



## Office for People With Developmental Disabilities

ANDREW M. CUOMO  
Governor

THEODORE KASTNER, MD, MS  
Acting Commissioner

April 4, 2019

### **RE: Important Billing Information for ICF/IID Providers**

Dear Provider:

Over the past several months, staff from the New York State Office for People With Developmental Disabilities (OPWDD) have been in discussions with the Centers for Medicare and Medicaid Services (CMS) regarding billing requirements specified in the Affordable Care Act (ACA). Per the ACA, claims for services requiring a physician's order or signoff must include the National Provider Identifier (NPI) of the ordering physician. CMS has determined that the signed annual Level of Care Eligibility Determination (LCED) for individuals residing in an Intermediate Care Facility for Individuals with Intellectual Disabilities (ICF/IIDs) is in essence a physician's order for service. As such, all claims for ICF/IID services must include the NPI of the ordering physician, or in this case, the physician who signed the current LCED. While CMS is sensitive to the fact that this is an update to the current billing process, they have determined that all claims for services beginning July 1, 2019 must include the ordering physician's NPI.

#### **Background**

42 CFR 456.360 specifies that a physician must certify and/or recertify that an individual residing in an ICF/IID requires the level of care provided by the program. CMS has formally interpreted this requirement to be the equivalent of "ordering" or "referring" a service.

Additionally, section 6401(a) of the Affordable Care Act (ACA) establishes requirements surrounding provider enrollment. Specifically, 42 CFR 455.410(b) requires providers reimbursed by the fee for service Medicaid program be enrolled in state Medicaid programs if they "order" or "refer" services. Information on the enrollment process is detailed below in the Physician Enrollment section.

#### **NPI Verification**

In March 2018, OPWDD updated the annual ICF/IID LCED form to capture the NPI of the reviewing physician. If the updated form was used, your agency should have the NPI of the reviewing physician for the most recent annual LCED on file. If your agency has not documented the NPI, it can be obtained through the National Plan and Provider Enumeration System (NPPES) NPI Registry, available at the following link:

<https://npiregistry.cms.hhs.gov/>

Enrollment in the New York State Medicaid program must also be verified for the physician who completed the LCED. The New York State Department of Health (NYS DOH) also has a look-up process on the eMedNY website that can be used to verify enrollment as either a billing provider or an Ordering/Prescribing/Referring/Attending (OPRA) provider. This information is available at the following link:

<https://www.emedny.org/info/opra.aspx>

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Executive Office

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## **Physician Medicaid Enrollment**

Enrollment will need to be completed if it is determined that the physician who performed the current LCED is not enrolled in the Medicaid program. There are two options for enrollment:

1. Enrollment as a Medicaid billing provider, which allows participation as a provider who can receive payments from Medicaid; or
2. Enrollment as an OPRA provider, which allows the practitioner to order/refer services eligible for Medicaid reimbursement but does not allow the practitioner to submit claims for reimbursement.

If the physician completing the LCED is not enrolled in the Medicaid program, enrollment as an OPRA provider is suggested, as this is an expedited enrollment process that is typically completed within thirty (30) days of the application being submitted.

Information on the application process and the enrollment application form can be accessed at the following link:

<https://www.emedny.org/info/ProviderEnrollment/physician/index.aspx>

## **Claim Submissions**

Beginning July 1, 2019, the 837I claim submission for your agency's ICF/IID claims will be required to incorporate the NPI of the physician in the Attending Provider component of the claim submission identified in the following segments:

Loop: 2310A Segment: NM109

**Failure to include this information on your claims beginning on July 1, 2019 will result in a disallowance.** NYS DOH will be implementing billing edits that will prevent payment in the near future, but these edits may not be in place by July 1, 2019. It is important that your agency verifies the NPI of the physician who completes the LCED each year prior to claim submission.

If you have questions about these requirements, please contact OPWDD at [central.operations@opwdd.ny.gov](mailto:central.operations@opwdd.ny.gov).

Sincerely,



Earl Jefferson  
Director of Central Operations

cc: Provider Associations  
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