



IN THE GENERAL ASSEMBLY STATE OF \_\_\_\_\_

**An Act to streamline the Medicaid enrollment process for ordering and referring physicians or other professionals**

1 Be it enacted by the People of the State of \_\_\_\_\_, represented in the General  
2 Assembly:

3 **Section 1. Title.** This act shall be known as and may be cited as the Streamlined Medicaid  
4 enrollment process for ordering and referring physicians and other professionals.

5 **Section 2. Purpose.** The Legislature hereby finds and declares that:

- 6 1. Section 6401 of the Patient Protection and Affordable Care Act (ACA) amends  
7 provisions of the Social Security Act related to Medicaid State Plan Amendments,  
8 including new requirements for provider screening, oversight and reporting. As part of  
9 these changes, states must require all ordering and referring physicians or other  
10 professionals to be enrolled under the State plan or waiver of the plan as a participating  
11 provider and submit the National Provider Identifier (NPI) of the ordering or referring  
12 physician or other health care professional on any Medicaid claim for payment that is  
13 based on an order or referral. Claims without this information will be denied.
- 14 2. In subsequent guidance on this provision, the Centers for Medicare and Medicaid  
15 Services (CMS) has indicated states can comply with this new requirement by  
16 establishing a streamlined enrollment process for ordering and referring physicians and  
17 other health care professionals whose only relationship with the Medicaid program is  
18 ordering and/or referring services. The streamlined enrollment process can be similar to

1 the Medicare CMS-855O, Medicare's enrollment application for ordering and referring  
2 physicians and non-physician practitioners.

3 3. Physicians are considered limited risk providers, therefore, are good candidates for a  
4 streamlined enrollment process.

5 4. Requiring all ordering and referring providers to enroll in Medicaid as a fully  
6 participating provider increases the administrative burden on the state and providers.

7 Implementing a streamlined process for ordering or referring providers will reduce the  
8 administrative burden and cost on providers and the state.

9 **Section 3. Definitions.**

10 1. **Ordering and Referring Provider** means a physician or non-physician practitioner  
11 who is eligible to enroll in Medicaid, qualified to order, prescribe and/or refer  
12 services or supplies for Medicaid-eligible beneficiaries [insert applicable state  
13 regulation], and has a National Provider Identifier (NPI), but does not submit claims  
14 for payment for services provided to Medicaid beneficiaries.

15 2. **National Provider Identifier (NPI)** means the standard unique health identifier for  
16 health care providers and suppliers pursuant to HIPAA and assigned by CMS through  
17 the National Plan and Provider Enumeration System (NPPES). Applying for an NPI  
18 is a separate process from the streamlined enrollment process for Ordering and  
19 Referring Providers.

20 **Section 4. Streamlined enrollment process.**

21 1. [Insert name of state agency responsible for Medicaid program] must implement a  
22 streamlined enrollment process for Ordering and Referring Providers to enroll  
23 physicians and non-physician professionals for the sole purpose of ordering,  
24 prescribing and/or referring services and/or supplies for Medicaid-eligible

1 beneficiaries. The streamlined enrollment process must include a separate enrollment  
2 application for Ordering and Referring Providers.

- 3 2. The enrollment application for Ordering and Referring Providers must be no more  
4 extensive than the Centers for Medicare and Medicaid Services Medicare Enrollment  
5 Application for Eligible Ordering and Referring Physicians and Non-Physician  
6 Practitioners (CMS-8550) and must be accessible on the internet.

7 **Section 5. Limitations**

- 8 3. A physician or non-physician practitioner who is enrolled in Medicaid as an Ordering  
9 and Referring Provider:

- 10 a. Cannot submit claims for payment directly to Medicaid;  
11 b. Will not receive referrals to provide services directly to Medicaid-eligible  
12 beneficiaries; and  
13 c. Will not be included on the state's primary enrollment listing for Medicaid.

- 14 4. A physician or non-physician professional who wants to submit claims for payment  
15 for services provided to Medicaid-eligible beneficiaries must enroll as a fully  
16 participating provider pursuant to [insert applicable state code].

17 **Section 6. Effective.** This Act shall become effective immediately upon being enacted into law.

18 **Section 7. Severability.** If any provision of this Act is held by a court to be invalid, such  
19 invalidity shall not affect the remaining provisions of this Act, and to this end the provisions of  
20 this Act are hereby declared severable.

21 Drafting note: Physicians and non-physician professionals who order and refer services and/or  
22 supplies for Medicaid eligible beneficiaries in a risk-based managed care context do not need to  
23 enroll as an Ordering and Referring Provider if the state does not require risk-based managed  
24 care providers to enroll.