

Physician Self-Referral Law

Annual Update to the List of CPT/HCPCS Codes Effective January 1, 2024

I. Background

Section 1877 of the Social Security Act (the Act), also known as the physician self-referral law: (1) Prohibits a physician from making referrals for certain designated health services payable by Medicare to an entity with which he or she (or an immediate family member) has a financial relationship, unless the requirements of an applicable exception are satisfied; and (2) prohibits the entity from filing claims with Medicare (or billing another individual, entity, or third party payer) for any improperly referred designated health services. The physician self-referral regulations are found at 42 CFR Part 411 Subpart J. In § 411.351, we specify that the entire scope of four categories of designated health services is defined in a list of CPT/HCPCS codes (the Code List), which is updated annually to account for changes in the most recent CPT and HCPCS Level II publications. The categories defined and updated in this manner are:

- Clinical laboratory services.
- Physical therapy, occupational therapy, and outpatient speech-language pathology services.
- Radiology and certain other imaging services.
- Radiation therapy services and supplies.

The Code List also identifies those items and services that may qualify for either of the following two exceptions to the physician self-referral prohibitions:

- EPO and other dialysis-related drugs (§ 411.355(g)).
- Preventive screening tests and vaccines (§ 411.355(h)).

Beginning with the January 1, 2023 Code List, we publish the Code List solely on the CMS website. (See the CY 2022 Physician Fee Schedule (PFS) final rule for further information (86 FR 65356 through 65357)).

The definition of “designated health services” at § 411.351 excludes services for which payment is made by Medicare as part of a composite rate (unless the services are specifically included in the statutory or regulatory lists of items and services that are designated health services and are themselves payable through a composite rate, such as home health and inpatient and outpatient hospital services). ESRD-related oral-only drugs, which are drugs or biological products with no injectable functional equivalents or other forms of administration other than an oral form, were scheduled to be paid under ESRD PPS beginning January 1, 2014 (75 FR 49044). However, there have been several delays of the implementation of payment of these drugs under ESRD PPS. On December 19, 2014, section 204 of the Stephen Beck, Jr., Achieving a Better Life Experience Act of 2014 (ABLE) (Pub. L. 113–295) was enacted and delayed the inclusion of these oral-only drugs under the ESRD PPS until 2025. Until that time, such drugs or biological products furnished in or by an ESRD facility are not paid as part of a composite rate and, thus, are designated health services.

COVID-19

The COVID-19 public health emergency (PHE) ended May 11, 2023. The U.S. Government is no longer purchasing COVID-19 vaccines and the CDC COVID-19 Vaccination Program has ended. COVID-19 vaccines are now payable by Medicare and therefore are designated health services. On the CY 2024 Code List, COVID-19 vaccines remain eligible for the exception at 411.355(h). Note that the inclusion of CPT code 90749 on the Code List is not intended and should not be considered to direct or approve the use of CPT code 90749 for the identification and billing of any COVID-19 vaccine.

To the extent that CMS pays for COVID-19 monoclonal antibody products for post-exposure prophylaxis or treatment of COVID-19 as “vaccines” under the Medicare Part B vaccine benefit in section 1861(s)(10) of the Act, the products are designated health services for purposes of the physician self-referral law.

II. Response to Comments on CY 2023 Code List

We received no comments relating to the January 1, 2023 Code List.

III. Instructions for Submitting Comments on CY 2024 Code List.

We will consider comments regarding the codes listed in the tables in section IV below. To submit a comment, go to www.regulations.gov and enter the docket number “CMS-2023-0156” in the search field. Select the “Comment” button and follow the instructions. To be considered, comments must be received on or before December 29, 2023. Comments will be made public, so submitters should not include any confidential or personal information. Please note that we will not consider any comment that advocates a substantive change to any of the designated health services defined in § 411.351.

IV. Revisions Effective for CY 2024

The updated Code List effective January 1, 2024, is available on our website at https://www.cms.gov/medicare/fraud-and-abuse/physiciansselfreferral/list_of_codes. Additions and deletions to the Code List conform it to the most recent publications of CPT and HCPCS Level II and to changes in Medicare coverage policy and payment status. In the charts below, we identify the additions and deletions, respectively, to the Code List that is effective January 1, 2024. The charts below also include the additions and deletions to the list of codes used to identify the items and services that may qualify for the exceptions at § 411.355(g) (regarding dialysis-related outpatient prescription drugs furnished in or by an ESRD facility) and at § 411.355(h) (regarding preventive screening tests and vaccines).

