

Part B Insider (Multispecialty) Coding Alert

Incident-to: "Incident-To" Means Employees, Services - Not Other Doctors

Definition of "incident-to" is no accident, says carrier

The party may be over for physicians billing incident to other physicians, if one carrier has its way.

Part B carrier **TrailBlazer's** latest bulletin comes down on doctors billing under other doctors' billing numbers using the "incident-to" rule. Many doctors viewed this rule as an opportunity to bill Medicare for their services while they waited for the carriers to clear up punishing enrollment delays.

While "independent publications" may have published articles suggesting this practice is acceptable, "TrailBlazer does not interpret auxiliary personnel to include physicians," and unless the **Centers for Medicare & Medicaid Services** issues a decision in writing, TrailBlazer won't accept incident-to billing from one doctor to another.

"It's my understanding that incident-to was never meant to be used for other physicians, only for the physician and items that were incident to their services, such as supplies ... that followed in the plan of care," says **Rhonda Ticou** with the **Physician Management Group** in New Orleans.

It's not a good idea to try billing incident-to from one physician to another in other regions either, says consultant **George Alex** with **Iatro** in Baltimore. "I wouldn't recommend trying to get fancy." He's seen physicians trying to set up locum tenens arrangements, as if the new doctor was a temporary employee, but that approach could also get you into trouble.

Even if your local carrier allowed one doctor to bill incident-to under another doctor's number, you'd have to be extremely careful to meet the supervision requirements, notes attorney **Hema Anwar** with **Foley & Lardner** in San Francisco. It's actually a gray area as to whether this billing is legal or not, but it's definitely not kosher for physicians to bill under each other's numbers without following all the normal rules.

The best way to avoid problems altogether is to think ahead when a new physician is joining your practice and get the enrollment forms to that doctor before he or she even shows up, Alex notes. The sooner you start the enrollment process, the sooner the new doctor will have a billing number.