

CHAPTER 2

DEFINITIONS

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CHAPTER 2  
DEFINITIONSA. GENERAL

In an effort to be as specific as possible as to the word and intent of CHAMPUS, the following definitions have been developed. While many of the definitions are general and some assign meaning to relatively common terms within the health insurance environment, others are applicable only to CHAMPUS; however, they **all** appear in this Regulation solely for the purpose of the **Program**. Except when otherwise specified, the definitions in this chapter apply generally throughout this Regulation.

B. SPECIFIC DEFINITIONS

Abortion. Abortion means the intentional termination of a pregnancy **by** artificial means done for a purpose other than that of producing a live birth. A spontaneous, missed or threatened abortion or termination of an ectopic (tubal) pregnancy are not included within the term "abortion" as used herein.

Absent Treatment. Services performed by Christian Science practitioners for a person when the person is not physically present. NOTE: Technically, "Absent Treatment" is an obsolete term. The current Christian Science terminology is "treatment through prayer and spiritual means," which is employed by an authorized Christian Science practitioner either with the beneficiary **being** present or absent. However, to be considered for coverage under CHAMPUS, the beneficiary must be present physically when a Christian Science service is rendered, regardless of the terminology used.

Abuse. For the purposes of this Regulation, abuse is defined as any practice that is inconsistent with accepted sound fiscal, business, or professional **practice** which results in a CHAMPUS claim, unnecessary cost, or CHAMPUS payment for services or supplies that are: (1) not within the concepts of medically necessary and appropriate care, as defined in this Regulation, or (2) that fail to meet professionally recognized standards for health care providers. The term "abuse" includes deception or misrepresentation **by** a provider, or any person or entity acting on behalf of a provider in relation to a CHAMPUS claim.

NOTE : Unless a specific action is deemed gross and flagrant, a pattern of inappropriate practice will normally **be** required to find that abuse has occurred. Also, any practice or action that constitutes fraud, as defined by this Regulation, would also be abuse.

Accidental Injury. Physical bodily injury resulting from an external force, **blow** or fall, or the ingestion of a foreign body or harmful substance, requiring immediate medical treatment. Accidental injury also includes animal and insect bites and sunstrokes. For the purpose of CHAMPUS, the breaking of a tooth or teeth does not constitute a physical bodily injury.

Active Duty. Full-time duty in the Uniformed Services of the United States. It includes duty on the active list, full-time training duty, annual training duty, and attendance while in the active Military Service, at a school designated as a Service school by law or by the Secretary of the Military Department concerned.

Active Duty Member. A person on active duty in a Uniformed Service under a call or order that does not specify a period of 30 days or" less.

Acupuncture. The practice of inserting needles into various body parts to pierce **specific** peripheral nerves for the production of counter-irritation to relieve the discomfort of pain, induce surgical anesthesia, or for other treatment purposes.

NOTE : Acupuncture is not covered by CHAMPUS.

Adequate Medical Documentation, Medical Treatment Records. Adequate medical documentation contains **sufficient** information to justify the diagnosis, the treatment **plan, and** the services and supplies furnished. Under CHAMPUS, it is required that adequate and sufficient clinical records be kept **by** the health care provider(s) to substantiate that specific care was actually and appropriately furnished, was medically necessary and appropriate (as defined by this Regulation), and to identify the individual(s) who provided the care. All procedures billed must be documented in the records. In determining whether medical records are adequate, the records will be reviewed under the generally acceptable standards such as the applicable Joint Commission on Accreditation of **Healthcare Organizations (JCAHO)** standards, the Peer Review Organization (PRO) standards (and the provider's state or local licensing requirement.s) and other requirements specified by this Regulation. In general, the documentation requirements for a professional provider are not less in the outpatient setting than the inpatient setting.

