

Part B Insider (Multispecialty) Coding Alert

Part B Coverage: Medicare May Stop Paying Doctors Who Perform 3 'Never Events'

Surgical errors can cost hospitals thousands of dollars -- and in the future, they may cause physicians to lose reimbursement as well.

CMS established its list of 28 "never events" -- occasions when Medicare would not pay hospitals for preventable errors -- several years ago. For instance, if a surgeon performs surgery on the patient's wrong body part, the hospital does not recover any reimbursement for the surgery.

Currently, the physician who performs the procedure can often still collect payment for his work performing the surgery. However, CMS may change that with three new proposed national coverage decisions (NCDs).

CMS developed the NCDs to propose halting physician payment when surgeons perform the wrong procedure, and for surgeries performed on the wrong body part or the wrong patient.

"These types of surgical errors can cause serious injury or death to beneficiaries and result in increased costs to Medicare due to the need to treat the consequences of the errors," said CMS Acting Administrator **Kerry Weems** in a Dec. 2 statement. "The proposed national coverage policies for certain types of surgical errors are important steps for Medicare in working to reduce or eliminate their occurrence and their associated payments."

CMS is accepting public comments on the proposed NCDs, but some physician groups have already expressed angst about potential payment snafus if the policies do go into effect.

For example: The AMA noted "the many nuances surrounding these surgical conditions, and asserted that an appeals process must be included in any policy in order to provide physicians and hospitals a mechanism for petitioning decisions they consider inappropriate," the CMS Web site states.

"The three NCDs they're proposing aren't so bad," says **Heather Corcoran** with CGH Billing. "However, if they expand physician non-payment to the other never events, it could be problematic,"

she says.

To read CMS' decision memo, visit www.cms.hhs.gov/mcd/viewdraftdecisionmemo.asp?id=221.