

**The CMS Quarterly Provider Update  
January 2009**

**What's New**

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**03/27/2009**

**REGULATION(S) RELEASED**

CMS-2244-F3, entitled "Medicaid Program; Premiums and Cost Sharing," was published. This regulation affects Medicaid.

**CMS-2244-F3**

CMS-2282-N, entitled "Medicare, Medicaid, and CLIA Programs; Approval of the American Osteopathic Association as a CLIA Accreditation Organization," was published. This regulation affects Other CMS Business.

**CMS-2282-N**

CMS-2284-N, entitled "Deeming Notice for the College of American Pathologists (CAP) as an Accrediting Organization Under the Clinical Laboratory Improvement Amendments of 1988," was published. This regulation affects Clinical Diagnostic Laboratories.

**CMS-2284-N**

CMS-2294-N, entitled "Medicare and Medicaid Programs; Approval of the Joint Commission for Continued Deeming Authority for Hospices," was published. This regulation affects Hospices.

**CMS-2294-FN**

CMS-3212-N, entitled "Medicare Program; Request for Nominations for Members for the Medicare Evidence Development & Coverage Advisory Committee," was published. This regulation is a Meeting Notice.

**CMS-3212-N**

CMS-6006-F2 entitled "Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); Correcting Amendment," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics, and Supplies and Suppliers.

**CMS-6006-F2**

CMS-7013-N entitled "Medicare Program; Announcement of Rechartering and Meeting of the Advisory Panel on Medicare Education, April 22, 2009," was published. This regulation is a Meeting Notice.

**CMS-7013-N**

CMS-9050-N entitled "Medicare and Medicaid Programs; Quarterly Listing of Program Issuances--October Through December 2008," was published. This regulation affects Other CMS Business.

**CMS-9050-N**

**03/24/2009**

**TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 463, entitled "J14 Part A and Part B Medicare Administrative Contractor (A/B MAC) New Workload Numbers for the States of Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont," was published. This regulation affects Ambulances, Ambulatory Surgical Centers, Clinical Diagnostic Laboratories, Comprehensive Outpatient Rehabilitation Facilities, Federally Qualified Health Centers, Hospices, Hospitals, Non-Physician Practitioners, Physicians, and Skilled Nursing Facilities.

**View the complete text of Transmittal 463**

Transmittal 466, entitled "Implementation of Indirect Medical Education (IME) and Long Term Care Hospital (LTCH) Provisions from The American Recovery and Reinvestment Act (ARRA) of 2009," was published. This regulation affects Hospitals.

**View the complete text of Transmittal 466**

**03/20/2009**

**TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 40, entitled "Revisions to Chapter 2, "The Certification Process," Sections Relating to Federally Qualified Health Centers, and Exhibits 177 and 179," was published. This regulation affects Federally Qualified Health Centers.

**View the complete text of Transmittal 40**

Transmittal 461, entitled "Payment for Maintenance and Servicing of Certain Oxygen Equipment as a Result of the Medicare Improvements for Patients and Providers Act (MIPPA) of 2008," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies.

**View the complete text of Transmittal 461**

**03/13/2009**

**TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 104, entitled "April 2009 Update to the ASC Payment System: Summary of Payment Policy Changes/Manual Revisions," was published. This regulation affects Ambulatory Surgical Centers.

**View the complete text of Transmittal 104**

Transmittal 1698, entitled "April 2009 Update to the ASC Payment System: Summary of Payment Policy Changes/Manual Revisions," was published. This regulation affects Ambulatory Surgical Centers.

**View the complete text of Transmittal 1698**

Transmittal 1700, entitled "April 2009 Integrated Outpatient Code Editor (I/OCE) Specifications Version 10.1. Recurring Update Notification.," was published. This regulation affects Community Mental Health Centers, Comprehensive Outpatient

Rehabilitation Centers, Federally Qualified Health Centers, Home Health Agencies, Outpatient Physical Therapy, Renal Dialysis Facilities, Rural Health Clinics, Religious Non-Medical Health Care Institutions, and Skilled Nursing Facilities.

