
42 C.F.R. § 410.38

Durable medical equipment, prosthetics, orthotics and supplies (DMEPOS): Scope and conditions.

- (a) *General scope.* Medicare Part B pays for durable medical equipment, including ventilators, oxygen equipment, hospital beds, and wheelchairs, if the equipment is used in the patient's home or in an institution that is used as a home.
- (b) *Institutions that may not qualify as the patient's home.* An institution that is used as a home may not be a hospital or a CAH or a SNF as defined in sections 1861(e)(1), 1861(mm)(1) and 1819(a)(1) of the Act, respectively.
- (c) *Definitions.* As used in this section:
- (1) *Physician* has the same meaning as in section 1861(r)(1) of the Act.
- (2) *Treating practitioner* means physician as defined in section 1861(r)(1) of the Act, or physician assistant, nurse practitioner, or clinical nurse specialist, as those terms are defined in section 1861(aa)(5) of the Act.
- (3) *DMEPOS supplier* means an entity with a valid Medicare supplier number, including an entity that furnishes items through the mail.
- (4) *Written Order/Prescription* is a written communication from a treating practitioner that documents the need for a beneficiary to be provided an item of DMEPOS.
- (5) *Face-to-face encounter* is an in-person or telehealth encounter between the treating practitioner and the beneficiary.
- (6) *Power mobility device (PMD)* means a covered item of durable medical equipment that is in a class of wheelchairs that includes a power wheelchair (a four-wheeled motorized vehicle whose steering is operated by an electronic device or a joystick to control direction and turning) or a power-operated vehicle (a three or four-wheeled motorized scooter that is operated by a tiller) that a beneficiary uses in the home.

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