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A CMS Contracted Agent

# Medicare

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Dear Physician:

The durable medical equipment Medicare administrative contractors (DME MACs) process claims for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) provided to People with Medicare. It is your responsibility as the ordering physician to determine both the medical need for, and the utilization of, all health care services.

For any DMEPOS item to be covered by Medicare, the patient's medical record must contain sufficient documentation of the patient's medical condition to substantiate the necessity for the type and quantity of items ordered and for the frequency of use or replacement (if applicable). The information should include the patient's diagnosis and other pertinent information, as applicable, such as duration of the patient's condition, clinical course (worsening or improvement), prognosis, nature and extent of functional limitation, other therapeutic interventions and results, past experience with related items, etc. For selected claims, the DME MAC may request that the supplier obtain this information from you in order that the DME MAC can verify that Medicare coverage criteria are met.

DMEPOS suppliers are your partners in caring for your patient. They will not receive payment from Medicare for the items that are ordered if you do not provide information from your medical records when it is requested. Furthermore, not providing this information may result in your patients having to pay for the item themselves. Finally, your cooperation is a legal requirement as outlined in the Social Security Act (the Act), the law governing Medicare. Section 1842(p)(4) of the Act mandates that:

*[i]n case of an item or service...ordered by a physician or a practitioner...but furnished by another entity, if the Secretary (or fiscal agent of the Secretary) requires the entity furnishing the item or service to provide diagnostic or other medical information in order for payment to be made to the entity, the physician or practitioner shall provide that information to the entity at the time that the item or service is ordered by the physician or practitioner.*

The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule permits disclosure of protected health information without beneficiary authorization to carry out treatment, payment, or health care operations. The DME MAC performs health care operations as a business associate of the Centers for Medicare & Medicaid Services (CMS). Providing the requested documentation is in keeping with the HIPAA Privacy Rule.

You cannot charge the supplier or the beneficiary to provide this information to the supplier. Help your DMEPOS supplier continue to provide good service to your patients by promptly providing the information from your medical records that is requested.

Sincerely,

Stacey V. Brennan, M.D., FAAFP  
Medical Director, DME MAC, Jurisdiction B