

Report on Medicare Compliance Volume 32, Number 11. March 20, 2023 CMS Adds NPP Supervision of Diagnostic Tests to Medicare Manual

By Nina Youngstrom

In a new Medicare transmittal, CMS acknowledged the ability of nonphysician practitioners, including physician assistants and nurse practitioners, to supervise the performance of diagnostic tests.¹¹ It represents the morphing of a COVID-19 waiver into a permanent Medicare policy, although the manual provision comes two years after the regulatory change.

“I call it the time-traveling manual because it was issued March 16, 2023, but was effective Jan. 1, 2021,” said attorney David Glaser, with Fredrikson & Byron in Minneapolis. “It memorializes a change that already happened. This should have been changed two years ago.” Delays like this are one reason why Glaser tells providers that Medicare manuals are not binding and shouldn’t be the sole basis for overpayment returns.

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