

# **Medicaid Payment for Office Based Surgery**

Effective July 14, 2009, New York State law (Chapter 365 of the Laws of 2007) requires accreditation of physician offices where surgical or other invasive procedures are performed under moderate sedation, deep sedation or general anesthesia. In addition the law requires that physicians, physician assistants and specialist assistants report specific adverse events that occur in relation to office based surgery to the Patient Safety Center of the Department of Health.

The following web page provides additional details related to the Office Based Surgery (OBS) Law and associated requirements:

[http://www.health.state.ny.us/professionals/office-based\\_surgery/](http://www.health.state.ny.us/professionals/office-based_surgery/)

- Designated accrediting agencies
- Links to the Public Health Law
- Surgical and invasive procedure protocols
- Reporting requirements
- Frequently Asked Questions

Beginning with the date of service of July 14, 2009, Medicaid will no longer pay for office based surgery or other invasive procedures performed under moderate sedation, deep sedation or general anesthesia unless the office location has been accredited by one of the designated accrediting agencies.

To avoid claim denials, physicians and groups who perform OBS in accredited sites must fax or mail a copy of the accreditation and a list of all physicians who are associated with each accredited site.

Fax Number: (518) 473-7251  
Mailing Address: Fee for Service Provider Enrollment  
Office Based Surgery Documentation  
150 Broadway Suite 600  
Albany, NY 12204

Please note, that the law and the above noted Medicaid claims policy does not apply to dentists or podiatrists. The State Education Department has issued specific guidelines which apply to dentists and podiatrists:

<http://www.op.nysed.gov/dentanesthes.htm>  
<http://www.op.nysed.gov/podiatryguidesedation.htm>

If you have further general questions related to OBS, contact the Patient Safety Center at [obs@health.state.ny.us](mailto:obs@health.state.ny.us)

For further questions on Medicaid and OBS, please call Fee-for-Service Provider Enrollment at (518) 402-7032.