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CMS Sign-Off - No Enforcement of Physician Signature Requirement on Lab Requisitions

By: [Robert E. Mazer](#)

As part of the Medicare Physician Fee Schedule final rule for calendar year 2011, the Centers for Medicare & Medicaid Services (CMS) required a physician or a qualified non-physician practitioner (NPP) to sign the requisition for a clinical diagnostic laboratory test effective January 1, 2011. This followed a controversy that started as part of the previous year's rule making when the agency referred to its "longstanding policy" that required a written order for a clinical laboratory test to be signed by the ordering physician or NPP.

After widespread industry protests, on December 20, 2010, CMS announced that it would concentrate on educational efforts during the first quarter of 2011. After its conclusion, however, it would expect requisitions to be signed. CMS then reversed course. In February 2011, it announced that it would rescind the physician signature requirement. On March 31, 2011, the day before the requirement was intended originally to go into effect, the agency issued a memorandum instructing its contractors "not to enforce the requirement to have a physician or NPP signature on requisitions for clinical diagnostic laboratory tests paid under the clinical laboratory fee schedule."

A formal withdrawal of the physician signature requirement was expected to follow shortly thereafter. It now appears, however, that the agency may be required to comply with Administrative Procedure Act notice and comment requirements to rescind the physician signature requirement. Until that occurs, the requirement will still be "on the books," but not enforced.

Ober|Kaler's Comments

Having the requirement still on the books may leave a clinical laboratory without a formal document on which to rely if a Medicare contractor requires a signature on a

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test order. The agency's specific statement that it will not enforce the physician signature requirement as to test requisitions should, however, generally resolve that issue. It is important to keep in mind that a physician signature or other method of authentication of a test order may be required by authorities such as Medicare conditions of participation, accreditation standards, or state law.