

Report on Medicare Compliance Volume 30, Number 31. August 30, 2021 Proposed IPO List Reversal Eased by Point-of-Entry Case Managers

By Nina Youngstrom

Because its point-of-entry case managers review all planned surgeries in advance, ProHealth Care Inc. in Waukesha, Wisconsin, is taking CMS's plan to reverse the elimination of the inpatient-only list (IPO), which was announced in the 2022 proposed outpatient prospective payment system regulation,^[1] in stride. They act as a buffer between physicians and the compliance requirements, asking for inpatient orders for IPO procedures whether or not patients are expected to stay two midnights.

"Doctors know that's their source of truth," said Juliet B. Ugarte Hopkins, M.D., physician advisor for case management, utilization and clinical documentation. Changes to the IPO list, whether hundreds at a time, as carried out in January, or a handful, which was the norm for years and is the method CMS has proposed to resume, are "not a big deal."

But she and others think that CMS's safety rationale for its about-face on the IPO list falls flat. In the proposed rule, CMS said restoring the 298 (mostly) musculoskeletal procedures that were removed in January, and keeping the rest of the 1,740 procedures on the list instead of moving them off by 2024, is a matter of patient safety. "We believe that there are many surgical procedures that cannot be safely performed on a typical Medicare beneficiary in the hospital outpatient setting...We recognize that while physicians are able to make safety determinations for a specific beneficiary, CMS is in the position to make safety determinations for the broader population of Medicare beneficiaries, that is, the typical Medicare beneficiary."^[2]

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