

## Client Alert



Contact Attorney Regarding  
This Matter:

Jennifer Downs Bugar  
404.873.8194 - direct  
[jennifer.bugar@agg.com](mailto:jennifer.bugar@agg.com)

Arnall Golden Gregory LLP  
Attorneys at Law

171 17th Street NW  
Suite 2100  
Atlanta, GA 30363-1031

1 Biscayne Tower  
Suite 2690  
2 South Biscayne Boulevard  
Miami, FL 33131

2001 Pennsylvania Avenue NW  
Suite 250  
Washington DC 20006

[www.agg.com](http://www.agg.com)

### **CMS Reminds Applicable Healthcare Professionals to Utilize Form CMS 8550**

The Centers for Medicare & Medicaid Services (CMS) recently released a new Medicare Learning Network “MLM Matters” educational document to remind applicable providers about the need to enroll with the Medicare program for the limited purpose of ordering and referring items or services for Medicare beneficiaries. The MLM Matters document is available by clicking [here](#).<sup>1</sup>

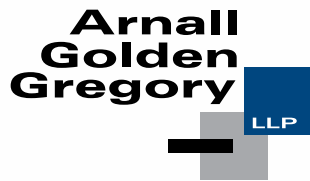
The Patient Protection and Affordable Care Act (PPACA, also known as the health reform law) requires that physicians and other healthcare professionals enroll in Medicare to order or refer items or services for Medicare beneficiaries. In the past, a healthcare professional was not required to participate in the Medicare program to make such orders or referrals, and Medicare would pay for the items and services that they ordered. PPACA included this requirement as part of the program integrity provisions.

After a delay in implementation, in July 2011, Medicare contractors were permitted to start denying claims for certain services that did not include the Medicare number of the ordering or referring professional. These services include home health services, durable medical equipment, prosthetics, orthotics and supplies (DMEPOS), imaging and laboratory services. However, CMS has not yet turned on the automated edits which would deny a claim solely for this purpose, giving the provider community additional time to come into compliance with the requirement.

To fulfill PPACA's mandate that ordering and referring professionals be enrolled in Medicare, CMS published form CMS 8550. CMS 8550 is to be used by healthcare professionals to enroll in the Medicare program for the sole purpose of ordering and referring services for Medicare beneficiaries. A professional who wishes to submit claims and receive payment for services actually rendered to Medicare beneficiaries should utilize the existing enrollment forms and procedures.

CMS anticipates that form CMS 8550 will be used mostly by healthcare professionals who are employed by the Department of Veterans Affairs, Federally Qualified Health Centers, the Public Health Service, the Indian Health Service, or the Department of Defense; licensed residents and physicians in a

<sup>1</sup> <https://www.cms.gov/MLN MattersArticles/downloads/SE1208.pdf>



## Client Alert

fellowship; dentists and oral surgeons; and pediatricians. CMS 8550 is available through CMS's internet-based Provider Enrollment, Chain and Ownership System (PECOS) or via CMS's website, available by clicking [here](#).<sup>2</sup>

To avoid denials, providers billing for home health, DMEPOS, imaging and laboratory services should confirm that the professional ordering the services is enrolled with Medicare. CMS has established a database of professionals who have completed the CMS 8550 enrollment process. The database is available by clicking [here](#).<sup>3</sup>

---

<sup>2</sup> <http://www.cms.gov/cmsforms/downloads/cms855o.pdf>

<sup>3</sup> [https://www.cms.gov/MedicareProviderSupEnroll/06\\_MedicareOrderingandReferring.asp](https://www.cms.gov/MedicareProviderSupEnroll/06_MedicareOrderingandReferring.asp)

*Arnall Golden Gregory LLP serves the business needs of growing public and private companies, helping clients turn legal challenges into business opportunities. We don't just tell you if something is possible, we show you how to make it happen. Please visit our website for more information, [www.agg.com](http://www.agg.com).*

*This alert provides a general summary of recent legal developments. It is not intended to be, and should not be relied upon as, legal advice.*