



**Billing Compliance Coordination
Procedures
Chapter 7
Policy Number ATS-06**

Last Revised: 7/19/2007

ASSISTANT AT SURGERY POLICY AND PROCEDURES	
PURPOSE	For the purpose of standardization this policy is to define the appropriate use of assistants at surgery and appropriate reporting in documentation when a qualified resident is not available.
POLICY STATEMENT	It is the policy of The University of Texas- Health Science Center Houston (UT-HSC) to assure that assistants at surgery are used appropriately and in compliance with CMS policy when qualified residents are not available for certain surgical services. Further, it is the policy of UTHSC to only use assistant-at-surgery services when the procedure warrants this use and it is a covered procedure by CPT-4 guidelines.
SCOPE	This policy applies to all health care providers responsible for surgical services.
PROCEDURE	<ol style="list-style-type: none"> 1. All surgeons are responsible for appropriately utilizing assistant-at-surgery services within the professional scope of service. 2. When qualified residents are available to perform as assistants at surgery, they will be utilized in that capacity.
Modifier -82 Appendage	When a qualified resident is unavailable to perform assistant at surgery duties, and it is appropriate within the scope of the surgical service provided, to utilize another faculty/attending physician for that service and append the Modifier -82 to their surgical service reporting data.
Medicare Attestation (CMS)	<p>When another attending physician provides assistant at surgery services, it is necessary to append the following statement to the operative note, indicating by the surgeon's attestation that a qualified resident was unavailable.</p> <p>“I understand that section 1842(b)(7)(D) of the Social Security Act generally prohibits Medicare physician fee schedule payment for the services of assistants at surgery in teaching hospitals when qualified residents are available to furnish such services. I certify that the services for which payment is claimed were medically necessary and that no qualified resident was available to perform the services. I further understand that these services are subject to</p>

		post-payment review by the Medicare carrier.”
Modifier –AS Appendage		<p>If there is no qualified resident available to provide assistant-at-surgery service AND the procedure warrants an assistant-at-surgery AND the person bears the designation of physician assistant, nurse practitioner, nurse midwife or clinical nurse specialist, a non-physician practitioner may bill as an assistant at surgery and must append the –AS modifier.</p> <p>If the person who assists at surgery is a surgical technician, a first surgical assistant, scrub nurse or bears any other title than those listed, the service is not payable by Medicare and is not billable to the patient.</p>
Unusual Circumstance		<p>In certain instances, an assistant-at-surgery may be paid, as an exception to the above rules:</p> <ul style="list-style-type: none"> • A documented exceptional medical service (i.e., emergent service, multiple trauma) • When a physician has a written, across the board, policy never to engage the use of resident services (typically not a surgeon involved in GME training services) • Complex medical procedures requiring a team of surgeons (i.e., transplant services, coronary bypass procedures)

REFERENCES:

Centers for Medicare & Medicaid Services, Department of Health and Human Services –
 Section 1842(b)(7)(D) of the Social Security Act
 CMS Transmittal 1707.15044 Assistant at Surgery Services
 Columbia Billing Compliance Plan-Regulations: Physicians at Teaching Hospitals (references 15044/15046)
 Regence Reimbursement Policy Manual-Modifiers -80, -81, -82, and -AS (sited Deborah Grider (AMA Press, AAPC Speaker and Consultant, National Physician Fee Schedule Relative Value File, AMA Appendix, CPT Assistant MAR 1996) Release date January 06

History

Issue Date:	12/06	Archival Record:	xxx
Revision #1:	mm/yy	Archival Record:	xxx
Revision #2:	mm/yy	Archival Record:	xxx
Revision #3	mm/yy	Archival Record:	xxx

Next Scheduled Revision: (mm/yy)

Notes: xxx