

POET Question:

Are there any rules, regulations, or policies that state a doctor's office must provide an option to see a physician or non-physician provider (NPP)?

Cigna HealthSpring Response:

The closest I can find to it is in the Medicare Benefit Policy Manual, Chapter 13, Section 60.1 (<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Downloads/bp102c15.pdf>):

Where a physician supervises auxiliary personnel to assist him/her in rendering services to patients and includes the charges for their services in his/her own bills, the services of such personnel are considered incident to the physician's service if there is a physician's service rendered to which the services of such personnel are an incidental part and there is direct supervision by the physician.

This does not mean, however, that to be considered incident to, each occasion of service by auxiliary personnel (or the furnishing of a supply) need also always be the occasion of the actual rendition of a personal professional service by the physician. Such a service or supply could be considered to be incident to when furnished during a course of treatment where the physician performs an initial service and subsequent services of a frequency which reflect his/her active participation in and management of the course of treatment. (However, the direct supervision requirement must still be met with respect to every nonphysician service.)

Direct supervision in the office setting does not mean that the physician must be present in the same room with his or her aide. However, the physician must be present in the office suite and immediately available to provide assistance and direction throughout the time the aide is performing services.

There is also some helpful summary information about NPs and PAs at this CMS MLN link (updated October 2016): <https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/Downloads/Medicare-Information-for-APRNs-AAs-PAs-Booklet-ICN-901623.pdf>

However, I can't find anything in writing that states a patient *must* be given a choice between their assigned PCP or the mid-level *if all other requirements are met*.

-Administrator
Cigna-HealthSpring