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THIS BULLETIN SHOULD BE SHARED WITH ALL HEALTH CARE PRACTITIONERS AND MANAGERIAL MEMBERS OF THE PHYSICIAN/SUPPLIER STAFF. BULLETINS ARE AVAILABLE AT NO COST FROM OUR WEB SITE AT WWW.TRICENTURION.COM

Oximetry Testing FAQ

In June 2006 an article was published reminding DMEPOS Suppliers of limitations on the use of internet-based oximetry testing programs. Additional information on this subject was published in September 2006, because of questions from the June 2006 publications. Several additional questions have been identified. This FAQ addresses these remaining issues.

- Q1.** The June 2006 Bulletin states that for an oximetry test to serve as a “qualifying test,” the Beneficiary’s treating physician must have contacted the IDTF to order an overnight pulse oximetry test before the test is performed. If the supplier receives, a written order for oximetry from the physician, can the supplier forward the order to the IDTF?
- A1.** The physician must order the oximetry test prior to the test being performed. If the physician forwards the order to the supplier, the supplier may forward the order to the lab. The IDTF must have a written order in its file prior to performing any testing.
- Q2.** The June 2006 Bulletin states “Suppliers are cautioned that sleep oximetry testing must be based on a request that is initiated by the treating physician. It is inappropriate for a supplier or IDTF to initiate a contact with the physician either directly or through the beneficiary to request, suggest or otherwise seek an order for an oximetry test.” Are there any circumstances where a supplier could contact a patient or a physician about the need to obtain an oximetry test?
- A2.** Suppliers are reminded that only a physician may order an oximetry test. However, a supplier would be permitted to contact the physician or the beneficiary about the need to obtain an oximetry test under the following circumstances:
- A supplier *furnishing oxygen* to a beneficiary may contact the beneficiary or the physician as a reminder if a recertification oximetry test is needed or if testing is required for other reasons such as a change in insurance.
 - A supplier with an initial *order* for oxygen where no oximetry test has been performed or where the tests results are expired or invalid (e.g. the test was performed 3 days before discharge instead of 2), may contact the physician or the beneficiary to inform him or her that a new test is required.
 - As part of a *clinical evaluation* for patients receiving respiratory services from a supplier, the supplier may communicate the beneficiary’s symptoms to the physician. The physician may use this information to determine what further assessment should be performed in order to further evaluate the beneficiary’s condition.

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- Q3. The June Bulletin states that the IDTF may send the test results only to the physician. It must not send them to the supplier. The September Bulletin elaborated on this statement as follows: "The IDTF should send the results to the physician. Because this is considered protected health information, the supplier may not receive a copy of the test report until the physician has reviewed the results, made the decision to order oxygen for the patient, and contacted the supplier with the order." When is it acceptable for a supplier to receive a copy of the oximetry test results directly from the IDTF?
- A3. As with any laboratory test it is appropriate for the physician to directly receive the results and identify his/her patient's treatment needs. A supplier may receive a copy of the test results directly from the IDTF under the following circumstances:
- A supplier currently *furnishing oxygen* or other respiratory services to the beneficiary may receive a copy of the oximetry test results directly from the IDTF to avoid disruptions in the beneficiary's treatment plan.
 - A supplier with an *order* to furnish oxygen or other respiratory services to a beneficiary is a "Covered Entity" that must comply with the HIPAA privacy standards. A Covered Entity may receive oximetry test results from a physician or directly from the IDTF for treatment purposes.
 - A supplier with a *release* signed by the beneficiary or his/her representative may receive the test results directly from the IDTF. The release must comply with the HIPAA privacy standards.
- Q4. Do the statements on oximetry testing in the June and September Bulletins apply to oximetry tests performed by other qualified providers or facilities of oximetry tests?
- A4. The information stated in the guidance apply when a DMEPOS supplier delivers oximetry testing equipment to a beneficiary and the test results are transmitted via software to the IDTF performing the test. The Bulletins do not apply to tests performed by other providers or facilities, such as physicians or hospitals that are qualified to perform oximetry tests. Tests performed by other qualified providers of oximetry testing, including tests performed in physicians' offices, may be used to qualify the patient for home oxygen.

The following section will be added to the Oxygen LCD in a future revision:

Home Sleep Oximetry Studies:

Beneficiaries may self-administer home based overnight oximetry tests under the direction of a Medicare-enrolled Independent Diagnostic Testing Facility (IDTF). A DME supplier or another shipping entity may deliver a pulse oximetry test unit and related technology used to collect and transmit test results to the IDTF to a beneficiary's home under the following circumstances:

1. The beneficiary's treating physician has ordered an overnight pulse oximetry test before the test is performed.
2. The test is performed under the direction and/or instruction of a Medicare-approved IDTF. Because it is the beneficiary who self-administers this test, the IDTF

must provide clear written instructions to the beneficiary on proper operation of the test equipment and must include access to the IDTF in order to address other concerns that may arise. The DME supplier may not create this written instruction, provide verbal instructions, answer questions from the beneficiary, apply or demonstrate the application of the testing equipment to the beneficiary, or otherwise participate in the conduct of the test.

3. The test unit is sealed and tamper-proof such that test results cannot be accessed by anyone other than the IDTF who is responsible for transmitting a test report to the treating physician. The DME supplier may use related technology to download test results from the testing unit and transmit those results to the IDTF. In no cases may the DME supplier access or manipulate the test results in any form.

The IDTF must send the test results to the physician. The IDTF may send the test results to the supplier if the supplier is currently providing or has an order to provide oxygen or other respiratory services to the beneficiary or if the beneficiary has signed a release permitting the supplier to receive the report.

Oximetry test results obtained through a similar process while the beneficiary is awake, either at rest or with exercise, may not be used for purposes of qualifying the beneficiary for home oxygen therapy.

Refer to the Oxygen LCD for more information.