
CMS Manual System

Pub. 100-02 Medicare Benefit Policy

Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)

Transmittal 4

Date: JANUARY 2, 2004

CHANGE REQUEST 3016

I. SUMMARY OF CHANGES: Dentists, podiatrists, and optometrists are added to the definition/list of physicians who may opt out of Medicare.

NEW/REVISED MATERIAL - EFFECTIVE DATE: December 8, 2003
***IMPLEMENTATION DATE:** February 2, 2004.

Disclaimer for manual changes only: The revision date and transmittal number apply only to red italicized material. Any other material was previously published and remains unchanged.

II. CHANGES IN MANUAL INSTRUCTIONS: (N/A if manual not updated.)
(R = REVISED, N = NEW, D = DELETED – (Only One Per Row.)

R/N/D	CHAPTER/SECTION/SUBSECTION/TITLE
R	Chapter 15/40.4-Definition of Physician/Practitioner

***III. FUNDING:**

These instructions should be implemented within your current operating budget.

IV. ATTACHMENTS:

X	Business Requirements
X	Manual Instruction
	Confidential Requirements
	One-Time Notification

***Medicare contractors only**

Business Requirements

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SUBJECT: Dentists, podiatrists, and optometrists are added to the definition/list of physicians who may opt out of Medicare.

I. GENERAL INFORMATION

A. Background:

Prior to enactment of the Medicare Prescription Drug, Improvement, and Modernization Act of 2003, §1802(b)(5)(B) of the Social Security Act limited the types of physicians who may choose to opt out of Medicare to doctors of medicine and doctors of osteopathy.

B. Policy:

Section 603 from the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 added dentists, podiatrists, and optometrists to the definition/list of physicians who may opt out of Medicare.

C. Provider Education:

Carriers shall inform affected providers by posting either a summary or relevant portions of this document on their Web site within 2 weeks. Also, carriers shall publish this same information in their next regularly scheduled bulletin. If they have a listserv that targets affected providers, they shall use it to notify subscribers that information about adding dentists, podiatrists, and optometrists to the definition/list of physicians who may opt out of Medicare is available on their Web site.

II. BUSINESS REQUIREMENTS

"Shall" denotes a mandatory requirement

"Should" denotes an optional requirement

Requirement #	Requirements	Responsibility
3016.1	Medicare carriers shall permit dentists, podiatrists, and optometrists who are legally authorized to practice dentistry, podiatry, or optometry by the state in which such function or action is performed to opt out of Medicare pursuant to §1802(b) of the Social Security Act.	Carriers
3016.2	Medicare carriers shall perform provider education.	Carriers

III. SUPPORTING INFORMATION AND POSSIBLE DESIGN CONSIDERATIONS

A. Other Instructions:

X-Ref Requirement #	Instructions

B. Design Considerations:

X-Ref Requirement #	Recommendation for Medicare System Requirements

C. Interfaces: N\A

D. Contractor Financial Reporting /Workload Impact: N\A

E. Dependencies: N\A

F. Testing Considerations: N\A

IV. SCHEDULE, CONTACTS, AND FUNDING

<p>Effective Date: December 8, 2003</p> <p>Implementation Date: February 2, 2004</p> <p>Pre-Implementation Contact(s): Fred Grabau (410)-786-0206</p> <p>Post-Implementation Contact(s): Fred Grabau (410)-786-0206</p>	<p>These instructions should be implemented within your current operating budget.</p>
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40.4 - Definition of Physician/Practitioner

(Rev. 4, 01-02-04)

B3-3044.4

For purposes of this provision, the term "physician" is limited to doctors of medicine; *doctors of osteopathy; doctors of dental surgery or of dental medicine; doctors of podiatric medicine; and doctors of optometry* who are legally authorized to practice *dentistry, podiatry, optometry, medicine, or surgery* by the State in which such function or action is performed; no other physicians may opt out. Also, for purposes of this provision, the term "practitioner" means any of the following to the extent that they are legally authorized to practice by the State and otherwise meet Medicare requirements:

- Physician assistant;
- Nurse practitioner;
- Clinical nurse specialist;
- Certified registered nurse anesthetist;
- Certified nurse midwife;
- Clinical psychologist; or
- Clinical social worker.

The opt out law does not define "physician" to include chiropractors; therefore, they may not opt out of Medicare and provide services under private contract. Physical therapists in independent practice and occupational therapists in independent practice cannot opt out because they are not within the opt out law's definition of either a "physician" or "practitioner".