

# Issue Brief

FEDERAL ISSUE BRIEF



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March 14, 2023

## CMS Correcting Errors in its CY 2023 Payment Policies under the Physician Fee Schedule and Other Changes to Part B Payment and Coverage Policies

The Centers for Medicare and Medicaid Services (CMS) have issued a notice correcting errors in its CY 2023 Medicare Physician rule issued last November. The corrections are effective retroactive to January 1, 2023.

### Correction of Errors

#### A. Correction of Errors in the Preamble

The material that follows is quoted from the notice.

1. On page 69413, third full column, first paragraph, line 5, the line that reads “((interest rate/(1 + interest” is corrected to read ((interest rate/(1 - (1/(1 + interest”.

2. On page 69596, third column, the last line that reads “for base code CPT code 99223 when 105” is corrected to read “for base code CPT code 99223 when 90”.

3. On page 69596, last column, last paragraph and continuing through the first column, second full paragraph on page 69597, the language that reads: “Thus, a practitioner could bill G0316 for base code CPT code 99223 when 105 minutes is reached for an initial visit on the date of encounter. For the purposes of applying the proposed prolonged code, the CPT code 99223 total time is rounded to 75 minutes on the date of encounter. The prolonged service period would begin at 90 minutes, 15 minutes beyond 75 minutes. A practitioner would bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, at minute 105.

A practitioner could bill G0316 for the base code CPT code 99233 when 80 minutes is reached for a subsequent visit on the date of encounter. For the purposes of applying the prolonged code, the CPT code 99233 total time is rounded to 50 minutes on the date of encounter. The prolonged service period would begin at 65 minutes, 15 minutes beyond 50 minutes. A practitioner would bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, at minute 80.

A practitioner could bill HCPCS code G0316 for base code CPT code 99236 at 125 minutes for same-day discharge. For the purposes of applying the prolonged code, the CPT code 99236 total time is rounded to 95 minutes completed within 3 calendar days of the encounter. The prolonged service period would begin at 110 minutes, 15 minutes beyond 95 minutes. A practitioner could bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, at minute 125,” is corrected to read: “Thus, a practitioner could bill G0316 for base code CPT code 99223 when 90 minutes is furnished for an initial visit on the date of encounter.

For the purposes of applying the proposed prolonged code, the CPT code 99223 total time is rounded to 75 minutes on the date of encounter. A single prolonged service period would end after 90 minutes, 15 minutes beyond 75 minutes. A practitioner would bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, when 90 minutes has been furnished.

A practitioner could bill G0316 for the base code CPT code 99233 when 65 minutes is furnished for a subsequent visit on the date of encounter. For the purposes of applying the prolonged code, the CPT code 99233 total time is rounded to 50 minutes on the date of encounter. A single prolonged service period would end after 65 minutes, 15 minutes beyond 50 minutes. A practitioner would bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, when 65 minutes has been furnished.

A practitioner could bill HCPCS code G0316 for base code CPT code 99236 at 110 minutes for same-day discharge. For the purposes of applying the prolonged code, the CPT code 99236 total time is rounded to 95 minutes completed within 3 calendar days of the encounter. A single prolonged service period would end after 110 minutes, 15 minutes beyond 95 minutes. A practitioner could bill HCPCS code G0316 once the 15-minute increment for G0316 is completed, when 110 minutes has been furnished.”

4. On page 69614, in Table 24: Required Time Thresholds to Report Other E/M Prolonged Services, the third column, rows 2, 3, and 4 that read:

Primary E/M Service	Prolonged Code*	Time Threshold to Report Prolonged	Count physician/NPP time spent within this timeframe (surveyed timeframe)
Initial IP/Obs. Visit (99223)	G0316	105 minutes	Date of visit
Subsequent IP/Obs. Visit (99233)	G0316	80 minutes	Date of visit
IP/Obs. Same-Day Admission/Discharge (99236)	G0316	125 minutes	Date of visit to 3 days after

are corrected to read:

Primary E/M Service	Prolonged Code*	Time Threshold to Report Prolonged	Count physician/NPP time spent within this timeframe (surveyed timeframe)
Initial IP/Obs. Visit (99223)	G0316	90 minutes	Date of visit
Subsequent IP/Obs. Visit (99233)	G0316	65 minutes	Date of visit
IP/Obs. Same-Day Admission/Discharge (99236)	G0316	110 minutes	Date of visit to 3 days after

5. On page 70032, third column, third full paragraph:

- a. Lines 15 and 16, the bullet that reads “Optimal Care for Neurological Conditions” is corrected to read “Optimal Care for Patients with Episodic Neurological Conditions”.
- b. Lines 17 and 18, the bullet that reads “Supportive Care for Cognitive-Based Neurological Conditions” is corrected to read “Supportive Care for Neurodegenerative Conditions”.

6. On page 70037, third column, third full paragraph:

- a. Lines 11 and 12, the bullet that reads “Optimal Care for Neurological Conditions” is corrected to read “Optimal Care for Patients with Episodic Neurological Conditions”.
- b. Lines 13 and 14, the bullet that reads “Supportive Care for Cognitive-Based Neurological Conditions” is corrected to read “Supportive Care for Neurodegenerative Conditions”.

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7. On page 70083, Table 94: Exclusion Redistribution for Performance Period in CY 2023, second column; last row, that reads "Report the following five measures:" is corrected to read "Report the following two measures:"

8. On page 70204:

a. Second column, last full paragraph, line 5 that reads "the new MVPS in Appendix X of this" is corrected to read "the new MVPS in Appendix 3 of this".

b. Third column, lines 2 and 3, the bullet that reads "Optimal Care for Neurological Conditions" is corrected to read "Optimal Care for Patients with Episodic Neurological Conditions".

c. Third column, lines 4 and 5, the bullet that reads "Supportive Care for Cognitive-Based Neurological Conditions" is corrected to read "Supportive Care for Neurodegenerative Conditions."

***B. Correction of Errors in the Appendix***

On page 70653, first full paragraph, line 2, the reference to footnote "7" is removed and replaced with the following link added in its place: <https://www.whitehouse.gov/briefingroom/statements-releases/2022/02/02/fact-sheet-president-biden-reignites-cancer-moonshot-to-end-cancer-as-we-know-it/>.