

1 Rule 04 NCAC 10J .0103 is amended with changes under temporary procedures as follows:

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3 **04 NCAC 10J .0103 FEES FOR INSTITUTIONAL SERVICES**

4 (a) Except where otherwise provided, maximum allowable amounts for inpatient and outpatient institutional services  
5 shall be based on the current federal fiscal year's facility-specific Medicare rate established for each institutional  
6 facility by the Centers for Medicare & Medicaid Services ("CMS"). "Facility-specific" rate means the all-inclusive  
7 amount eligible for payment by Medicare for a claim, excluding pass-through payments. An institutional facility may  
8 only be reimbursed for hospital outpatient institutional services pursuant to this Paragraph and Paragraphs (c), (d), and  
9 (f) of this Rule if it qualifies for payment by CMS as an outpatient hospital.

10 (b) The schedule of maximum reimbursement rates for hospital inpatient institutional services is as follows:

- 11 (1) Beginning April 1, 2015, 190 percent of the hospital's Medicare facility-specific amount.
- 12 (2) Beginning January 1, 2016, 180 percent of the hospital's Medicare facility-specific amount.
- 13 (3) Beginning January 1, 2017, 160 percent of the hospital's Medicare facility-specific amount.

14 (c) The schedule of maximum reimbursement rates for hospital outpatient institutional services is as follows:

- 15 (1) Beginning April 1, 2015, 220 percent of the hospital's Medicare facility-specific amount.
- 16 (2) Beginning January 1, 2016, 210 percent of the hospital's Medicare facility-specific amount.
- 17 (3) Beginning January 1, 2017, 200 percent of the hospital's Medicare facility-specific amount.

18 (d) Notwithstanding the Paragraphs (a) through (c) of this Rule, maximum allowable amounts for institutional services  
19 provided by critical access hospitals ("CAH"), as certified by CMS, are based on the Medicare inpatient per diem rates  
20 and outpatient claims payment amounts allowed by CMS for each CAH facility.

21 (e) The schedule of maximum reimbursement rates for inpatient institutional services provided by CAHs is as follows:

- 22 (1) Beginning April 1, 2015, 200 percent of the hospital's Medicare CAH per diem amount.
- 23 (2) Beginning January 1, 2016, 190 percent of the hospital's Medicare CAH per diem amount.
- 24 (3) Beginning January 1, 2017, 170 percent of the hospital's Medicare CAH per diem amount.

25 (f) The schedule of maximum reimbursement rates for outpatient institutional services provided by CAHs is as  
26 follows:

- 27 (1) Beginning April 1, 2015, 230 percent of the hospital's Medicare CAH claims payment amount.
- 28 (2) Beginning January 1, 2016, 220 percent of the hospital's Medicare CAH claims payment amount.
- 29 (3) Beginning January 1, 2017, 210 percent of the hospital's Medicare CAH claims payment amount.

30 (g) Notwithstanding Paragraphs (a) through (f) of this Rule, the maximum allowable amounts for institutional services  
31 provided by ambulatory surgical centers ("ASC") shall be based on the Medicare ASC reimbursement amount  
32 determined by applying the most recently adopted and effective Medicare Payment System Policies for Services  
33 Furnished in Ambulatory Surgical Centers and Outpatient Prospective most recently adopted and effective Medicare  
34 Hospital Outpatient Prospective Payment and Ambulatory Surgical Center Payment System Systems reimbursement  
35 formula and factors factors, including all [OPPS] Hospital Outpatient Prospective Payment and [ASC] Ambulatory  
36 Surgical Center Payment Systems Addenda, as published annually [or referenced by website] in the Federal Register  
37 and on the CMS website at [1](https://www.cms.gov/Medicare/Medicare-Fee-for-Service-</a></u></p></div><div data-bbox=)

1 Payment/HospitalOutpatientPPS/index.html (~~"the Medicare ASC facility specific amount"~~), ("the OPPS/ASC  
2 Medicare rule"). An ASC's specific Medicare wage index value as set out in the OPPS/ASC Medicare rule shall be  
3 applied in the calculation of the maximum allowable amount for any institutional service it provides. Reimbursement  
4 shall be based on the fully implemented payment amount in Addendum AA, Final [AA (Final)] ASC Covered Surgical  
5 Procedures for CY 2015, [2017]) and Addendum BB, Final [BB (Final)] ASC Covered Ancillary Services Integral to  
6 Covered Surgical Procedures for 2015, [2017] as published in the Federal Register, or their successors; [The  
7 maximum reimbursement rate for institutional services provided by ambulatory surgical centers is 200 percent of the  
8 Medicare ASC facility specific amount.]

9 (h) The schedule of maximum reimbursement rates for institutional services provided by ambulatory surgical centers  
10 is as follows:

- 11 (1) ~~Beginning April 1, 2015, 220 percent of the Medicare ASC facility specific amount.~~
- 12 (2) ~~Beginning January 1, 2016, 210 percent of the Medicare ASC facility specific amount.~~
- 13 (3) ~~Beginning January 1, 2017, 200 percent of the Medicare ASC facility specific amount.~~

14 (1) A maximum reimbursement rate of 200 percent shall apply to institutional services that are eligible  
15 for payment by CMS when performed at an ASC.

16 (2) A maximum reimbursement rate of 135 percent shall apply to institutional services performed at an  
17 ASC that are eligible for payment by CMS if performed at an outpatient hospital facility, but would  
18 not be eligible for payment by CMS if performed at an ASC.

19 ~~(h) Notwithstanding Paragraph (g) of this Rule, if surgical procedures listed in Addendum EE (Surgical Procedures~~  
20 ~~Excluded from Payment in ASCs for CY 2017) to the most recently adopted and effective Hospital Outpatient~~  
21 ~~Prospective Payment and Ambulatory Surgical Center Payment Systems as published in the Federal Register, or its~~  
22 ~~successors, are provided at ASCs, they shall be reimbursed with the maximum amount being the usual, customary,~~  
23 ~~and reasonable charge for the service or treatment rendered.]~~

24 (i) If the facility-specific Medicare payment includes an outlier payment, the sum of the facility-specific  
25 reimbursement amount and the applicable outlier payment amount shall be multiplied by the applicable percentages  
26 set out in Paragraphs (b), (c), (e), (f), and (h) ~~[(g)]~~ of this Rule.

27 (j) Charges for professional services provided at an institutional facility shall be paid pursuant to the applicable fee  
28 schedules in Rule .0102 of this Section.

29 (k) If the billed charges are less than the maximum allowable amount for a Diagnostic Related Grouping ("DRG")  
30 payment pursuant to the fee schedule provisions of this Rule, the insurer or managed care organization shall pay no  
31 more than the billed charges.

32 (l) For specialty facilities paid outside Medicare's inpatient and outpatient Prospective Payment System, the payment  
33 shall be determined using Medicare's payment methodology for those specialized facilities multiplied by the inpatient  
34 institutional acute care percentages set out in Paragraphs (b) and (c) of this Rule.

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36 *History Note: Authority G.S. 97-25; 97-26; 97-80(a); S.L. 2013-410;*  
37 *Eff. April 1, 2015; 2015;*

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Temporary Amendment Eff. January 1, 2017.