

**Non-Substantive Change Request to 0938-0373 - Medicare Participation Agreement for
Physicians and Suppliers
CMS-460**

May 9, 2019

This is a non-substantive change request to the instructions section of the Medicare Participation Agreement for Physicians and Suppliers - CMS-460 that is approved as OMB number 0938-0373. The change is to the following section:

Instructions for The Medicare Participating Physician and Supplier Agreement (CMS-460)

On page 2, we are inserting a new sub-section entitled, “Do You Want to Opt Out of Medicare?” The purpose of this sub-section is to provide information related to opting out of Medicare for physicians and practitioners who choose not to bill the Medicare program when treating Medicare beneficiaries. This sub-section discusses considerations of physicians and practitioners for opting out such as:

- The flexibility to set mutually acceptable payment terms through a negotiated private contract with Medicare beneficiaries.
- The two-year opt-out period, which automatically renews for successive two-year periods unless the physician or practitioner affirmatively requests that his or her opt-out status not be renewed.
- The need to not consider certain Medicare requirements, such as deciding on a case-by-case basis whether to provide an advance beneficiary notice of Medicare non-coverage for services in compliance with Medicare rules and guidance.
- This subsection also directs physicians and practitioners to the Medicare Opt-Out Affidavits website for further details.

We consider this change to be non-substantial because it is informational in nature and simply describes existing provider options. Further, the additional informational language does not change the manner in which the form is filled out, nor does it change or require any new data. This informational change is to the instructions section only and has no impact on the previously stated burden associated with this collection.

Within the Notice of Office of Management and Budget Action dated, 06/08/2017, the Terms of Clearance stated the following:

This approval will be converted to a full 3-year approval upon the receipt and submission of the updated number of participation agreements received annually.

In accordance with this request, CMS estimates the number of participation agreements received annually to be approximately 29,000.