Additions to the Physician Self-Referral List of CPT¹/HCPCS Codes

CLINICAL LABORATORY SERVICES	
(INCLUDE codes for all clinical laboratory services in the 80000 series)	
BLOOD COMPONENT COLLECTION SERVICES IN THE 80000 SERIES THAT ARE EXCLUDED FROM CLINICAL LABORATORY SERVICES	
{No Additions}	
OTHER CODES NOT IN 80000 SERIES INCLUDED IN CLINICAL LABORATORY SERVICES	
0019M	Cv ds plasma alys prtn bmrk
0640T	Nentc ifr spetrsc o/t pad 1
0859T	Nentc ifr spetrsc o/t pad ea
0860T	Nentc ifr spetrsc scr pad
0095U	Ee&mj bsc prtn elisa est dev
0308U	Crd cad alys 3 prtn 3 param
0337U	Onc plsm cell do&myeloma id
0338U	Onc sld tum creg tum cl slct
0339U	Onc prst8 mrna hoxc6 & dlx1
0340U	Onc pan ca alys mrd plasma
0341U	Ftl aneup dna seq cmpr alys
0342U	Onc pncrtc ca mult ia eclia
0343U	Onc prst8 xom aly 442 snrna
0344U	Hep nafld semiq evl 28 lipid
0345U	Psyc genom alys pnl 15 gen
0346U	Beta amyl ab40&ab42 lc-ms/ms
0347U	Rx metab/pcx dna 16 gen alys
0348U	Rx metab/pcx dna 25 gen alys
0349U	Rx metab/pcx dna 27gen rx ia
0350U	Rx metab/pcx dna 27 gen alys
0351U	Nfct ds bct/viral trail ip10
0352U	Nfct ds bv&vaginitis amp prb
0353U	Iadna chlmyd&gonorr amp prb
0354U	Hpv hi rsk qual mrna e6/e7
0355U	Apoll risk variants
0356U	Onc orop 17 dna ddpcr alg
0358U	Neuro alys β -amyl 1-42&1-40
0359U	Onc prst8 ca alys all psa
0360U	Onc lung elisa 7 autoant alg
0361U	Neurflmnt lt chn dig ia quan
0362U	Onc pap thyr ca rna 82&10
0363U	Onc urthl mrna 5 gen alg

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0364U	Onc hl neo gen seq alys alg
0365U	Onc bldr 10 prb bldr ca
0366U	Onc bldr 10 prb recr bldr ca
0367U	Onc bldr 10 flwg trurl rescj
0369U	Iadna gi pthgn 31 org&21 arg
0370U	Iadna surg wnd pthgn 34&21
0371U	Iadna gu pthgn semiq dna16&1
0372U	Nfct ds gu pthgn arg detcj
0373U	Iadna rsp tr nfct 17 8 13&16
0374U	Iadna gu pthgn 21 org&21 arg
0375U	Onc ovrn behm asy 7 prtn alg
0376U	Onc prst8 ca img alys 128
0377U	Cv ds quan advsrm/plsm lprtn
0378U	Rfc1 repeat xpnsj vrnt alys
0379U	Tgsap sl or neo dna523&rna55
0380U	Rx metb advrs trgt sq aly 20
0381U	Maple syrup ur ds mntr quan
0382U	Hyprphenylalninmia mntr quan
0383U	Tyrosinemia typ i mntr quan
0384U	Neph ckd rsk hi stg kdn ds
0385U	Neph ckd alg rsk dbtc kdn ds
0387U	Onc mlnma ambra1&amlo
0388U	Onc nonsm cll lng ca 37 gen
0389U	Ped fbrl kd ifi27&mcempl rna
0390U	Ob pe kdr eng&rbp4 ia alg
0391U	Onc sld tum dna&rna 437 gen
0392U	Rx metab genrx ia 16 genes
0393U	Neu prksn msfl a-syncln prtn
0394U	Pfas 16 pfas compnd lc ms/ms
0395U	Onc lng multiomics plsm alg
0396U	Ob preimpltj tst 300000 dna
0398U	Gi baret esph dna mthyln aly
0399U	Neuro cere folate defncy srm
0400U	Ob xpnd car scr 145 genes
0401U	Crđ c hrt ds 9 gen 12 vrnts
0402U	Nfct agt sti mult amp prb tq
0403U	Onc prst8 mrna 18 gen dre ur
0404U	Onc brst semiq meas thym kn
0405U	Onc pncrtc 59 mthltn blk mrk
0406U	Onc lung flow cytmtry 5 mrk
0407U	Neph dbtc ckd mult eclia alg
0408U	Iaad blk ac wv bsnsr sarscv2
0409U	Onc sld tum dna 80 & rna 36
0410U	Onc pncrtc dna whl gn seq 5-
0411U	Psyc genom alys pnl 15 gen

