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MEDICARE PHYSICIAN SUPERVISION REQUIREMENTS FREQUENTLY ASKED QUESTIONS

Q: I practice in a hospital outpatient setting and want to know if I can be elsewhere in the hospital during the delivery of my patient's radiation therapy, or if I have to be in the suite.

A: Hospital outpatient therapeutic services furnished in a hospital and in on-campus provider based departments (PBDs) (e.g., a facility that is not physically located within or connected to the hospital) of a hospital have a minimum requirement of direct supervision. In order to meet that direct supervision requirement the supervising physician or nonphysician practitioner must be present on the same hospital campus (including a physician's office, an on-campus SNF, RHC, or other nonhospital space) and immediately available to furnish assistance and direction throughout the performance of the procedure. The physician need not be in the same room, but must be in the area and immediately available to provide assistance and direction throughout the time the procedure is being performed. CMS has not specifically defined "immediate" in terms of distance but has stated that the supervisory physician or nonphysician practitioner should not be so physically far away on the main campus from the location where hospital outpatient services are being furnished that he/she could not intervene right away.

Q: Can the CMS requirements for supervising physician or nonphysician practitioner be fulfilled using a physician assistant in the field of radiation oncology or nurse practitioner in the field of radiation oncology, or a physician that is not in the field of radiation oncology, such as a medical oncologist?

A: CMS requires the supervising physician or nonphysician practitioner to be able to immediately step in and perform the procedure not just in the event of an emergency but to also be able to furnish assistance and direction throughout the performance of the procedure. CMS has indicated that the supervising physician or nonphysician practitioner must also be a person who is "clinically appropriate" to supervise the services or procedures and unless a non-radiation oncologist physician or a nonphysician practitioner has within his or her State scope of practice, licensure, training and hospital-granted privileges the ability to perform the service or procedure, this would not meet the supervision requirements. It is ASTRO's view that the Radiation Oncologist is always considered a clinically appropriate physician but there may be others who meet these requirements.

Q: I practice in a free standing radiation center and I am not clear on whether the physician supervision requirements allow for any MD or whether the radiation oncologist is the only one that can provide the supervision of radiation therapy services, as well as the "incident to" services.

A: ASTRO believes CMS requirements for physician supervision are the same irrespective of place of service, meaning that the supervising physician needs to be able to immediately step in and perform the procedure not just in the event of an emergency but to also be able to furnish assistance and direction throughout the performance of the procedure. Therefore it is ASTRO's view that the Radiation Oncologist is always considered a clinically appropriate physician but there may be others who meet these requirements.