Centers for Medicare & Medicaid Services, HHS  

§ 440.20  Outpatient hospital services and rural health clinic services.  

(a) Outpatient hospital services means preventive, diagnostic, therapeutic, rehabilitative, or palliative services that—  

(1) Are furnished to outpatients;  

(2) Are furnished by or under the direction of a physician or dentist; and  

(3) Are furnished by an institution that—  

(i) Is licensed or formally approved as a hospital by an officially designated authority for State standard-setting; and  

(ii) Meets the requirements for participation in Medicare as a hospital; and  

(4) May be limited by a Medicaid agency in the following manner: A Medicaid agency may exclude from the definition of “outpatient hospital services” those types of items and services that are not generally furnished by hospital facilities in the State.  

(b) Rural health clinic services. If nurse practitioners or physician assistants (as defined in §481.1 of this chapter) are not prohibited by State law from furnishing primary health care, “rural health clinic services” means the following services when furnished by a rural health clinic that has been certified in accordance with part 491 of this chapter.  

(1) Services furnished by a physician within the scope of practice of his profession under State law, if the physician performs the services in the clinic or the services are furnished away from the clinic and the physician has an agreement with the clinic providing that he will be paid by it for such services.  

(2) Services furnished by a physician assistant, nurse practitioner, nurse midwife or other specialized nurse practitioner (as defined in §§405.2401 and 491.2 of this chapter) if the services are furnished in accordance with the requirements specified in §405.2414(a) of this chapter.  

(3) Services and supplies that are furnished as an incident to professional services furnished by a physician, physician assistant, nurse practitioner, nurse midwife, or specialized nurse practitioner. (See §§405.2413 and 405.2415 of this chapter for the criteria for determining whether services and supplies are included under this paragraph.)  

(4) Part-time or intermittent visiting nurse care and related medical supplies (other than drugs and biologicals) if:  

(i) The clinic is located in an area in which the Secretary has determined that there is a shortage of home health agencies (see §405.2417 of this chapter):  

(ii) The services are furnished by a registered nurse or licensed practical nurse or a licensed vocational nurse employed by, or otherwise compensated for the services by, the clinic;