§ 414.226 Oxygen and oxygen equipment.

(a) Payment rules—(1) Oxygen equipment. Payment for rental of oxygen equipment is made based on a monthly fee schedule amount during the period of medical need, but for no longer than a period of continuous use of 36 months. A period of continuous use is determined under the provisions in §414.230.

(b) Monthly fee schedule amount for items furnished prior to 2007. (1) Monthly fee schedule amounts are separately calculated for the following items:

(i) Stationary oxygen equipment and oxygen contents (stationary and portable oxygen contents).

(ii) Portable oxygen equipment only.

(iii) Stationary and portable oxygen contents only.

(iv) Portable oxygen contents only.

(2) For 1989 and 1990, the monthly fee schedule amounts are the local payment amounts determined as follows:

(i) The carrier determines the base local average monthly payment rate equal to the total reasonable charges for the item for the 12-month period ending December 1986 divided by the total number of months for all beneficiaries receiving the item for the same period. In determining the local average monthly payment rate, the following limitations apply:

A. Purchase charges for oxygen systems are not included as items classified under paragraph (b)(1)(i) of this section.

B. Purchase charges for portable equipment are not included as items classified under paragraph (b)(1)(i) of this section.

(ii) The carrier determines the local monthly payment amount equal to 0.95 times the base local average monthly payment amount adjusted by the change in the CPI-U for the six-month period ending December 1987.
(3) For 1991 through 2006, the fee schedule amounts for items described in paragraphs (b)(1)(iii) and (iv) of this section are determined using the methodology contained in §414.220(d), (e), and (f).

(4) For 1991 through 2006, the fee schedule amounts for items described in paragraphs (b)(1)(i) and (ii) of this section are determined using the methodology contained in §414.220(d), (e), and (f).

(5) For 2005 and 2006, the fee schedule amounts determined under paragraph (b)(4) of this section are reduced using the methodology described in section 1834(a)(21)(A) of the Act.

(c) Monthly fee schedule amount for items furnished for years after 2006. (1) For 2007, national limited monthly payment rates are calculated and paid as the monthly fee schedule amounts for the following classes of items:

(i) Stationary oxygen equipment (including stationary concentrators) and oxygen contents (stationary and portable).

(ii) Portable equipment only (gaseous or liquid tanks).

(iii) Oxygen generating portable equipment only.

(iv) Stationary oxygen contents only.

(v) Portable oxygen contents only.

(2) The national limited monthly payment rate for items described in paragraph (c)(1)(i) of this section is equal to the weighted average fee schedule amounts established under paragraph (b)(5) of this section reduced by $1.44.

(3) The national limited monthly payment rate for items described in paragraph (c)(1)(ii) of this section is equal to the weighted average fee schedule amounts established under paragraph (b)(5) of this section.

(4) The national limited monthly payment rate for items described in paragraph (c)(1)(iii) of this section is equal to the national limited monthly payment rate established under paragraph (c)(5) of this section, multiplied by 24, and divided by 36.

(5) The national limited monthly payment rate for items described in paragraphs (c)(1)(iv) and (c)(1)(v) of this section is equal to 50 percent of the weighted average fee schedule amounts established under paragraph (b)(3) of this section for items described in paragraph (b)(1)(iii) of this section.

(6) Beginning in 2008, CMS makes an annual adjustment to the national limited monthly payment rates for each class of items described in paragraph (c)(1) of this section to ensure that such payment rates do not result in expenditures for any year that are more or less than the expenditures that would have been made if such classes had not been established.

(d) Application of monthly fee schedule amounts. (1) The fee schedule amount for items described in paragraph (c)(1)(i) of this section is paid when the beneficiary rents stationary oxygen equipment.

(2) Subject to the limitation set forth in paragraph (e)(2) of this section, the fee schedule amount for items described in paragraphs (c)(1)(ii) and (c)(1)(iii) of this section is paid when the beneficiary rents portable oxygen equipment.

(3) The fee schedule amount for items described in paragraph (c)(1)(iv) of this section is paid when the beneficiary—

(i) Owns stationary oxygen equipment that requires delivery of gaseous or liquid oxygen contents; or

(ii) Rents stationary oxygen equipment that requires delivery of gaseous or liquid oxygen contents after the period of continuous use of 36 months described in paragraph (a)(1) of this section.

(4) The fee schedule amount for items described in paragraph (c)(1)(v) of this section is paid when the beneficiary—

(i) Owns portable oxygen equipment described in (c)(1)(ii) of this section;

(ii) Rents portable oxygen equipment described in paragraph (c)(1)(ii) of this section during the period of continuous use of 36 months described in paragraph (a)(1) of this section and does not rent stationary oxygen equipment; or

(iii) Rents portable oxygen equipment described in paragraph (c)(1)(ii) of this section after the period of continuous use of 36 months described in paragraph (a)(1) of this section.

(e) Volume adjustments. (1) The fee schedule amount for an item described in paragraph (c)(1)(i) of this section is adjusted as follows:

(i) If the attending physician prescribes an oxygen flow rate exceeding
four liters per minute, the fee schedule amount is increased by 50 percent, sub-
ject to the limit in paragraph (e)(2) of this section.