**[View the complete text of Transmittal 1700](#)**

Transmittal 1701, entitled "Revision of the Hospice Wage Index and the Hospice Pricer for FY 2009," was published. This regulation affects Hospices.

**[View the complete text of Transmittal 1701](#)**

Transmittal 1702, entitled "April 2009 Update of the Hospital Outpatient Prospective Payment System (OPPS)," was published. This regulation affects Hospitals.

**[View the complete text of Transmittal 1702](#)**

#### **REGULATION(S) RELEASED**

CMS-3211-N, entitled "Medicare Program; Meeting of the Medicare Evidence Development and Coverage Advisory Committee--May 6, 2009," was published. This regulation is a Meeting Notice.

**[CMS-3211-N](#)**

**03/06/2009**

#### **TRANSMITTAL(S) RELEASED**

Transmittal 1695, entitled "Providers Submitting Information on Beneficiaries Entitled to MA for FY 2006 & for SSI Fraction," was published. This regulation affects Hospitals.

**[View the complete text of Transmittal 1695](#)**

#### **TRANSMITTAL(S) RELEASED - CORRECTION**

Transmittal 58, entitled "Disclosure of Physician Ownership in Hospitals," was published. This regulation affects Hospitals and Physicians.

**[View the complete text of Transmittal 58](#)**

#### **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 454, entitled "Influenza Pandemic Emergency Preparedness - Waiver of Certain Medicare Requirements," was published. This regulation affects ALL Providers.

**[View the complete text of Transmittal 454](#)**

**02/27/2009**

#### **TRANSMITTAL(S) RELEASED**

Transmittal 451, entitled "Incorporation of the National Provider Identifier into the National Supplier Clearinghouse Enrollment System and Related Instructions," was published. This regulation affects Skilled Nursing Facilities.

**[View the complete text of Transmittal 451](#)**

#### **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 1690, entitled "Reporting the National Provider Identifier (NPI) on Claims for Reference Laboratory and Purchased Diagnostic Services Performed Outside the Billing Jurisdiction," was published. This regulation affects Clinical Diagnostic Laboratories, Independent Diagnostic Testing Facilities and Physicians.

**[View the complete text of Transmittal 1690](#)**

#### **TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 1689, entitled "New Waived Test," was published. This regulation affects Clinical Diagnostic Laboratories.

**[View the complete text of Transmittal 1689](#)**

#### **REGULATION(S) RELEASED**

CMS-1497-N, entitled "Medicare Program; Public Meetings in Calendar Year 2009 for All New Public Requests for Revisions to the Healthcare Common Procedure Coding System (HCPCS) Coding and Payment Determinations," was published. This regulation is a Meeting Notice.

**[CMS-1497-N](#)**

CMS-3205-FN, entitled "Medicare Program; Application by the American Association of Diabetes Educators (AADE) for Recognition as a National Accreditation Organization (NAO) for Accrediting Entities To Furnish Outpatient Diabetes Self-Management Training (DSMT)," was published. This regulation affects Other CMS Business.

**[CMS-3205-FN](#)**

CMS-4064-RCN2, entitled "Medicare Program; Changes to the Medicare Claims Appeal Procedures; Continuation of Effectiveness and Extension of Timeline for Publication of Final Rule," was published. This regulation affects All Providers.

**[CMS-4064-RCN2](#)**

CMS-4142-PN, entitled "Medicare Program; Application of the Utilization Review Accreditation Commission (URAC) for Deeming Authority for Medicare Prescription Drug Plan (PDP) Sponsors," was published. This regulation affects Other CMS Business

**[CMS-4142-PN](#)**

**02/20/2009**

#### **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 103, entitled "Ambulance Services and Expiration of the Ambulance Fee Schedule Transition Period," was published. This regulation affects Ambulances.

**[View the complete text of Transmittal 103](#)**

#### **TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 1685, entitled "April 2009 Quarterly Average Sales Price (ASP) Medicare Part B Drug Pricing Files and Revisions to Prior Quarterly Pricing Files," was published. This regulation affects Hospitals, Non-Physician Practitioners and Physicians.