Adequate Medical Documentation, Mental Health Records. Adequate medical documentation provides the means for measuring the type, frequency, and duration of active treatment mechanisms employed and progress under the treatment plan. Under CHAMPUS, it is required that adequate and sufficient clinical records be kept by the provider to substantiate that specific care was actually and appropriately furnished, was medically or psychologically necessary (as defined by this Regulation), and to identify the individual(s) who provided the care. Each service provided or billed **must** be documented in the records. In determining whether medical records are adequate, the records will be reviewed under the generally acceptable standards (e.g., the applicable **JCAHO** standards and the provider's state **or** local licensing requirements) and other requirements specified by this Regulation. It must be noted that the psychiatric and psychological evaluations, physician orders, the treatment plan, integrated progress notes (and physician progress notes if separate from the integrated progress notes), and the discharge summary are the more critical elements of the **mental** health record. **However,** nursing and staff notes, no matter how complete, are not a substitute for the documentation of services by the individual professional provider who furnished treatment to the beneficiary. In general, the documentation requirements of a professional provider are not less in the outpatient setting than the inpatient setting. Furthermore, even though a hospital that provides psychiatric care may be accredited under the **JCAHO** manual for hospitals rather than the consolidated standards manual, the critical elements of the mental health record listed above are required for CHAMPUS claims.

Adjunctive Dental Care. Dental care that is medically necessary in the treatment of an otherwise covered medical (not dental) condition, is an integral part of the treatment of such medical condition, and is essential to the control of the primary medical condition; or, is required in preparation for or as the result of dental trauma which **may be** or is caused by medically necessary treatment of an injury or disease (**iatrogenic**).

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Admission. The formal acceptance **by** a CHAMPUS authorized institutional provider **of** a CHAMPUS beneficiary **for** the purpose of diagnosis and treatment of illness, injury, pregnancy, or mental disorder.

Adopted Child. A child taken into one's own family by legal process and treated as one's own child. In case of adoption, CHAMPUS **eligibility** begins as of **12:01** a.m. of the day of the final adoption decree. NOTE: There is no CHAMPUS benefit entitlement during any interim waiting period.

All-Inclusive Per Diem Rate. The **OCHAMPUS** determined rate that encompasses the **daily** charge for inpatient care and, unless specifically excepted, all other treatment determined necessary and rendered as part of the treatment plan established for a patient, and accepted by **OCHAMPUS**.

Allowable Charge. The CHAMPUS-determined level of payment to physicians, other individual professional providers and ether providers, based on one of the approved reimbursement methods set forth in Chapter 14 of this Regulation. Allowable charge also may be referred to as the CHAMPUS-determined reasonable charge.

Allowable Cost. The CHAMPUS-determined level of payment to hospitals or other institutions, based on one of the approved reimbursement methods set forth in Chapter 14 of this Regulation. Allowable cost may also be referred to as the CHAMPUS-determined reasonable cost.

Ambulance. A specially designed vehicle for transporting the sick or injured that contains a stretcher, linens, first aid supplies, oxygen equipment, and SUCH lifesaving equipment required by state and local law, and that **is** staffed by personnel trained to provide first aid treatment.

Amount in Dispute. The amount of money, determined under this Regulation, that CHAMPUS would pay for medical services and supplies involved in an adverse determination being appealed if the appeal were resolved in favor of the appealing party. See Chapter 10 for additional information concerning the determination of "amount in dispute" under this Regulation.

Anesthesia Services. The administration of an anesthetic agent by injection or **inhalation**, **the purpose** and effect of which is to produce surgical anesthesia characterized by muscular relaxation, loss of sensation, or loss of consciousness when administered by or under the direction of a physician or dentist in connection with otherwise covered surgery or obstetrical care, or shock therapy. Anesthesia services do not include hypnosis **or** acupuncture.

Appealable Issue. Disputed questions of fact which, if resolved in favor of the appealing party, would result in the authorization of CHAMPUS benefits, or approval as an authorized provider **in** accordance with this Regulation. An appealable issue does not exist if no facts are in dispute, if no CHAMPUS benefits would **be** payable, or if there is no authorized provider, regardless of the resolution of any disputed facts. See Chapter 10 for additional information concerning the determination of "appealable issue" under this Regulation.

Appealing Party. Any party to the initial determination who files an appeal of an adverse determination or requests a hearing under the provisions of this Regulation.

Appropriate Medical Care

1. Services performed in connection with the diagnosis or treatment of disease or injury, pregnancy, mental disorder, or well-baby care which are in keeping with the generally accepted norms for medical practice in the United States;

2. The authorized individual professional provider rendering the medical care is qualified to perform such medical services by reason of his or her training and education and is licensed or certified by the state where the service is rendered or appropriate national organization or otherwise meets CHAMPUS standards; and

3. The services are furnished economically. For purposes of this Regulation, "economically" means that the services are furnished in the least expensive level of care or medical environment adequate to provide the required medical care regardless of whether or not that level of care is covered by CHAMPUS.

