

Part B Insider (Multispecialty) Coding Alert

Compliance: Ordering DME Becomes Easier - But More Fraught With Danger

Make sure you know who has control over the certificate stamp in your office

CMS has decided to reduce unnecessary hassles for providers who report DME, but increased billing scrutiny may piggyback on this new development.

The Improvement

The **Centers for Medicare & Medicaid Services** recently proposed some important steps to allow your physicians to more easily order durable medical equipment without jumping through multiple hoops. The certificate for ordering home oxygen now may need only a rubber stamp instead of a signature, and other certificates could disappear altogether.

The Drawback

Physicians may find these improvements come with more inconvenience and scrutiny in other areas. Because falsifying oxygen certificates will be easier, and suppliers won't have any certificates for beds and support surfaces, you can expect to see more audits of your medical records to prove the medical necessity of DME items your doctor orders. "Be careful what you ask for," warns attorney **Carol Loepere** with **Reed Smith** in Washington.

Physicians may have an increased responsibility "to make sure their medical records are complete" now that other paperwork has been scaled back, Loepere warns. The change "is going to put a premium on making sure the physicians are aware of the coverage criteria and their own records support medical necessity." Instead of filling out an easy checklist, physicians will now have to make sure their own medical records support their DME decisions.

Also, physicians will have to come up to speed on 49 new wheelchair codes next year and ensure that they know exactly which type of wheelchair is right for their patients' particular needs, experts warn

New Forms

Some DME suppliers may take account of this uncertainty and create their own forms to give to physicians, predicts attorney **John Wester** with **Sidley Austin Brown & Wood** in Washington. Because this won't be a Medicare-issued certificate, it won't be subject to the same legal restrictions on the supplier helping the physician to fill in information as appropriate, and it may be in a more user-friendly format for the physician.

Also, suppliers still need a written order prior to delivery for some support surfaces, notes Wester. So suppliers will either obtain a detailed written order up front, or get a prescription at first and then obtain a written statement of medical necessity later, depending on the requirements for the item.

Allowing physicians to stamp the oxygen certificate may be a prelude to allowing electronic prescriptions and electronic certificates, notes Wester.

Set Up Controls In Your Office

The move to a stamp on certificates is an acknowledgement that physicians may delegate paperwork to someone else in the office, notes attorney **Wayne Miller** with the **Compliance Law Group** in Woodland Hills, CA. But don't let the stamp wander around the office unescorted. Make sure that only authorized people can stamp certificates and only

doctors can order equipment, Miller advises.

Physician offices should have a process in place to make sure their medical records match up with the electronic record for the DME they've ordered, Miller adds.

The Bottom Line

These changes make physicians' lives easier, but don't eliminate the issues that had the feds worried in the first place, says Miller. CMS and fraud watchdogs want to make sure a physician really ordered the DME and is monitoring the equipment's use. If a physician orders equipment without medical necessity or allows someone else to use his/her provider number, then the physician could face fraud charges, fines and maybe even exclusion from Medicare, Miller warns. Just remember that ordering DME is the same as prescribing drugs.