**[View the complete text of Transmittal 1685](#)**

Transmittal 1687, entitled "HCPCS Codes Subject to and Excluded from CLIA Edits," was published. This regulation affects Clinical Diagnostic Laboratories.  
**[View the complete text of Transmittal 1687](#)**

**02/19/2009**

**REGULATION(S) RELEASED**

CMS-1561-IFC2, entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies and Suppliers.

**[CMS-1561-IFC2](#)**

**02/13/2009**

**REGULATION(S) RELEASED**

CMS-3210-N2, entitled "Medicare Program; Medicare Evidence Development & Coverage Advisory Committee; Cancellation of the March 18, 2009 Meeting and Announcement of the June 17, 2009 Meeting," was published. This regulation is a Meeting Notice.

**[CMS-3210-N2](#)**

**TRANSMITTAL(S) RELEASED**

Transmittal 445, entitled "Claims Processing Instructions for Diagnostic Tests Subject to the Anti-Mark-up Pricing Limitation," was published. This regulation affects Physicians.

**[View the complete text of Transmittal 445](#)**

Transmittal 446, entitled "Clarification on Use of National Drug Codes (NDCs) in 837 Billing," was published. This regulation affects Hospitals.

**[View the complete text of Transmittal 446](#)**

Transmittal 1681, entitled "Payments to Institutional Providers with Multiple Service Delivery Locations," was published. This regulation affects Community Mental Health Centers, Comprehensive Outpatient Rehabilitation Facilities, Home Health Agencies, Hospitals, Outpatient Physical Therapy and Skilled Nursing Facilities.

**[View the complete text of Transmittal 1681](#)**

**TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 99, entitled "Heartsbreath Test for Heart Transplant Rejection," was published. This regulation affects Ambulatory Surgical Centers, Federally Qualified Health Centers, Hospitals, Physicians and Rural Health Clinics.

**[View the complete text of Transmittal 99](#)**

Transmittal 441, entitled "Influenza Pandemic Emergency Preparedness-- Additional Guidance Concerning Medicare Fee-for-Service Payment Policies and Billing Instructions," was published. This regulation affects ALL Providers.

**[View the complete text of Transmittal 441](#)**

Transmittal 447, entitled "Corrections to the Inpatient Prospective Payment System (IPPS) Wage Index for Fiscal Year (FY) 2009," was published. This regulation affects Hospitals.

**[View the complete text of Transmittal 447](#)**

Transmittal 1678, entitled "Outpatient Therapy Caps With Exceptions in CY 2009," was published. This regulation affects Community Mental Health Centers, Comprehensive Outpatient Rehabilitation Facilities, Home Health Agencies, Hospices, Hospitals, Non-Physician Practitioners, Outpatient Physical Therapy, Physicians and Skilled Nursing Facilities.

**[View the complete text of Transmittal 1678](#)**

Transmittal 1683, entitled "Heartsbreath Test for Heart Transplant Rejection," was published. This regulation affects Ambulatory Surgical Centers, Federally Qualified Health Centers, Hospitals, Physicians and Rural Health Clinics.

**[View the complete text of Transmittal 1683](#)**

### **TRANSMITTAL(S) RELEASED - CORRECTION**

Transmittal 102, entitled "Shipboard Services Billed to the Carrier and Services Not Provided Within the United States. This CR rescinds and fully replaces CR 6217," was published. This regulation affects Ambulances, Hospitals, Non-Physician Practitioners and Physicians.

**[View the complete text of Transmittal 102](#)**

Transmittal 1677, entitled "Shipboard Services Billed to the Carrier and Services Not Provided Within the United States. This CR rescinds and fully replaces CR 6217," was published. This regulation affects Ambulances, Hospitals, Non-Physician Practitioners and Physicians.

**[View the complete text of Transmittal 1677](#)**

**02/12/2009**

### **REGULATION(S) RELEASED**

CMS-1561-NC, entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies and Suppliers.

**[CMS-1561-NC](#)**

**02/10/2009**

### **REGULATION(S) RELEASED**

CMS-1561-NC, entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies and Suppliers.