Attending Physician. The physician who has the primary responsibility for the medical diagnosis and treatment of the patient. A consultant, an assistant-at-surgery or an anesthesiologist is not an attending physician. Under very extraordinary circumstances, because of the presence of complex, serious, and multiple, but unrelated, medical conditions, a patient may have more than one attending physician concurrently rendering medical treatment during a single period of time.

Authorized Provider. A hospital or institutional provider, physician, or other individual professional provider, or other provider of services or supplies specifically authorized to provide benefits under CHAMPUS in Chapter 6 of this Regulation.

Backup Hospital. A hospital which is otherwise eligible as a CHAMPUS institutional provider and which is fully capable of providing emergency care to a patient who develops complications beyond the scope of services of a given category of CHAMPUS authorized freestanding institutional provider and which is accessible from the site of the CHAMPUS authorized freestanding institutional provider within an average transport time acceptable for the types of medical emergencies usually associated with the type of care provided by the freestanding facility.

Basic Program. The primary medical benefits authorized under Chapter 55 of title 10, United States Code, and set forth in Chapter 4 of this Regulation.

Beneficiary. An individual who has been determined to be eligible for CHAMPUS benefits, as set forth in Chapter 3 of this Regulation.

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**Beneficiary Liability.** The legal obligation of a beneficiary, his or her estate, or responsible family member to pay for the costs of medical care or treatment received. Specifically, for the purposes of services and supplies covered by CHAMPUS, beneficiary liability **includes** any-annual deductible amount, cost-sharing amounts, or, when a provider does not submit a claim on a participating basis on behalf of the beneficiary, amounts above the **CHAMPUS-determined** allowable cost or charge. Beneficiary liability also includes any expenses for medical or related services and supplies not covered by CHAMPUS.

**Birthing Center-** A health care provider which meets the applicable requirements established by section B. of Chapter 6 of this Regulation.

**Birthing Room.** A room and environment designed and **equipped** to provide care, to accommodate support persons, and within which a woman with a low-risk, normal, full-term pregnancy can labor, deliver and recover with her infant.

**Brace.** An orthopedic appliance or apparatus (an **orthosis**) used to support, align, or hold parts of the body in correct position. For the purposes of CHAMPUS, it does not include orthodontic or other dental appliances.

**Capped Rate.** The maximum per diem or all-inclusive rate that CHAMPUS will allow for **care**.

**Certified Nurse Midwife.** An individual who meets the applicable requirements established by section C. of Chapter 6 of this Regulation.

**Certified Psychiatric Nurse Specialist-** A licensed, registered nurse who meets the criteria in **Chapter 6**, subparagraph **C.3.c.** (7).

**CHAMPUS DRG-Based Payment System.** A reimbursement system for hospitals which assigns prospectively-determined payment **levels** to each DRG based on the average cost of treating all CHAMPUS patients in a given DRG.

**CHAMPUS Fiscal Intermediary.** An organization with which the Director, **OCHAMPUS**, has entered into a contract for the adjudication and processing of CHAMPUS claims and the performance of related support activities.

**CHAMPUS Health Benefits Advisors (HBAs).** Those individuals located at Uniformed Services medical facilities (on occasion at other locations) and assigned the responsibility for providing CHAMPUS information, information concerning availability of care from the Uniformed Services direct medical care system, **and** generally assisting beneficiaries (or sponsors). The term also includes "Health Benefits Counselor" and "CHAMPUS Advisor. "

**Chemotherapy.** The administration of approved **antineoplastic** drugs for the treatment of malignancies (cancer) via perfusion, infusion, or **parenteral** methods of administration.

**Child.** An unmarried legitimate child, adopted child, stepchild, or illegitimate child, who otherwise meets the requirements (including age requirements) set forth in paragraph B.2.d. of Chapter 3 of this Regulation.

Chiropractor. A practitioner of chiropractic (also called **chiropraxis**); essentially a system of therapeutics based upon the claim that disease is caused by abnormal function of the nerve system. It attempts to restore normal function of the nerve system by manipulation and treatment of the structures of the human body, especially those of the spinal column.

NOTE : Services of chiropractors are not covered by CHAMPUS.