(ii) If the attending physician pre-
scribes an oxygen flow rate of less than 
one liter per minute, the fee schedule 
amount is decreased by 50 percent.

(2) If portable oxygen equipment is 
used and the prescribed oxygen flow 
rate exceeds four liters per minute, the 
total fee schedule amount recognized 
for payment is limited to the higher of—

(i) The sum of the monthly fee sched-
ule amount for the items described in 
paragraphs (c)(1)(i) and (c)(1)(ii) or 
(c)(1)(iii) of this section; or
(ii) The adjusted fee schedule amount 
described in paragraph (e)(1)(i) of this 
section.

(3) In establishing the volume adjust-
ment for those beneficiaries whose phy-
sicians prescribe varying flow rates, 
the following rules apply:

(i) If the prescribed flow rate is dif-
ferent for stationary oxygen equipment 
then for portable oxygen equipment, 
the flow rate for the stationary equip-
ment is used.
(ii) If the prescribed flow rate is dif-
ferent for the patient at rest than for 
the patient at exercise, the flow rate 
for the patient at rest is used.
(iii) If the prescribed flow rate is dif-
ferent for nighttime use and daytime 
use, the average of the two flow rates 
is used.

(f) Furnishing oxygen and oxygen 
equipment after the 36-month rental cap.
(1) The supplier that furnishes oxygen 
equipment for the 36th continuous 
month during which payment is made 
under this section must—

(i) Continue to furnish the oxygen 
contents necessary for the effective use 
of the liquid or gaseous equipment dur-
ing any period of medical need for the 
remainder of the reasonable useful life-
time established for the equipment in 
accordance with §414.210(f)(1); or
(ii) Arrange for furnishing the oxygen 
contents with another supplier if the 
beneficiary relocates to an area that is 
outside the normal service area of the 
supplier that initially furnished the 
equipment.

(g) Additional supplier requirements for 
rentals that begin on or after January 1, 
2007.
(1) The supplier that furnishes ox-
cygen equipment for the first month 
during which payment is made under 
this section must continue to furnish 
the equipment for the entire 36-month 
period of continuous use, unless med-
ical necessity ends or—

(i) The item becomes subject to a 
competitive acquisition program im-
plemented in accordance with section 
1847(a) of the Act;
(ii) The beneficiary relocates to an 
area that is outside the normal service 
area of the supplier that initially fur-
nished the equipment;
(iii) The beneficiary elects to obtain 
oxygen equipment from a different sup-
plier prior to the expiration of the 36-
month rental period; or
(iv) CMS or the carrier determines 
that an exception should apply in an 
individual case based on the cir-
cumstances.

(2) Oxygen equipment furnished 
under this section may not be replaced 
by the supplier prior to the expiration 
of the reasonable useful lifetime estab-
lished for the equipment in accordance 
with §414.210(f)(1) unless:

(i) The supplier replaces an item with 
the same, or equivalent, make and 
model of equipment because the item 
initially furnished was lost, stolen, ir-
reparably damaged, is being repaired, 
or no longer functions;
(ii) A physician orders different 
equipment for the beneficiary. If the 
order is based on medical necessity, 
then the order must indicate why the 
equipment initially furnished is no 
longer medically necessary and the
供应商必须在受益人的医疗记录中保留此订单。

(iii) 受益人选择获取较新技术的物品或升级的物品，并签署高级受益人通知单 (ABN); 或

(iv) CMS 或承运商确定更换设备是必要的。

(3) 在提供氧气设备之前，供应商必须向受益人披露其关于是否接受租赁期的全部月租金声明的意向。

供应商的意向可以用书面协议的形式在供应商和受益人之间表示。

[57 FR 57690, Dec. 7, 1992, as amended at 71 FR 65933, Nov. 9, 2006; 73 FR 69936, Nov. 19, 2008]

§ 414.228 支持性和矫形器械。

(a) 支付规则。对于矫形和矫形器械，支付是以 lump-sum 基础的。

(b) 费用列账金额。矫形和矫形器械的费用金额如下:

(1) 承运商确定的本地购买价格是平均合理费用，这是在 1986 年 7 月 1 日至 1987 年 6 月 30 日期间的本地支付给所有供应商的平均费用。

(2) 承运商确定的本地购买价格是针对前一年的本地购买价格，根据适用的百分比增加而调整。

(i) 1989 年和 1990 年，前一年的本地购买价格乘以 100%。


(iii) 1993 年和 1994 年，本地购买价格的 50% 加上地区平均购买价格的 50%。

(iv) 1995 年及以后年份，本地购买价格的 100%。

(3) CMS 确定的地区平均购买价格是所有供应商购买价格的平均值。

(4) CMS 确定的费用金额等于 100% 的购买价格，但受到以下限制:

(i) 1992 年，金额不得高于 125% 不得低于 85%。

(ii) 1993 年及以后年份，金额不得高于 120% 不得低于 90%。

(c) 支付穿透性鞋子。公共交通的支付规则适用于在穿透性鞋子中提供的鞋类，包括修改和插入部分。