CMS Issues 2023 Medicare Physician Fee Schedule Final Rule



Updated 12/22/2022

The Centers for Medicare & Medicaid Services (CMS) recently issued the 2023 final rule for Medicare payments under the Physician Fee Schedule (MPFS) for calendar year (CY) 2023. The MPFS updates the Medicare Shared Savings Program for CY 2023, including providing additional optional merit-based incentive payment pathways to providers under the Merit-Based Incentive Payment System (MIPS).

- The MPFS sets the PFS conversion factor at $33.06 per relative value unit (RVU), which represents a decrease of $1.55 (4.48%) from CY 2022, primarily due to the expiration of a temporary 3% statutory increase that was implemented for CY 2022 as a result of the challenges posed by the COVID-19 pandemic.
- The MPFS includes updates to codes and coding guidelines for Evaluation and Management (E/M) services, in furtherance of CMS's efforts to reduce the administrative burden of billing for E/M services. CMS also delayed, for one year, the implementation of policies modifying how providers bill for split or shared E/M visits.
- The MPFS includes policy changes related to reimbursement for Medicare telehealth services, including providing an extension of Medicare coverage for several types of telehealth services that were made temporarily available as a result of the COVID-19 public health emergency. This includes:
    - Allowing telehealth services to be furnished in any geographic area and in any originating site setting.
    - Allowing certain services to be furnished via video-only telecommunications systems.
    - Allowing physical therapists, occupational therapists, speech-language pathologists, and audiologists to furnish telehealth services.
- The MPFS incorporates revisions to existing regulations that are intended to provide better access to behavioral health services for Medicare beneficiaries, notably by allowing certain behavioral health services administered by auxiliary

personnel such as licensed professional counselors, and licensed marriage and family therapists, to be provided under the general, as opposed to direct, supervision of a physician.

- Other noteworthy highlights of the MPFS include:
  - Updates to payment rates for both the drug and non-drug components of opioid treatment programs.
  - Allowing Medicare beneficiaries direct access to an audiologist for non-acute hearing conditions without an order from a physician.
  - Clarifying payment policies for dental services, which are covered under Medicare only when they are an integral part of specific treatment of a beneficiary's covered medical condition.
  - Expanding Medicare coverage for certain colorectal cancer screening tests, by reducing the minimum age for coverage and expanding the services included within the definition of covered colorectal cancer screening tests.

Click here to read the entire November 2022 Healthcare Law Update

Click here to read the entire December 2022 Healthcare Law Update Year in Review

For more information, contact:
Isabelle Bibet-Kalinyak | 973.403.3131 | ibibetkalinyak@bracheichler.com
Jonathan J. Walzman | 973.403.3120 | jwalzman@bracheichler.com
Harshita Rathore | 973.364.8393 | hrathore@bracheichler.com