
WISCONSIN MEDICAID UPDATE

MARCH 2, 1998

UPDATE 98-09

TO:
Family Planning Clinics
HMOs and Other Managed Care
Programs
Nurse Midwives
Nurse Practitioners
Physician Assistants
Physicians

Physician Office Counseling Visits and 1995 Wisconsin Act 309

Physician office counseling visits

Under existing policy, Wisconsin Medicaid reimburses physicians for office visits during which the physician counsels a patient as to available courses of treatment.

Wisconsin Medicaid pays physicians for these office counseling visits:

- As evaluation and management services, except when the visit is paid for within the surgical procedure payment.
- Even if no additional treatment is provided during the visit.
- Even if some possible courses of treatment that were discussed would not be reimbursable under Wisconsin Medicaid.
- Even if the course of treatment ultimately selected by a recipient is not reimbursable under Wisconsin Medicaid.

For example, Wisconsin Medicaid pays for a physician office visit to discuss options for dealing with a recipient's obesity even though one possible treatment option discussed is stomach stapling, which Wisconsin Medicaid does not cover as a nonemergency treatment for obesity, and even if the patient ultimately selects that option.

Physician office counseling visits under 1995 Wisconsin Act 309

A new Wisconsin law concerning informed consent for abortion procedures has renewed the question of Wisconsin Medicaid coverage for physician office counseling visits.

1995 Wis. Act 309 provides that a woman's consent to an abortion is not considered informed consent unless at least 24 hours prior to an abortion a physician has, in person, orally provided the woman certain information specified in the statute.

That information includes, among other things, all of the following:

- Whether the woman is pregnant.
- Medical risks associated with the woman's pregnancy.
- Details of the abortion method that would be used.
- Medical risks associated with the particular abortion procedure.
- "Any other information that a reasonable patient would consider material and relevant to a decision of whether or not to carry a child to birth or to undergo an abortion."

Consistent with the policy described under "Physician office counseling visits," Wisconsin Medicaid will cover an office visit during which a physician provides the information required under 1995 Wis. Act 309, even if the woman decides to undergo an abortion and even if the abortion performed is not Medicaid covered.

This Update does not affect Medicaid policy on coverage of abortions and abortion-related procedures. That policy is described in *Medicaid Update 97-41*, dated December 5, 1997.

As stated in *Update 97-41*, "services incidental to a noncovered abortion are not covered by Wisconsin Medicaid." The Act 309 office visit is not incidental to an abortion because the patient legally may not consent to an abortion until 24 hours after receiving the required information.

For information regarding 1995 Wis. Act 309, call (608) 266-1511. For provider questions on the Update, call the Medicaid fiscal agent, EDS, at (800) 947-9627 or (608) 221-9883.