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## Opt Out: Questions and Answers

### 1) Is a physician or practitioner allowed to withdraw from, or "opt out" of, the Medicare program?

Section 1802 of the Social Security Act allows certain physicians and practitioners to submit an affidavit to "opt out" of the Medicare program and enter into private contracts with Medicare beneficiaries. Among other provisions in the private contract, the beneficiary agrees to be responsible for paying the physician/practitioner who has opted out of Medicare and agrees that Medicare claims cannot be submitted for the physician/practitioner's services.

For purposes of this opt out provision, the term "physician" is limited to doctors of medicine; doctors of osteopathy; doctors of dental surgery or of dental medicine; doctors of podiatric medicine; and doctors of optometry who are legally authorized to practice medicine, surgery, dentistry, podiatry, or optometry by the State in which such function or action is performed. (Chiropractors may *not* opt out of the Medicare program.)

"Practitioners" who may opt out of the Medicare program are limited to physician assistants; nurse practitioners; clinical nurse specialists; certified registered nurse anesthetists, certified nurse midwives, clinical social workers; clinical psychologists; and registered dietitians/nutrition professionals. Physical therapists and occupational therapists in private practice, audiologists, and independently billing non-clinical psychologists may not opt out of the Medicare program.

For more detailed information regarding Medicare's opt out provision, visit the Website [http://www.wpsmedicare.com/mac/business/b\\_opt\\_enroll.shtml](http://www.wpsmedicare.com/mac/business/b_opt_enroll.shtml)