Centers for Medicare & Medicaid Services, HHS

§ 413.237 Outliers.

(a) The following definitions apply to this section.

(1) **ESRD outlier services** are the following items and services that are included in the ESRD PFS bundle: (i) ESRD-related drugs and biologicals that were or would have been, prior to January 1, 2011, separately billable under Medicare Part B; (ii) ESRD-related laboratory tests that were or would have been, prior to January 1, 2011, separately billable under Medicare Part B; (iii) Medical/surgical supplies, including syringes, used to administer ESRD-related drugs that were or would have been, prior to January 1, 2011, separately billable under Medicare Part B; and (iv) Renal dialysis service drugs that were or would have been, prior to January 1, 2011, covered under Medicare Part D, excluding ESRD-related oral-only drugs effective January 1, 2014. (v) As of January 1, 2012, the laboratory tests that comprise the Automated Multi-Channel Chemistry panel are excluded from the definition of outlier services.

(2) **Adult predicted ESRD outlier services Medicare allowable payment (MAP) amount** means the predicted per-treatment case-mix adjusted amount for ESRD outlier services furnished to an adult beneficiary by an ESRD facility.

(3) **Pediatric predicted ESRD outlier services Medicare allowable payment (MAP) amount** means the predicted per-treatment case-mix adjusted amount for ESRD outlier services furnished to a pediatric beneficiary by an ESRD facility.

(4) **Adult fixed dollar loss amount** is the amount by which an ESRD facility’s imputed per-treatment MAP amount for furnishing ESRD outlier services to an adult beneficiary must exceed the adult predicted ESRD outlier services MAP amount to be eligible for an outlier payment.

(5) **Pediatric fixed dollar loss amount** is the amount by which an ESRD facility’s imputed per-treatment MAP amount for furnishing ESRD outlier services to a pediatric beneficiary must exceed the pediatric predicted ESRD outlier services MAP amount to be eligible for an outlier payment.

(6) **Outlier Percentage:** This term has the meaning set forth in §413.220(b)(4).

(b) **Eligibility for outlier payments—**(1) **Adult beneficiaries.** An ESRD facility will receive an outlier payment for a treatment furnished to an adult beneficiary if the ESRD facility’s per-treatment imputed MAP amount for ESRD