

Part B Insider (Multispecialty) Coding Alert

Medicare Provider Enrollment: Feds Delay Affiliation Directives on Provider Apps

Don't anticipate the updated CMS-855 application until 2022 - or later.

If sending Medicare the detailed history of your affiliations with other providers and suppliers on the enrollment form gives you pause, there's some good news. Medicare doesn't plan to update the applications with the affiliations' requirement any time soon. But, be warned - the feds may still ask you for the information anyway.



Backtrack: In September 2019, the Centers for Medicare & Medicaid Services (CMS) issued the Program Integrity Enhancements to the Provider Enrollment Process final rule to stem corruption before providers become enmeshed in the Medicare system. The rule's primary aim was to flush out "bad actors" from the get-go while scrutinizing providers' affiliations and relationships with their business associates - particularly other providers and suppliers.

Now: On March 24, CMS released MLN Matters SE21003, offering a COVID spin on the program going forward.

"The MLN provides general information relating to the implementation of Medicare enrollment disclosures relating to affiliation that, in the opinion of CMS, leads to the determination of undue risk of fraud, waste, or abuse caused by disclosable (reportable) events," notes consulting firm The Health Group in Morgantown, West Virginia, in its electronic newsletter.

The agency still plans to "track current and past relationships between and among different providers and suppliers" through the Medicare enrollment process, the MLN Matters article says. But, after reviewing stakeholder commentary, CMS "decided to adopt a 'phased-in' approach to the affiliation disclosure provisions," instead of requiring Medicare providers to submit all relationships for first-time and revalidation applications, the agency explains.

There's More to the Rollback

Even though CMS insists it won't "begin updating the Form CMS-855 applications with affiliation disclosure sections for at least another 12 months," the agency also reminds providers that it has the authority to request this information under the rule if it wants on a "discretionary basis," the MLN Matters article suggests.

Though the Medicare 855 applications may be a year out from update, that doesn't seem to affect CMS' ability to "apply these rules to situations where a Medicare provider or supplier has not yet reported or is not currently required to report the affiliation to CMS," says Baker Donelson attorney **Deborah Samenow** in online legal analysis. But on the positive side, "the agency will not focus on technicalities based on remote associations to past administrative actions and [it's] reassuring to know that CMS 'in practice' may not request affiliations until it revises the Medicare 855 applications," Samenow acknowledges.



Tip: Since CMS intends to review applications on a "case-by-case" basis, it's a good idea to check the agency's affiliation guidelines to avoid controversy later on. "Affiliations are only potentially problematic when linked to a disclosable event, such as another entity's Medicare revocation," CMS guidance reminds.

Remember, with a CMS request, you must compile and submit five years' worth of data on your affiliations, including disclosable events. Failure to send this information could result in CMS denying or prohibiting your enrollment as a

Medicare provider or supplier.

Resource: See the MLN Matters article at www.cms.gov/files/document/se21003.pdf.