**[CMS-1561-NC](#)**

**02/06/2009**

## **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 439, entitled "Influenza Pandemic Emergency - Additional Guidance Concerning the Medicare Prescription Drug Program (Part D) and Medicare Advantage (Part C)," was published. This regulation affects ALL Providers.  
**[View the complete text of Transmittal 439](#)**

**02/02/2009**

## **REGULATION(S) RELEASED**

CMS-2232-IFC, entitled "Medicaid Program; State Flexibility for Medicaid Benefit Packages: Delay of Effective Date," was published. This regulation affects Medicaid  
**[CMS-2232-IFC](#)**

**01/30/2009**

## **TRANSMITTAL(S) RELEASED**

Transmittal 1672, entitled "Paymt for c-surgeons in a Method II CAH," was published. This regulation affects Hospitals.  
**[View the complete text of Transmittal 1672](#)**

Transmittal 1673, entitled "CORRECTIONS FOR POSTING HOSPICE BENEFIT PERIODS IN THE COMMON WORKING FILE FOR LATE RECERTIFICATIONS," was published. This regulation affects Hospices.  
**[View the complete text of Transmittal 1673](#)**

Transmittal 1675, entitled "Standard System Change to Allow Claims Processing Contractors Flexibility with 9-Digit ZIP Codes," was published. This regulation affects Non-Physician Practitioners and Physicians.  
**[View the complete text of Transmittal 1675](#)**

## **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 1676, entitled "Change in Amount in Controversy Requirement for ALJ," was published. This regulation affects ALL Providers.  
**[View the complete text of Transmittal 1676](#)**

## **TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 1674, entitled "Remittance Advice Remark Code (RARC) and Claim Adjustment Reason Code (CARC) Update," was published. This regulation affects ALL Providers.  
**[View the complete text of Transmittal 1674](#)**

**01/27/2009**

## **REGULATION(S) RELEASED**

CMS-2244-F2, entitled "Medicaid Program; Premiums and Cost Sharing," was published. This regulation affects Medicaid.  
**[CMS-2244-F2](#)**

**01/26/2009**

## **REGULATION(S) RELEASED**

CMS-1404-CN, entitled "Medicare Program; Changes to the Hospital Outpatient Prospective Payment System and CY 2009 Payment Rates; Changes to the Ambulatory Surgical Center Payment System and CY 2009 Payment Rates; Hospital Conditions of Participation: Requirements for Approval and Re-Approval of Transplant Centers To Perform Organ Transplants--Clarification of Provider and Supplier Termination Policy Medicare and Medicaid Programs: Changes to the Ambulatory Surgical Center Conditions for Coverage," was published. This regulation affects Hospitals.

### **CMS-1404-CN**

CMS-2274-CN, entitled "Medicaid Program; Fiscal Year Disproportionate Share Hospital Allotments and Disproportionate Share Hospital Institutions for Mental Disease Limits," was published. This regulation affects Medicaid.

### **CMS-2274-CN**

**01/23/2009**

## **REGULATION(S) RELEASED**

CMS-1562-N, entitled "Medicare Program; Meeting of the Practicing Physicians Advisory Council, March 9, 2009," was published. This regulation is a Meeting Notice.

### **CMS-1562-N**

CMS-2298-N, entitled "Medicaid Program; Town Hall Forum on Access to Dental Care for Medicaid-Eligible Children; April 6, 2009," was published. This regulation is a Meeting Notice.

### **CMS-2298-N**

CMS-2899-FN, entitled "Medicare and Medicaid Programs; Approval of the Accreditation Commission for Health Care, Incorporated for Continued Deeming Authority for Home Health Agencies," was published. This regulation affects Home Health Agencies.

### **CMS-2899-FN**

**01/16/2009**

## **REGULATION(S) RELEASED**

CMS-1561-IFC, entitled "Medicare Program; Changes to the Competitive Acquisition of Certain Durable Medical Equipment, Prosthetics, Orthotics and Supplies (DMEPOS) by Certain Provisions of the Medicare Improvements for Patients and Providers Act of 2008 (MIPPA)," was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies.

