

CMS Form 1490S – What you need to know...Fact checking

FSOMA is aware of social media messaging that describes acupuncturists completing and providing a CMS Patient's Request for Medical Payment (Form 1490S) for patients who receive acupuncture services. The Association's Board has asked the Florida Health Care Law Firm to provide guidance and feedback on the question of acupuncturists accepting and treating patients insured under original Medicare and the appropriateness of using CMS Form 1490S.

The question presented to the attorneys is whether an acupuncturist may provide original Medicare patients with a CMS Form 1490S and a superbill for the purpose of allowing those patients to submit the Form 1490S directly to Medicare for acupuncture service fee reimbursements.

Below is the Attorney's Response:

*For an acupuncture benefit to apply, Medicare specifies how the service needs to be delivered: under the supervision and "incident to a physician," physician assistant or nurse practitioner. So, the acupuncturist should give notice to the patient that he has reason to believe Medicare may not pay for the service if provided in a different manner.*

*While acupuncturists cannot bill original Medicare directly for services, there is an avenue available for them to be paid. A supervising provider may bill acupuncture services "incident to" physician care and receives 100% reimburse at the Medicare allowable amount. This is a special carve-out by Medicare to provide acupuncture services to Medicare beneficiaries for low back pain only. Until this changes, acupuncturists should [only] provide services "incident to" physician care and the billing provider should be the supervising practitioner.*

*Delivering the service contrary to the carve-out requirements set out by Medicare and leading the patient to believe that they will be reimbursed for the service is an intentional misrepresentation. Knowingly practicing contrary to the Medicare's requirements for this limited exception may be considered fraudulent which can expose the acupuncturist to licensure investigations by the Florida Department of Health and may be seen as knowingly deceiving the Medicare patient and collecting fees above the maximum allowed under Medicare.*

FSOMA is hopeful that its members and other Acupuncturists find this information is helpful.

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