

PUBLIC SUBMISSION

As of: 1/27/15 2:42 PM
Received: January 14, 2015
Status: Pending Post
Tracking No. 1jz-8gmi-koi
Comments Due: January 20, 2015
Submission Type: Web

Docket: IHS-2015-0001

Indian Health Programs: Payment for Physician and Other Health Care Professional Services and Medical Charges Associated with Non-Hospital-Based Care

Comment On: IHS-2015-0001-0002

Payment for Physician and Other Health Care Professional Services Purchased: Indian Health Programs and Medical Charges Associated with Non-Hospital-Based Care

Document: IHS-2015-0001-DRAFT-0004

Comment on FR Doc # 2014-28508

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General Comment

There is a potential loophole in the proposed regulations. For emergency services provided without prior authorization, a provider is deemed to have accepted the Medicare rate if the provider either submits Notice of Claim or accepts payment, under section (d). But there's nothing explicit in the regulation that prevents the provider from avoiding the Medicare rate by choosing not to submit a claim at all, and seeking redress from the patient directly instead. Because the Medicare rates may be substantially lower than the provider's billed rate, the better strategy might be to avoid a Purchased/Referred Care claim entirely and bill the patient for the full amount. There is nothing express in the proposed regulation - or the existing regulations regarding hospitals - that prevents this.