### **CMS-1561-IFC**

CMS-2252-P, entitled "Medicare, Medicaid, and Clinical Laboratory Improvement Amendments of 1988 (CLIA) Program; Cytology Proficiency Testing (PT)," was published. This regulation affects Medicaid.

### **CMS-2252-P**

CMS-3210-N, entitled "Medicare Program; Meeting of the Medicare Evidence Development & Coverage Advisory Committee--March 18, 2009," was published. This regulation is a Meeting Notice.



## **CMS-3210-N**

CMS-4138-IFC4, entitled "Medicare Program: Medicare Advantage and Prescription Drug Programs MIPPA Drug Formulary & Protected Classes Policies," was published. This regulation affects ALL Providers and Medicare+Choice.

### **CMS-4138-IFC4**

## **TRANSMITTAL(S) RELEASED - CLARIFICATION**

Transmittal 431, entitled "Jurisdiction 3 A/B MAC Merge of the Part B Arizona, Montana and Utah CICS Production and User Acceptance Testing Regions," was published. This regulation affects Physicians and Non-Physician Practitioners.

### **View the complete text of Transmittal 431**

## **TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE**

Transmittal 146, entitled "Notice of New Interest Rate for Medicare Overpayments and Underpayments - 2nd Notification for FY 2009," was published. This regulation affects All Providers.

### **View the complete text of Transmittal 146**

Transmittal 1670, entitled "Claim Status Category and Claim Status Code Update," was published. This regulation affects All Providers.

### **View the complete text of Transmittal 1670**

**01/12/2009**

## **REGULATION(S) RELEASED**

CMS-4131-FC, entitled "Medicare Program; Medicare Advantage and Prescription Drug Benefit Programs: Negotiated Pricing and Remaining Revisions," was published. This regulation affects ALL Providers and Medicare+Choice.

### **CMS-4131-FC**

CMS-4131-P2, entitled "Medicare Program; Prescription Drug Benefit Program: Payments to Sponsors of Retiree Prescription Drug Plans," was published. This regulation affects ALL Providers and Medicare+Choice.

### **CMS-4131-P2**

**01/09/2009**

## **TRANSMITTAL(S) RELEASED**

Transmittal 64, entitled "New Common Working File (CFW) Medicare Secondary Payer (MSP) Type for Workers' Compensation Medicare Set-aside Arrangements (WCMSAs), to Stop Conditional Payments," was published. This regulation affects ALL Providers.

### **View the complete text of Transmittal 64**

Transmittal 1665, entitled "New Common Working File Medicare Secondary Payer Type for Workers' Compensation Medicare Set-aside Arrangements," was published. This regulation affects ALL Providers.

### **View the complete text of Transmittal 1665**

## TRANSMITTAL(S) RELEASED - CLARIFICATION

Transmittal 428, entitled “Influenza Pandemic Emergency Preparedness- Additional Guidance Concerning Tentative and Final Settlements, Periodic Interim Payments PIP and Pass-Through Payments, Medicare Secondary payer (MSP), Accelerated Payments, Repayments and Financial Management,” was published. This regulation affects ALL Providers.

**[View the complete text of Transmittal 428](#)**

## TRANSMITTAL(S) RELEASED – MID-QUARTER RELEASE

Transmittal 1664, entitled “January 2009 Integrated Outpatient Code Editor Spec Version 10.0,” was published. This regulation affects Community Mental Health Centers, Comprehensive Outpatient Rehabilitation Facilities, Federally Qualified Health Centers, Home Health Agencies, Hospices, Hospitals, Outpatient Physical Therapy, Renal Dialysis Facilities, Rural Health Clinics and Skilled Nursing Facilities.

**[View the complete text of Transmittal 1664](#)**

01/02/2009

## REGULATION(S) RELEASED

CMS-6006-F, entitled “Medicare Program; Surety Bond Requirement for Suppliers of Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS); Final Rule,” was published. This regulation affects Durable Medical Equipment, Prosthetics, Orthotics and Supplies and Suppliers.

**[CMS-6006-F](#)**

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