

Medicare Opt-out

April 12, 2005

As a result of the Medicare Prescription Drug Improvement and Modernization Act of 2003, dentists who do not wish to enroll as Medicare providers can “opt-out” and charge these patients for treatment covered by Medicare. Dentists now have the opportunity to exercise the right to “opt out” of Medicare on a two-year (renewable) basis.

Medicare is not a consideration for most general dentists as Medicare does not cover most routine dental treatment. Most procedures that fall within the Medicare program for reimbursement are routinely performed by oral and maxillofacial surgeons, including biopsies. The brush biopsy technique also qualifies as a Medicare covered service.

If a dentist has not “opted out” of the Medicare program and that dentist performs Medicare-covered services for patients eligible for Medicare, the dentist has three options:

1. Enroll as a Medicare provider and submit a claim for the treatment in accordance with the Medicare fee schedule.
2. Refer the patient for services covered by Medicare to a dentist who is a Medicare provider.
3. Not charge the patient for the treatment provided.

Unless the dentist has opted out, the dentist legally could not charge a Medicare recipient for a treatment service covered under the Medicare Part B schedule.

In order to opt-out, the dentist must notify the carrier(s) handling Medicare claims in his or her state that the dentist intends to contract privately with Medicare patients. This is done by filing an affidavit in which the dentist attests to certain specific terms. Affidavits must be filed within 10 days of entering the first private contract, and are valid for two years. To renew the opt-out, the dentist must refile an affidavit, which can be done every two years.

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In New York, the Medicare carrier is *Empire Medicare Services*. NYSDA has been advised that, if a dentist is not enrolled in Medicare, Empire requires the following information from the dentist in order to assign a UPIN (Unique Provider Identification Number) and set up a file in their system as an “opt-out” provider:

- β Date Of Birth
- β Graduate School and Year of Graduation

Empire Medicare Services

PO Box 1200

Crompond, New York 10517-1200

A doctor may enroll as a Medicare provider using the following website:

www.cms.hhs.gov/providers/enrollment/forms

Individual doctors utilize the 855I form. To opt-out as a Medicare provider, doctors can utilize the following cite:

<http://www.empiremedicare.com/> or telephone 1-866-709-1905.

Medicare claim forms can be obtained for use by Medicare providers either at 800-295-8787 or

<http://www.empiremedicare.com/>.

For general information, doctors can call the Medicare provider customer service number, 1-866-837-0241.