



MEDICAL ASSISTANCE BULLETIN

COMMONWEALTH OF PENNSYLVANIA • DEPARTMENT OF PUBLIC WELFARE

ISSUE DATE	EFFECTIVE DATE	NUMBER
September 16, 2006	September 16, 2006	1141-06-01

SUBJECT
Medical Assistance Payment for Services of Teaching Physicians in Hospitals, Clinics and Emergency Rooms

BY

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Office of Medical Assistance Programs

SCOPE:

This bulletin applies to Medical Assistance (MA) enrolled physicians, acute care hospitals, outpatient hospital clinics and emergency rooms that provide teaching physician services in both the fee-for-service and managed care delivery systems.

PURPOSE:

The purpose of this bulletin is to interpret the Department of Public Welfare's (Department) regulations regarding payment conditions for teaching physician services rendered to MA recipients in acute care hospitals, outpatient hospital clinics and emergency rooms. The Department's regulations can be accessed online at the Pennsylvania Code's website at <http://www.pacode.com>.

BACKGROUND:

The Department pays the actual provider of a service. See 55 Pa.Code § 1101.75(a)(5) and (8) (relating to provider prohibited acts). The Department's regulations require that "physicians' services billed to the Department be performed by the physician either personally or by a registered nurse, physician's assistant or midwife under the physician's direct supervision." See 55 Pa.Code §§ 1141.53 and 1141.54 (relating to payment conditions for outpatient services and payment conditions for inpatient services). MA regulations provide exceptions to this personal performance requirement in limited circumstances. See 55 Pa.Code §§ 1150.52, 1150.54(a)(3) and 1150.55 (relating to anesthesia services; surgical services; and obstetrical services).

DISCUSSION:

The Department has determined that the Medicare payment standards provide an acceptable foundation for MA reimbursement for services rendered by teaching physicians when a resident participates in the delivery of services. See 42 C.F.R. §§ 415.170-415.184.

COMMENTS AND QUESTIONS REGARDING THIS BULLETIN SHOULD BE DIRECTED TO:
Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary's Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.
Visit the Office of Medical Assistance Programs website at www.dpw.state.pa.us/omap

DISTRIBUTION:
01-06-13, 31-06-24

Medicare policy permits, with certain exceptions, payment to a teaching physician for services only if the “teaching physician is present during the key portion of any service or procedure for which payment is sought.” See 42 C.F.R. § 415.172(a) (relating to physician fee schedule payment for services of teaching physicians). In the case of surgery or a high-risk or complex procedure, the teaching physician must be present during all critical portions of the procedure and must be immediately available to furnish services during the entire procedure or service. See 42 C.F.R § 415.172(a)(1). Consistent with Medicare policy, the Department considers a teaching physician as rendering a service when the teaching physician is present during the critical and key portions of a service in which a resident participates. The Medicare regulations provide the appropriate standards for determining whether a teaching physician is actually rendering a service.

For outpatient clinic and emergency room services, services rendered by a resident are compensable provided that a teaching physician is readily available within that facility for immediate face-to-face consultation and assistance. The standards set forth at 55 Pa.Code Chapter 1221 (relating to clinic and emergency room services) are not affected by this statement of policy.

Consistent with 55 Pa.Code § 1101.51(e)(1)(iii) (relating to ongoing responsibilities of providers), medical entries shall be signed and dated by the responsible licensed provider. Care rendered by ancillary personnel shall be countersigned by the responsible licensed provider. Further, in accordance with the regulation, the hospital shall bill the Department for the all inclusive visit fee or the procedure performed in the outpatient hospital clinic or emergency room pursuant to the payment rule set forth at 55 Pa.Code § 1221.51 (relating to general payment policy). The support and physician components of the emergency room visit are billed based on the billing arrangement as indicated on the facility’s enrollment application.

REGULATION INTERPRETATION:

The regulation interpretation is contained in Annex A to this Bulletin.

EFFECTIVE DATE:

This statement of policy was published in the *Pennsylvania Bulletin* and became effective on September 16, 2006.

CONTACT PERSON:

Questions and comments to this Statement of Policy should be directed to the Department of Public Welfare, Office of Medical Assistance Programs, c/o Deputy Secretary’s Office, Attention: Regulations Coordinator, Room 515, Health and Welfare Building, Harrisburg, PA 17120.

ANNEX A
STATEMENT OF POLICY
DEPARTMENT OF PUBLIC WELFARE
OFFICE OF MEDICAL ASSISTANCE PROGRAMS

[55 Pa.Code Chapter 1141]

Physicians' Services

§ 1141.53a. Clinic and emergency room services personal performance -- statement of policy.

(a) Consistent with 42 CFR § 415.152 (relating to definitions) a teaching physician is a physician (other than another resident) who involves residents in the care of that teaching physician's patients.

(b) Clinic services rendered by a resident are compensable when a teaching physician is readily available for immediate face-to-face consultation and assistance.

(c) Emergency room services rendered by a resident are compensable when a teaching physician is readily available for immediate face-to-face consultation and assistance.

(d) Consistent with the requirements of 42 CFR § 415.180 (relating to teaching setting requirements for the interpretation of diagnostic radiology and other diagnostic tests) the interpretation of diagnostic radiology and other diagnostic tests is compensable. Documentation must indicate that the teaching physician personally performed the interpretation or reviewed the resident's interpretation with the resident.

§ 1141.54a. Acute care hospitals and their short procedure unit services personal performance -- statement of policy.

(a) Consistent with 42 CFR § 415.152 (relating to definitions) a teaching physician is a physician (other than another resident) who involves residents in the care of that teaching physician's patients.

(b) The Department will reimburse for teaching physician services rendered in acute care hospitals or their short procedure units in accordance with the Medicare standards governing payment for professional services rendered by teaching physicians at 42 C.F.R. §§ 415.170-415.184, including any subsequent amendments thereto, except as provided in 55 Pa.Code § 1141.53a (relating to clinic and emergency room services personal performance -- statement of policy).