

**MOA MEMBERS
FROM SUE A. WEINGARTNER, EXECUTIVE DIRECTOR
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**NSC/CMS CONFIRMATION OF DMEPOS SURETY BOND
EXEMPTION**

The National Supplier Clearinghouse (Palmetto) issued a confirmation on behalf of the Centers for Medicare & Medicaid Services that optometrists are exempt from the surety bond requirement. The NSC stated: "Optometrists who own their own optical shop and furnish only cataract glasses and cataract lenses are currently exempt from the requirements concerning bonding and accreditation. This applies even if there is an optician at the optical shop."

<http://www.palmettogba.com/palmetto/providers.nsf/vMasterDID/7VQGC74101?opendocument>

Please keep in mind that there is at least one situation, albeit rare, where an optician can cause a practice to need a surety bond. If an optician is employed by the practice AND the optician is enrolled as a DMEPOS supplier in Medicare, then the entire practice might need a surety bond. An optician enrolled as a DMEPOS supplier who bills Medicare is not exempt. CMS has specifically stated in previous guidance that this situation could cause an entire practice to need a surety bond. Also, keep in mind that there may be other rare situations where an optometrist supplies another type of DME besides post-cataract eyeglasses in which the exemption should still apply. I apologize if this is confusing but the CMS policy is poorly worded overall so it's difficult to issue blanket statements (despite what NSC/CMS just published) that cover all practice arrangements optometrists might have. In addition, members may get different advice from their own attorneys and we would encourage them to follow the advice of their counsel who best knows their practice, needs, and obligations.