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THE LATEST ON OPT-IN AND OPT-OUT OF MEDICARE FOR DENTAL PROVIDERS

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In late 2017, the Centers for Medicare & Medicaid Services (“CMS”) released a proposed rule to eliminate the current enrollment requirements for Medicare Part D prescription drugs and for Medicare Part C Advantage plans. That rule was finalized in April, 2018, with key provisions set to take effect in January, 2019.

Under previous regulations, providers were required to “opt in” or enroll in Medicare in order to provide health care items or services to a patient who receives his or her benefit through a Medicare Advantage organization. The new rule instead requires that Medicare Advantage organizations not make payment for an item or service furnished by an individual or entity that is on a “preclusion list.” CMS will use the preclusion list to identify “demonstrably problematic” providers and suppliers, so that payment for items prescribed or furnished by precluded providers under Medicare Advantage or Part D would be rejected. CMS will make the initial preclusion list available on January 1, 2019, with updates monthly. Part C and Part D plans must notify enrollees who have received care from any of these providers within the past year. Sixty days’ notice is required before payments to preclusion list providers are denied.

On November 1, 2018, CMS released another proposed rule that includes changes to the manner in which providers are to be included on the preclusion list and the providers’ appeal rights prior to such inclusion. The new rule would consolidate the appeals process of the preclusion list and Medicare revocation, and shorten the timeframe for that process. This rule would take effect sixty days after publication of a final rule.

While traditional Medicare does not cover most dental services, Medicare Advantage plans can and do cover certain routine dental services. Many Medicare Advantage plans have supplemental dental benefits, which pay some or all of the costs of services such as cleanings, x-rays, and exams. According to a recent report by L.E.K. Consulting, Medicare Advantage enrollment will rise to 38 million, or fifty percent market penetration, by the end of 2025. Dentists should stay informed of the provider requirements for Medicare Advantage, especially given the increasing popularity of Medicare Advantage plans.

FOR MORE INFORMATION ON MEDICARE FOR DENTAL PROVIDERS, PLEASE CONTACT JENNY TEETER.

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