

## Part B Insider (Multispecialty) Coding Alert

### INCIDENT-TO-BILLING: CMS Reverses Course On Incident-To Billing

#### Docs, coders left confused by unpublicized flip-flop

If you've been relying on the **Centers for Medicare and Medicaid Services'** guidance about billing for incident-to services, then you could be in for a world of confusion.

Last September, CMS said that the supervising physician and the ordering physician don't have to be the same person for incident-to services (see PBI, vol. 5, No. 35). CMS instructed coders to put the ordering physician's name in Box 17 and the supervising physician's signature in Box 31 on the 1500 form.

But now, CMS has sent out a notice that it has withdrawn that transmittal, known as Transmittal 20. According to a CMS spokesperson, the agency issued Transmittal 20 "in error," and there's no target date to issue a new one. The transmittal's no longer on the CMS Web site, and the earlier incident-to transmittal, Transmittal 17, is also rescinded.

CMS' announcement doesn't seem to have gone to most providers, who remain unaware that CMS withdrew its incident-to guidance. And CMS was not clear regarding what it expects providers to do now in cases where two different physicians are involved in incident-to billing.

The fact that CMS has withdrawn a transmittal doesn't mean that providers will stop following the advice in that transmittal, says **Theresa Powers**, a consultant with **Doctors Management** in Knoxville, TN. If CMS wants providers to stop following the "great policy" outlined in Transmittal 20, then it'll have to tell them explicitly to follow a different approach.

"I would expect there was a lot of complaints about that because there were a lot of extra steps," with CMS' new policy, says consultant **Jan Rasmussen** with **Professional Coding Solutions** in Eau Claire, WI. Keeping track of which physician ordered a service means extra monitoring.

Even before this transmittal, Rasmussen always told clients to use the name of the physician who was present during the service. You should definitely never claim that a doctor was supervising incident-to services when she was actually on vacation.

**One tip:** Ask the practitioner to write the initials of the physician who was present during the service on top of the charge sheet, says Rasmussen.