

Chiropractic Coding & Compliance Alert

Reader Questions: Take Heed of These as the Patient Signs an ABN

Question: The provider notifies the patient regarding a non covered maintenance service. Are there any conditions that he should take note while asking the patient to sign an ABN?

Delaware Subscriber

Answer: Yes, there are certain situations to consider while asking the patient for an ABN (advance beneficiary notice). As per standards relating to a defective ABN, an ABN becomes an unacceptable document if:

- The notice is unreadable, illegible, or otherwise incomprehensible, or the individual beneficiary (or authorized representative) is incapable of understanding the notice due to the particular circumstances (even if others may understand).
- The notice is given during any emergency, or the beneficiary is under great duress, or the beneficiary (or authorized representative) is, in any way, coerced or misled by the notifier, by the contents of the notice, and/or by the manner of delivery of the notice.
- The notifier routinely gives this notice to all beneficiaries for whom the notifier furnishes items or services.
- The notice was delivered to the beneficiary (or authorized representative) more than one year before the items or services are furnished.

Note: A previously furnished ABN is acceptable evidence of notice for current items or services if the previous ABN cites similar or reasonably comparable items or services for which denial is expected on the same basis in both the earlier and the later cases. Moreover, a previous documented denial of payment from a Medicare contractor for a similar claim received by the beneficiary not more than one year previously is also acceptable evidence of notice for current claim.