**Reimbursement Guidelines**

**For Commercial Plans**

Moda Health does not recognize or allow incident-to billing for Moda Health Commercial plans. Practitioners must bill under their own name and provider identification (NPI, TIN).
For Medicare Advantage Plans

Moda Health follows CMS Incident-to billing rules for our Medicare Advantage plans. The medical record documentation must clearly indicate the service provider, the supervising provider, and support the service followed all Incident-to guidelines and limitations.

For Oregon Medicaid/EOCCO Plans

Incident-to does not apply to the Oregon Medicaid/EOCCO plan, as reimbursement is based on procedure code and is not specific to provider type.

Background Information

Incident-to billing is a specific method of billing developed by the Center for Medicare and Medicaid Services (CMS). Under Incident-to billing, outpatient services by a non-physician practitioner (such as a nurse practitioner (NP), physician assistant (PA), certified nurse midwife (CNM), or other types of auxiliary personnel) may be billed under the physician’s name and provider ID as if the physician personally performed the service.

With incident-to billing, services performed by a mid-level provider which would normally be reimbursed by CMS at a lower rate (mid-level = 85% of the physician fee schedule allowable amount) may be instead reimbursed by CMS at a higher rate (100% of the physician fee schedule allowable amount).

Not all services by mid-level and ancillary personnel will qualify for billing under CMS incident-to guidelines. CMS requirements for services billed under incident-to billing include but are not limited to:

- Place of service.
  - Must be performed in the physician’s office or in a patient’s home.
  - Services provided at the hospital, SNF, in an ambulance, or other facility settings do not qualify for incident-to billing. (Gosfield5)
  - Non-physician providers may not round on hospitalized patients and enter data in the record (including the history of current illness or vital signs), and then the physician later round on the patients personally and bill for full visits. This would constitute incident-to billing in the hospital, which is strictly prohibited. (Gosfield5)
  - For offices or clinics in institutions, the office must be confined to a well-defined and separately identifiable part of the facility. (CMS3)
- Must be performed by a non-physician employee (direct or leased/contracted) of the practice submitting the claim. (Gosfield5)
- Must be performed by someone whom the physician directly supervises. (Loya & Friederich12)
- Must be performed on established patients only. (Balen4)
• Type of problem.
  o Must be addressing established problems only. (Loya & Friederich\textsuperscript{12})
  o If a patient mentions a new problem during a follow-up visit for a problem with an
    established plan of care, the visit cannot be billed incident-to under the physician’s
    name and ID number. (Balen\textsuperscript{4}, Stantz\textsuperscript{10})
• The physician must have personally performed an initial service and initiated the plan of
  care for the condition or problem being treated. (Stantz\textsuperscript{10})
• If changes to the patient’s condition come to light during the visit, the non-physician
  provider must consult with the physician for new treatment plan orders, rather than making
  an independent decision (as allowed by their licensure) and informing the physician later.
• The physician (or any physician member of the group) must be present in the office suite to
  provide direct supervision and render assistance, if necessary. (AAPC\textsuperscript{3})
  o Being available by phone does not constitute direct supervision. (Stantz\textsuperscript{10}, Loya &
    Friederich\textsuperscript{12})
  o If the supervising physician leaves the office for any reason (lunch, errands, called to
    the emergency room), no services during that time may be billed as incident-to. (Balen\textsuperscript{4},
    Loya & Friederich\textsuperscript{12})
• The physician must remain actively involved in the patient’s care and personally see the
  patient periodically. (Gosfield\textsuperscript{5})
• The essential requirements for incident to service are to be documented in the patient
  record. (Balen\textsuperscript{4})

While office visits are perhaps the most commonly billed service under the incident-to guidelines,
incident-to services are not confined to a specific group of procedure codes or services. As long as
the non-physician provider is performing services within the scope of their license, the procedure
code description requirements are met, and the incident-to requirements are fully met, the services
may be billed to CMS under the incident-to billing provisions.
  (Note that some CPT codes require personal and direct physician supervision in the room,
  which would prevent billing those services as incident-to.) (Gosfield\textsuperscript{5})

The incident-to billing method and guidelines were developed by Medicare. Other insurance
carriers do not necessarily follow Medicare’s lead. Some commercial carriers have specific
guidelines that require all practitioners (physicians, nurse practitioners and physician assistants) to
bill under their own name and provider identification number. (Dowling\textsuperscript{6})

**Codes and Definitions**

There is no procedure code or modifier available to identify services which are billed under
incident-to guidelines.

Modifier SA (shown below) does exist, but it specifies services by a nurse practitioner (does not
apply to other types of non-physician providers) and specifies the practice and supervisory
relationship between the nurse practitioner and the supervising physician. Nurse practice laws and
regulations are specific to each state. Some states allow nurse practitioners a full practice without
physician supervision, and other states require varying levels of physician supervision to provide patient care. (AANP⁹) Modifier SA may indicate that those state requirements are being met, even when the services are not billed under the incident-to billing method and rules.

| Modifier SA | Nurse practitioner rendering service in collaboration with a physician |

**Coding Guidelines**

The specific service being performed must be coded and documented in accordance with correct coding guidelines for the procedure code(s) billed.

CMS Incident-to requirements and guidelines may be found in the CMS Claims Processing Manual, the CMS Benefit Policy Manual, the CMS website, CMS transmittals, MedLearn Matters, etc.

**Cross References**

None.

**References & Resources**


3. CMS. ““Incident to” Services.” *Medicare Learning Network (MLN).* MLN Matters Number: SE0441.


7. Silva, Chris. “Medicare Pay For Services By Nonphysicians Comes Under Scrutiny - OIG Finds The "Incident To" Rule Is Allowing Care To Be Provided By Nonphysicians Who Lack The


