional Information Sections of this article for further details.

Background

This article contains information about the Competitive Acquisition Program (CAP). The CAP is mandated by Section 303(d) of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (MMA), which requires the implementation of a CAP for Medicare Part B drugs and biologicals not paid on a cost or prospective payment system basis. Section 303(d) of the MMA can be viewed at <http://www.cms.hhs.gov/CompetitiveAcquisforBios/Downloads/303d.pdf> on the CMS website.

CAP Is Postponed For 2009

Earlier this year, CMS accepted bids for vendor contracts for the 2009-11 CAP. While CMS received several qualified bids, contractual issues with the successful bidders resulted in CMS postponing the 2009 program. As a result, CAP drugs will not be available from an Approved CAP Vendor for dates of service after December 31, 2008, and the 2009 CAP physician election period scheduled for October 1 to November 15, 2008 will not be held. CAP drugs will not be available from an approved CAP vendor for dates of service after December 31, 2008.

Drug Ordering

The contract with the current Approved CAP Vendor, BioScrip Inc., will remain in effect through December 31, 2008. Participating CAP physicians must continue to obtain CAP drugs from the Approved CAP Vendor if the drugs are to be administered on or before December 31, 2008. After January 1, 2009, physicians must obtain and bill for drugs through the ASP process, and physicians will also be responsible for collecting applicable deductible and co-insurance from Medicare beneficiaries. Physicians should be mindful of the anticipated date of a CAP drug's administration when ordering drugs for administration in December of 2008.

Unused CAP drugs that remain at a physician's office belong to the Approved CAP Vendor. They may be returned to the Approved CAP Vendor, if permissible by state law, or purchased from the Approved CAP Vendor for administration under the ASP methodology for dates of service after January 1, 2009. Unused CAP drugs cannot be given away to a physician. Participating CAP physicians should

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contact the Approved CAP Vendor as early as possible to determine whether buying or returning unused drugs is preferable, and take steps to minimize the amount of unused drugs at their offices. Contact information for the Approved CAP Vendor is available at <http://www.bioscrip.com/> on the internet.

Claims Processing and Billing

Participating CAP physicians must submit CAP claims to their local carrier or Medicare Administrative Contractor (MAC) within 30 days of CAP drug administration. After January 1, 2009, participating CAP physicians can continue to submit CAP claims for dates of service through December 31, 2008.

Drugs acquired through ASP for administration on or after January 1, 2009 must be billed through ASP, and physicians should not use any of the CAP modifiers (J1, J2, J3, M2) in these claims.

Post Payment Review

The purpose of the CAP post payment review process is to verify the administration of a CAP drug or biological in order to assure that CAP drug payments are being made appropriately. Participating CAP physicians may receive requests from the CAP designated carrier, Noridian Administrative Services (NAS), for documentation about specific claims to support the CAP post payment review process.

In 2009, this process will continue for claims with dates of service on or before December 31, 2008. NAS will continue to send post payment letters to physicians, and physicians must submit requested documentation within 30 days.

CAP Training During the Transition

This fall, CMS will provide guidance and training for participating CAP physicians on how to transition out of the program at the end of the year. This information will be posted at http://www.cms.hhs.gov/CompetitiveAcquisforBios/02_infophys.asp on the CMS CAP 'Information for Physicians' website. Announcements will also be sent via the dedicated CAP listserv and the Medicare Physicians listserv. Listserv registration is available at <https://list.nih.gov/> on the internet. Please search that website for **CMS-CAP-PHYSICIANS-L** and **PHYSICIANS-L** in order to subscribe to the listserv.

CMS also plans to seek feedback on the CAP from current and former participating CAP physicians, as well as other parties. CMS is interested in hearing from the public about a range of issues, including, but not limited to, the categories of drugs provided under the CAP, the distribution of areas that are served by the CAP, and procedural changes that may increase the program's flexibility and appeal to potential vendors and physicians.

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Information about how to submit comments will be available at <http://www.cms.hhs.gov/CompetitiveAcquisforBios/> on the CMS website.

Additional Information

For original overview information on the CAP, please review CR4064 at <http://www.cms.hhs.gov/Transmittals/downloads/R777CP.pdf> and its related article: <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM4064.pdf> on the CMS website.

For original background information on the CAP, please review CR4309 at: <http://www.cms.hhs.gov/transmittals/downloads/R866CP.pdf> and its related article at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM4309.pdf> on the CMS website. For the original background information on the CAP physician election process, please review CR4404 at <http://www.cms.hhs.gov/transmittals/downloads/R932CP.pdf> and its related article at <http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM4404.pdf> on the CMS website.

For background information on the CAP post payment review process, please review CR5546 at <http://www.cms.hhs.gov/Transmittals/downloads/R1207CP.pdf> on the CMS website.

Further information about the CAP is available at <http://www.cms.hhs.gov/CompetitiveAcquisforBios/> on the CMS CAP website.

Additional information about the Approved CAP Vendor is available on their website at <http://www.bioscrip.com/> and at http://www.cms.hhs.gov/CompetitiveAcquisforBios/15_Approved_Vendor.asp on the CMS CAP website. Additional information about the CAP designated carrier, NAS, is available at http://www.noridianmedicare.com/cap_drug on their website.

News Flash - Flu Shot Reminder - Flu Season Is Coming! It's not too early to start vaccinating as soon as you receive vaccine. Encourage your patients to get a flu shot as it is still their best defense against the influenza virus. *(Medicare provides coverage of the flu vaccine without any out-of-pocket costs to the Medicare patient. No deductible or copayment/coinsurance applies.)* And don't forget, health care workers also need to protect themselves. **Get Your Flu Shot. – Not the Flu. Remember** - Influenza vaccine plus its administration are covered Part B benefits. Note that influenza vaccine is NOT a Part D covered drug. For information about Medicare's coverage of the influenza virus vaccine and its administration as well as related educational resources for health care professions and their staff, visit http://www.cms.hhs.gov/MLNProducts/Downloads/flu_products.pdf on the CMS website. To order, free of charge, a quick reference chart on Medicare Part B Immunization Billing, go to http://cms.meridianksi.com/kc/main/kc_frame.asp?kc_ident=kc0001&loc=5 on the CMS website.

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