

## APPLICATION OF CMS SUPERVISION GUIDELINES

The Medicare/Medicaid Guidelines referenced in this document are PM B-01-28 and were initially issued by the U.S. Department of Human Services, Centers for Medicare and Medicaid Services (CMS [previously known as Health Care Financing Administration or HCFA]) in a Program Memorandum dated April 19, 2001 with implementation date of July 1, 2001 regarding physician supervision of diagnostic tests. Explanation of the guidelines and how they apply to the supervision of the Radiology Practitioner Assistant (RPA) are as follows.

1. The regulation is found in 42 C. F. R. § 410.32 and §410.33 and governs independent diagnostic testing facilities (IDTFs).<sup>1</sup> Medicare defines IDTFs as suppliers of diagnostic tests that are independent of a hospital or a physician office.<sup>2</sup>
2. An IDTF is an entity in which a substantial portion of the entity's business involves the performance of diagnostic tests and where the diagnostic testing services may be a sufficiently separate business to warrant enrollment as an IDTF. An example would be the independent reference labs performing tests for groups of physicians, who may have a financial interest in the reference lab.<sup>1,2</sup>
3. An IDTF is a supplier of diagnostic tests that are independent from a physician office or hospital; however, a radiology practice is not considered an IDTF because (1) the practice is owned by the radiologists, a hospital or both; (2) the owner radiologists and any employed or contracted radiologists regularly perform physician services (e. g., interpretations) at the location where the diagnostic tests are performed; (3) the billing patterns of the enrolled entity indicate that the entity is not primarily a testing facility and that it is organized to provide the professional services of the radiologists; and (4) radiologists do not usually bill for E & M (evaluation and management) codes or treat a patient's medical condition on an ongoing basis. Therefore, a radiology practice in a hospital, clinic or imaging center would not be considered to be an IDTF and would not be governed by these regulations.<sup>1,2</sup>
4. The supervision levels are targeted only for diagnostic tests performed *outside* of the hospital or large clinic setting and governs only those procedures performed in physician offices and IDTFs. The supervision rule does not pertain to hospital inpatients or outpatients.<sup>1,3</sup>
5. For supervision of radiology procedures performed for hospital in-patients or outpatients, CMS will defer to JACHO accreditation standards and internal hospital rules and regulations.<sup>1</sup>
6. RPAs may do procedures in which they have demonstrated competency and the supervising radiologist(s) feel comfortable letting them do, as long as a radiologist follows the CMS supervision rules and is available for consultation, either by personal contact, phone, e-mail, teleradiology or fax. RPAs work under the direction and supervision of the radiologists, therefore, JACHO and hospital

rules and regulations have not prohibited them from performing fluoroscopic procedures and minor invasive procedures.

References:

1. Murray, Claudia, "Medicare's Radiology Supervision Rules," Imaging Economics, September, 2001, pp. 6-8. Accessed on [www.imagingeconomics.com](http://www.imagingeconomics.com) on September 7, 2006.
2. Greenleaf, Tamara, "Should You Be an IDTF?" Imaging Economics, April, 2006. Accessed on [www.imagingeconomics.com](http://www.imagingeconomics.com) on September 7, 2006.
3. ACR Bulletin, Economics and Health Policy, "Clarification Given By CMS on Ordering of Diagnostic Tests Rule, Supervision Rule and ICD-9 Coding Guidelines" November 2001.