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Medicare Opt-in/Opt-out Procedures: Or, to Opt-out, you must first Opt-in for the Florida Psychologist

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Navigating the Medicare rules for opting-in and opting-out can be profoundly confusing. This article provides our most recent understanding of these rules, but since they seem to change moment to moment, make sure you check with Medicare Provider Relations if you have any questions regarding your own practice.

Medicare participation means that you both enroll in Medicare for a UPIN number and also fill out Medicare participation forms. If you are a participating provider you file claims for patients and accept the Medicare participating fees as payment in full. According to the Social Security Act, requires Medicare providers participating and non-participating file claims for patients. Medicare participating providers have the advantages of a 5% greater reimbursement than non participating providers, have automatic secondary insurance forwarding, and can accept assignment of payment directly from Medicare. Participating providers can participate in electronic billing called the EDI system.

Q. What if I don't want to join Medicare and don't see any Medicare eligible patients ever? Remember, Medicare eligible includes all patients over 65 years of age. As long as you never, ever see any Medicare patients you don't have to do anything, whatsoever. But, there is a caveat, if one of your patients becomes Medicare eligible because they turn 65 while you are treating them with a covered service such as outpatient psychotherapy, and you continue to treat them, you do have to take action.

What happens if I enroll in Medicare but do not submit a SMS 460 form to participate? You would be called a non-participating provider, still must file claims with Medicare but would be paid from Medicare only 50% of the non-participating provider fee. You can balance bill the patient for up to the limiting charge for your location.

The non-participating amount is about 5% less than the participating fee. For example, if your location pays \$88.78 for a participating provider, it will only pay the patient a non-participating provider fee of \$84.34 but you may bill the patient for up to the limiting fee of \$96.99. See more information at:

<http://medicare.fcso.com/Landing/139786.asp?lob=Part%20B&loburl=/Landing/135985.asp>. If you bill more, this violation can lead to exclusion from the Medicare program for up to 5 years and/or a civil monetary penalty of not more than \$10,000. A non participating provider is still a Medicare provider so you must file a claim for the patient.

How do I Opt-out of Medicare?

You may opt-out of Medicare so you can bill the patient directly. You would no longer be subject to limiting charges and you do not file claims for the patient. To opt-out, you must first opt-in by registering or enrolling with Medicare as a psychologist and then you may opt-out by filling in an opt-out affidavit. Participating and non-participating providers can both choose to opt-out.

Now you are called an opt-out provider and no services provided by that provider are covered by Medicare and no Medicare payment can be made to that practitioner directly. No Medicare payment will be made to a beneficiary for services provider directly by a practitioner who has opted out of the program. The practitioner cannot opt-out for some patients and not for others.

The practitioner who chooses to opt-out of Medicare may provide covered care to Medicare Beneficiaries only through private agreements. Once the practitioner has opted-out such practitioner must enter into a private contract with each Medicare beneficiary to which the practitioner furnished Medicare covered services with the exception of urgent care.

These private contracts are defined on the Medicare practitioner website. In agreeing to your private contract, the Medicare beneficiary agrees to give up Medicare payment for services furnished by the physician and to pay the practitioner without regard to any limits that would otherwise apply. Once you have filed an opt-out affidavit with Medicare, you are out of Medicare for two years unless the opt-out is terminated early. After those two years, the practitioner can elect to return to Medicare or to opt-out again.

If you are participating or non participating and opt-out, for each Medicare Patient you treat, you must have a private contract that specifies that the patient understands that while you are providing Medicare covered services you are not accepting Medicare assignment and they must pay you directly.

If you choose to opt-in and stay in, then you are called a Participating Provider. You must submit claims for your beneficiaries, and you can bill the co payment up front but you must accept the Medicare allowable charge as payment in full.

Consult with the Medicare First Coast website regularly to check updates to these rules. Finally, if you wish to see patients over 65 years of age, enrolling is the way to go!