

# Provider Association Forum

August 12, 2015



**Ordering & Referring Regulatory Requirements  
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# Ordering and Referring (O&R) Requirements

## ■ Background:

- ACA Section 6401(b)
- States must require:
  - All ordering or referring physicians and other professionals be enrolled under the State [Medicaid] Plan....as a participating provider; and
  - The NPI of any ordering or referring physician or other professional...be specified on any claim for payment that is based on an order or referrals of the physician or other professional.
- These requirements were effective March 25, 2011. Final Rule (42 CFR 455.410(b) and 42 CFR 455.440) was published in the Federal Register on Feb. 2, 2011. Subregulatory guidance was given to states on December 23, 2011.
- MassHealth is currently on track to partially implement by September 1, 2015. At that time we will begin providing informational messaging on impacted claims.

# O&R Requirements

- **Preserving Member Access**
  - **MassHealth cannot pay for services requiring an order, referral or prescription unless the ordering, referring or prescribing provider is enrolled in MassHealth.**
  - **Particularly for members who have MassHealth as a secondary payer, this requirement could impact access to MassHealth covered services not covered by their primary insurer.**
  - **MassHealth wants to ensure that members get all medically necessary services (including prescriptions) that are ordered or referred.**

# O&R Requirements

- **The next slide lists the Provider Types that federal guidance indicates are authorized to order, refer or prescribe services for MassHealth members.**
- **Providers in these Provider Types will need to enroll with MassHealth at least as Ordering, Referring, Prescribing (O/R/P) nonbilling providers.**
- **Providers in Provider Types that can bill MassHealth may choose to enroll as billing or nonbilling providers.**
- **Providers in Provider Types that currently cannot bill MassHealth may only enroll as nonbilling providers.**

# O&R Requirements

## Provider Types authorized to Order, Refer or Prescribe services

- **Physician (including interns and residents)**
- **Optometrist**
- **Psychologist**
- **Podiatrist**
- **Certified nurse midwife**
- **Dentist**
- **Nurse practitioner**
- **Physician assistant**
- **Certified registered nurse anesthetist**
- **Clinical nurse specialist**
- **Psychiatric clinical nurse specialist**
- **Pharmacist (if authorized to prescribe)**
- **Licensed Independent Clinical Social Worker**

# O&R Requirements

- **State law (Chapter 118 of the Acts of 2012 and Chapter 10 of the Acts of 2015) requires that these provider types must apply to enroll with MassHealth for at least the purposes of O/R/P in order to obtain and maintain state licensure. This law will go into effect upon promulgation of MassHealth enrollment regulations, scheduled for summer/fall of 2015.**
- **State law also requires that providers must apply to enroll with MassHealth for at least the purposes of O/R/P to be included in private insurance provider networks so we will also be coordinating with the Division of Insurance on enforcement of that requirement**

# O&R Requirements

- O/R/P nonbilling providers will not be required to provide services to MassHealth members
- MassHealth developed a “streamlined” enrollment process for “O/R/P nonbilling only” providers
- Nonbilling applications and provider contracts are available on the MassHealth website

<http://www.mass.gov/eohhs/provider/insurance/masshealth/aca/aca-section-6401enrollment-information.html>

- MassHealth has developed an outreach strategy to providers currently not participating in MassHealth to inform them of this requirement



# Ordering and Referring Requirements

## Services that must be ordered, referred or prescribed

- Any service that requires a PCC referral
- Medications
- Psychological Testing
- Therapy (PT, OT, ST)
- DME and Oxygen/Respiratory Equipment
- Prosthetics and Orthotics
- Labs and Diagnostic Tests
- Eyeglasses
- Personal Care
- Home Health
- Independent Nurse
- Adult Foster Care
- Adult Day Health
- Independent Living
- Non-Emergency Transportation

# Ordering and Referring (O&R) Requirements

- MassHealth is implementing the O&R requirements in three phases
  
- Phase 1
  - MassHealth will begin providing informational messages on certain claims for dates of service on or after September 1, 2015 that do not meet the O&R requirements listed below:
    - The O/R/P provider's NPI must be included on the claim
    - The O/R/P provider must be one of the provider types listed on Slide 5
    - The O/R/P provider must be enrolled with MassHealth, at least as a nonbilling O/R/P provider

# Ordering and Referring Requirements

## – Claims impacted in Phase 1

- All claims (professional and institutional) that currently require a PCC referral, regardless of billing provider, will be subject to O&R requirements at that time.
- All claims from the providers listed below (with noted exceptions)

– Psychologist (05)

– Therapist (07)

– Volume Purchaser (31)

– DME (41)

– Oxygen and Respiratory (42)

– Prosthetic (43)

– Diagnostic Testing Facility (45)

– Certified Independent Lab (46)

– Orthotic (47)

– Personal Care Attendant (58)

– PCA Agency (59)

– Home Health (60)

– Independent Nurse (61)

– Adult Foster Care and Group  
Adult Foster Care (62)

– Adult Day Health (63), except for  
transportation claims

– Group Practices (97),  
psychological testing and therapy  
claims only

# O&R Requirements

- **Phase 2**
  - **At a later date, in Phase 2, the claims impacted in Phase 1 will not be payable if they do not meet O&R requirements**
  - **Phase 2 will also impact all claims processed by the Pharmacy Online Processing System (POPS)**
  
- **Phase 3**
  - **At a later date, in Phase 3, claims from institutional and facility providers will deny if they do not meet O&R requirements**
  - **Claims for non-emergency transportation will also deny**
  
- **MassHealth is preparing guidance for billing providers regarding the ordering, referring and prescribing provider requirements**
  
- **Providers that order, refer or prescribe services for MassHealth members should include their NPI on any written orders, referrals and prescriptions**