



Therapeutic Shoe Update—Part 2

Physician extenders now have new certifying pathways.

BY PAUL KESSELMAN, DPM

In the *DME for DPMS* column of February 2021, several new pathways for certifying patients for therapeutic shoes were presented. Some further clarification was recently received from the four DME MACs. This month's column provides these clarifications in a Q & A format as they were received from the DME MAC, followed by an interpretation.

These questions are separated into two sections, the first for the NP/PA working incident to (under the supervision of) an MD/DO. The second section is specific only to the NP working independently and under the Primary Care First Initiative. Note: it is important to understand that there is no pathway for PAs to practice independently as PAs must always be working incident to an MD/DO.

A) NP/PA Working Incident to an MD/DO

1) *The Statement of the Certifying Physician must be signed and dated within 90 days of dispensing of the services provided under the TSPD.* The date of the NP/PA's signature would be acceptable for this.

Interpretation: What was not clarified in the response was whether or not the date the NP/PA signs the Certification Statement or the date the MD/DO signs is the date which counts. If it is the NP/PA, then one should pay careful attention as that



Source: Centers for Medicare & Medicaid Services

There are 919 participants in the Primary Care First Model Options (List)

Figure 1: Primary Care First Initiative

The earlier date signed by the NP/PA is the correct date to use to start the 90-day countdown.

90-day period will run out sooner than if the MD/DO subsequently signs it (e.g., several days or weeks later). The earlier date signed by the NP/PA is the correct date to use to start the 90-day countdown.

2) *Can one assume that the NP/PA cannot sign the Statement of Certifying*

Physician until after the certification exam has been completed? Agreed.

Interpretation: The Supervising Entity (MD/DO/NP/PA) must first perform a systemic exam to document the diagnosis and management of diabetes prior to signing the Certification

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Statement. The only change here is that the NP/PA working incident to the MD/DO may sign and date this. However, the MD/DO must also countersign and date this as well.

3) *Can one assume that the Date of Service (DOS) that the Certifying Entity [MD/DO/NP/PA] provided the in-person exam (or telehealth) of the patient is the date to meet the six-month requirement for the delivery of those services under the TSPD? Or is it the date that the supervising MD/DO signs the exam, especially if the Certifying Entity is an NP/PA?*

The date of the signature of the Certifying Entity (in this case, the NP or PA) on this form would begin the six-month count. This is consistent with the interpretation of the response to question 1.

4) *It is understood that the DME MAC cannot be responsible for what the other CMS agency's auditors know or don't know. The other Medicare review contractors receive our bulletin*

by the NP/PA must be cosigned by the supervising MD/DO. Additionally, one must clearly document that the NP/PA is working incident to the MD/DO. The only way you can do this is to contact the practice. It

more than 900 NPs enrolled in this program nationwide.

If there is no Primary Care First Initiative in your area, or if there is and the NP is not specifically enrolled in the initiative, then the NP cannot

It is especially important to check whether a Primary Care First Initiative has been established for your geographic area.

may also be possible to determine this if the chart documentation with the NP/PA and MD/DO signature is received prior to your submitting claims for shoes and inserts. As always, the ideal solution is to obtain all the required paperwork prior to placing the order for shoes and/or inserts.

B) NP Working Independently (Under the First Care Initiative)

If the NP is working under the Primary Care First Initiative (Figure 1),

(even if they can practice independently in your state) fulfill the role of the supervising entity. In that case, the NP signature on an examination or certifying statement will be ineligible. This will require the patient to be examined by an MD/DO or another NP/PA working incident to the MD/DO.

As one can see, these new pathways have potentially added an additional layer of complexity to the Therapeutic Shoe Policy, which may or may not apply to your patients and your practice. The law of unintended consequences has perhaps made it easier for your patient to qualify (they need only see the NP or PA). However, the criteria for inclusion in these two programs may be a bit more difficult for your practice to document. The fact that a physician extender has now been given a "license" to supervise a physician is also somewhat worrisome. **PM**

Under the NP/PA incident to coverage additions, one should treat the NP/PA documentation to the same standards as that of the MD/DO regarding content.

articles and should be aware of guidance from the DME MAC contractors.

Be prepared, at least initially, for errors by auditors who lack the knowledge of the new policy additions. Be aware that any DOS prior to November 1 for the NP/PA working incident to the MD/DO will not be affected and will be held up to the policy standards in effect at the time of the date of service, not on the date the claim was initially paid, appealed, or audit conducted.

Summary

Under the NP/PA incident to coverage additions, one should treat the NP/PA documentation to the same standards as that of the MD/DO regarding content. Additionally, all the documents signed

can one assume the issues of countersigning by the MD/DO go away? Yes.

This indicates that a physician extender (NP) under the Primary Care Initiative takes on all the roles of the supervising MD/DO. The NP may countersign and attest to the eligible prescriber's notes (DPM or another MD/DO) who prescribes the shoes as well as sign the Certification Statement and conduct and sign the certifying exam.

It is especially important to check whether a Primary Care First Initiative has been established for your geographic area. If the initiative does exist, one must verify that the NP is enrolled in the Primary Care First Initiative Program. Note that at the time of this article's submission, there were only slightly

Reference:

<https://innovation.cms.gov/innovation-models/primary-care-first-model-options>.



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