



In follow up to the June 24 Town Hall, *How Medicare Recognition Would Affect the Acupuncture Profession*, the ASA and the NCCAOM would like to provide additional information about Medicare participation and Medicare reimbursement.

The Acupuncturists' Path toward Medicare Recognition

It is important to note that the legislative effort to establish acupuncturists as Medicare providers will be strategic and reflect the unique interests and needs of the acupuncturist profession. The legislative process would ensure that acupuncturists have participation options, including the ability to opt-out of the Medicare program.

The process for obtaining Medicare recognition requires specific legislative steps, but within those steps, the unique acupuncture practice model will be reflected and protected. The path the acupuncturist profession takes toward Medicare recognition will not mirror the path the chiropractor profession has had to take. Each profession has its own unique needs and challenges, making both professions' paths separate and distinct. They should neither be compared nor considered one in the same.

Medicare Highlights

- Many non-physician Medicare providers currently have the ability to opt out of Medicare.
- Non-physician providers seeking Medicare recognition can also obtain the right to opt out of Medicare through legislation.
- Medicare establishes a formula to set reimbursement rates that considers a series of value factors (time and intensity, practice costs, and malpractice costs) as well as geography to set individual practitioners' reimbursement rates.
- The reimbursement figures mentioned during the June 24, 2020 Town Hall were hypothetical and not indicative of actual Medicare reimbursement rates.

Medicare Recognition

- Since its inception in 1965, Medicare has expanded many times to encompass more populations, provider types, and services.

Protocol Title: ASA Medicare Survey
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- Medicare recognition for a provider type requires Congress to amend Title XVIII of the Social Security Act through the formal legislative process.
- This process would require a member of Congress to introduce legislation to recognize acupuncturists as Medicare providers.
- This legislation that would instruct Medicare to recognize acupuncturists would as well as to enable acupuncturists to opt out of the program.

Medicare Participation Options

Medicare provides the following participation options if certain criteria are met:

- Not enroll in Medicare.
 - Agree not to provide Medicare beneficiaries services that Medicare covers.
 - Provide services to Medicare beneficiaries for acupuncture services that Medicare does not explicitly cover.
- Enroll in Medicare as a participating provider.
 - Accept assignment of claims for the services furnished to Medicare beneficiaries.
 - Accept Medicare-permitted amounts, in full, and agree not to accept more from the beneficiary than the Medicare deductible and coinsurance.
 - Submit all beneficiary claims to Medicare.
 - Receive reimbursement directly from Medicare.
 - Appear in Medicare provider directories.
- Enroll in Medicare as a non-participating provider
 - Accept Medicare, but take assignment on a case-by-case basis.
 - Charges up to 15-percent more than Medicare's approved cost of service.
 - Receive 5-percent less in Medicare reimbursement (compared to participating practitioners).
 - Require beneficiaries to pay upfront for services and receive reimbursement from Medicare.
- Opt Out of Medicare.
 - Agree to opt-out of Medicare for two-year periods by submitting an affidavit to Medicare confirming this decision.
 - Agree not to submit bills to Medicare for reimbursement.
 - Sign a contract with each Medicare beneficiary affirming that neither party can receive payment from Medicare and that beneficiaries directly pay the practitioner, out-of-pocket.

Medicare Practitioners who can Currently Opt Out of Medicare

- Doctor of Medicine or osteopathy
- Doctor of Dental Surgery or dental medicine
- Doctor of Podiatry
- Doctor of Optometry
- Those who are legally authorized to practice dentistry, podiatry, optometry, medicine, or surgery by the State in which such function or action is performed.
- Physician assistants
- Nurse practitioners
- Clinical nurse specialists
- Certified registered nurse anesthetists
- Certified nurse midwives
- Clinical psychologists
- Clinical social workers
- Registered dietitians or nutrition professionals.

Medicare Part B Reimbursement

- Medicare establishes a physician fee schedule each year to set prices for over 7,000 covered services.
- Medicare prices each service by using the Resource-Based Relative Value Scale (RBRVS), which assigns value to billing codes.
- Medicare Physician Fee Schedule uses the following relative value units (RVUs) to set reimbursement rates for covered procedures.
 - Work RVU: Relative time and intensity related to furnishing Medicare services.
 - Practice Expense RVU: Costs of maintaining a practice, (space, supplies, equipment, staff).
 - Malpractice RVU: Costs of malpractice insurance.
- Medicare uses its Geographic Practice Cost Indices to adjust these three RVU values for geographic cost variations by multiplying the sum of the adjusted RVUs by a conversion factor that Congress sets each year.