0412U	Beta amyloid ab42/40 imprcip
0413U	Onc hl neo opt gen mapg dna
0414U	Onc lng aug alg aly whl sld8
0415U	Cv ds acs bld alg 5 yr score
0416U	Iadna gu pthgn 20bct&fng org
0417U	Rare ds alys 335 nuc genes
0418U	Onc brst aug alg aly whl sl8
0419U	Nrpsyc gen seq vrnt aly 13
0420U	Onc urthl mrna xprsn 6 snp
0421U	Onc clrct scr sgl amp 8 rna
0422U	Onc pan solid tum alys dna
0423U	Psyc genomic alys pnl 26 gen
0424U	Onc prst8 xom alys 53 snrna
0425U	Genom rpd seq alys ea cmptr
0426U	Genome ultra-rapid seq alys
0427U	Monocyte dstrbj wdth whl bld
0428U	Onc brst ctdna alys 56/> gen
0429U	Hpv orop swab 14 hi-risk typ
0430U	Gi malabs aat calpro pncrtc
0431U	Gly rcptr alpha1 igg srm/csf
0432U	Klhl11 antb sr/csf asy qual
0433U	Onc prst8 5 dna reg mrk pcr
0434U	Rx metab advrs vrnt alys 25
0435U	Onc chemo rx cytox csc 14 rx
0436U	Onc lng plsm alys 388 prtn
0437U	Psyc anxiety do mrna 15 bmrk
0438U	Rx metab advrs vrnt alys 33
G0480	Drug test def 1-7 classes
G0481	Drug test def 8-14 classes
G0482	Drug test def 15-21 classes
G0483	Drug test def 22+ classes
PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND OUTPATIENT SPEECH-LANGUAGE PATHOLOGY SERVICES	
97550	Caregiver traing 1st 30 min
97551	Caregiver traing ea addl 15
97552	Group caregiver training
RADIOLOGY AND CERTAIN OTHER IMAGING SERVICES	
0815T	Us rems b1 dns hips plvs/spi
0857T	Opto-acoustic img breast uni
0865T	Quan mri alys brn w/o dx mri
0866T	Quan mri alys brn w/dx mri
76984	Dx intraop thoracic aorta us
76987	Dx intraop epicar car us chd

76988	Dx ntrop eper us chd img acq
76989	Dx intraop epcar us chd i&r
A9573	Inj, gadopiclesol, 1 ml
A9608	Flotufolastat f18 diag 1 mci
A9609	F18 fdg, 15 millicuries
A9697	Inj, magtrace per study dose
C9150	Xe129 xenon, diagnostic
C9786	Echo cad for hf preserved ef
C9791	MRI hyperpolarized xenon129
RADIATION THERAPY SERVICES AND SUPPLIES	
C9794	Complex simulation w/pet-ct
C9795	Sbrt w/positron emission del
DRUGS USED BY PATIENTS UNDERGOING DIALYSIS	
{No Additions}	
PREVENTIVE SCREENING TESTS AND VACCINES	
91318	Sarscov2 vac 3mcg trs-suc im
91319	Sarscv2 vac 10mcg trs-suc im
91320	Sarscv2 vac 30mcg trs-suc im
91321	Sarscov2 vac 25 mcg/.25ml im
91322	Sarscov2 vac 50 mcg/0.5ml im

Deletions from the Physician Self-Referral List of CPT²/HCPCS Codes

CLINICAL LABORATORY SERVICES	
BLOOD COMPONENT COLLECTION SERVICES IN THE 80000 SERIES THAT ARE EXCLUDED FROM CLINICAL LABORATORY SERVICES	
{No Deletions}	
OTHER CODES NOT IN 80000 SERIES INCLUDED IN CLINICAL LABORATORY SERVICES	
0008M	Onc breast risk score
0053U	Onc prst8 ca fish alys 4 gen
C9803	Hopd covid-19 spec collect
G2023	Specimen collect covid-19
G2024	Spec coll snf/lab covid-19
U0003	Cov-19 amp prb hgh thrupt
U0004	Cov-19 test non-cdc hgh thru
U0005	Infec agen detec ampli probe

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PHYSICAL THERAPY, OCCUPATIONAL THERAPY, AND OUTPATIENT SPEECH-LANGUAGE PATHOLOGY SERVICES	
{No Deletions}	
RADIOLOGY AND CERTAIN OTHER IMAGING SERVICES	
0508T	Pls echo us b1 dns meas tib
74710	X-ray measurement of pelvis
RADIATION THERAPY SERVICES AND SUPPLIES	
{No Deletions}	
DRUGS USED BY PATIENTS UNDERGOING DIALYSIS	
{No Deletions}	
PREVENTIVE SCREENING TESTS AND VACCINES	
91300	Sarscov2 vac 30mcg/0.3ml im
91301	Sarscov2 vac 100mcg/0.5ml im
91303	Sarscov2 vac ad26 .5ml im
91305	Sarscov2 vac 30 mcg trs-sucr
91306	Sarscov2 vac 50mcg/0.25ml im
91307	Sarscov2 vac 10 mcg trs-sucr
91308	Sarscov2 vac 3 mcg trs-sucr
91309	Sarscov2 vac 50mcg/0.5ml im
91311	Sarscov2 vac 25mcg/0.25ml im
91312	Sarscov2 vac bvl 30mcg/0.3ml
91313	Sarscov2 vac bvl 50mcg/0.5ml
91314	Sarscov2 vac bvl 25mcg/.25ml
91315	Sarscov2 vac bvl 10mcg/0.2ml