

## Part B Insider (Multispecialty) Coding Alert

### Reader Question: Craft Affidavit Before Opting Out of Medicare

**Question:** We are going to opt out of Medicare for next year because our patient base is younger and the number of Medicare patients we see does not warrant the work involved in participating with Medicare. I know I need to file paperwork opting out, but I have scoured the CMS website and cannot find any opt out forms. Where can I find the proper forms?

**Answer:** You are correct that file an affidavit with your Medicare contractors informing them that your physician agrees to opt out of the program for two years for all Medicare patients. However, if you've been searching the CMS website or online portals to find the official corresponding affidavit to complete, you've probably come up short.

That's because CMS "does not have a standard affidavit form," CMS notes in MLN Matters article SE1311, which the agency issued last week to clear up opt-out issues. "Medicare contractors must instruct those providers who wish to opt out to provide the information mentioned in writing to the Medicare contractor within their service jurisdiction."

The affidavit must include the following, the MLN Matters article notes:

Must be in writing and signed by the practitioner

Must include statements in which the practitioner agrees not to submit claims to Medicare for any services furnished during the opt-out period, except for emergency or urgent care services furnished to beneficiaries with whom the practitioner has not previously entered into a private contract

Must identify the practitioner so Medicare can ensure that no payment is made to that practitioner during the opt out period

Must be filed with all Medicare contractors who have jurisdiction over the claims the practitioner would otherwise have filed with Medicare, and must be filed within 10 days after entering into the first private contract to which the affidavit applies.

**Crucial:** You must give your carrier a 30-day prior notice. Send in the opt-out affidavit with an effective date of the beginning of the next quarter.

**Don't forget:** You also need to notify your patients that you are opting out of Medicare and that you're no longer a Medicare provider. That way, you don't violate the terms in the affidavit you submit to your contractor.

For more about what you must include in your affidavit, visit

[www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/SE1311.pdf](http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/Downloads/SE1311.pdf) to read the complete article.