Christian Science Nurse. An individual who has been accredited as a **Christian** Science Nurse by the Department of Care of the First Church of Christ, Scientist, Boston, Massachusetts, and listed (or eligible to be listed) in the Christian Science Journal at the time the service is provided. The duties of Christian Science nurses are spiritual and are **nonmedical** and nontechnical nursing care performed under the direction of an accredited Christian Science practitioner. There exist two **levels** of Christian Science nurse accreditation:

1. Graduate Christian Science Nurse. This **accreditation** is granted by the Department of Care of the First Church of Christ, Scientist, Boston, Massachusetts, after completion of a 3-year course of instruction and study.

2. Practical Christian Science Nurse. This accreditation is granted by the Department of Care of the **First** Church of Christ, Scientist, Boston, Massachusetts, after completion of a 1-year course of instruction and study.

Christian Science Practitioner. An individual who has been accredited as a Christian Science Practitioner for the First Church of Christ, Scientist, Boston, Massachusetts, and listed (or eligible to be listed) in the Christian Science Journal at the time the service is provided. An individual who attains this accreditation has demonstrated results of his or her healing through faith and prayer rather than by medical treatment. Instruction is executed by an accredited Christian Science teacher and is continuous.

Christian Science Sanatorium. A sanatorium either operated by the **First Church** of Christ, Scientist, or listed and certified by the First Church of Christ, Scientist, Boston, Massachusetts.

Chronic Medical Condition. A medical condition that is not curable, but which is under control through active medical treatment. **Such** chronic conditions may have periodic acute episodes and may require intermittent inpatient hospital care. However, a chronic medical condition can be controlled sufficiently to permit generally continuation of some activities of persons who are not ill (such as work and school).

Chronic Renal Disease (CRD). The end stage of renal disease which requires a continuing course of **dialysis** or a **kidney** transplantation to ameliorate uremic symptoms and maintain life.

Clinical Psychologist. A psychologist, certified or licensed at the independent practice **level** in his or her state, who meets the criteria in Chapter 6, subparagraph C.3.c. (1).

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Clinical Social Worker. An individual who is licensed or "certified as a clinical social worker and meets the criteria **listed** in Chapter 6.

Collateral Visits. Sessions with the patient's **family** or significant others **for** purposes of information gathering or implementing treatment goals.

Combined Daily Charge. A "billing- procedure by an inpatient facility that uses an inclusive flat rate covering all professional and ancillary charges without any itemization.

Complications of Pregnancy. One of the following, when commencing or **exacerbating** during the term of the pregnancy:

1. Caesarean delivery; **hysterotomy**.
2. Pregnancy terminating before expiration of 26 weeks, except a voluntary abortion.
3. False **labor** or threatened miscarriage.
4. Nephritis or **pyelitis** of pregnancy.
5. Hyperemesis **gravidarum**.
6. Toxemia.
7. Aggravation of a heart condition or diabetes.
8. Premature rupture of **membrane**.
9. Ectopic pregnancy.
10. Hemorrhage.
11. Other conditions as may be determined by the Director, **OCHAMPUS**, or a designee.

Confinement. That period of time from the day of **admission** to a hospital or other institutional provider, to the day of discharge, transfer, or separation from the facility, or death. Successive admissions also may qualify as one confinement provided not more than **60** days have elapsed between the **successive** admissions, except that successive admissions related to a single maternity episode shall be considered one confinement, regardless of the number of days between admissions.

Conflict of Interest. Includes any situation where an active duty member (including a reserve member while on active duty) or civilian employee of the United States Government, through an official federal position, has the apparent or actual opportunity to exert, directly or indirectly, any influence on the referral of CHAMPUS beneficiaries to himself or herself or others with some potential for personal gain or appearance of impropriety. For purposes of this Regulation, individuals under contract to a Uniformed Service may be involved in a conflict of interest situation through the contract position.

Congenital Anomaly. A condition existing at or from birth that is a significant deviation from the common form or norm and is other than a common racial or ethnic feature. For purposes of CHAMPUS, congenital anomalies do **not** include anomalies relating to **teeth** (including malocclusion or missing tooth buds) or structures supporting the teeth, or to any form of **hermaphroditism** or sex gender confusion. Examples of congenital anomalies are harelip, birthmarks, webbed fingers or toes, **or** such other conditions that the Director, **OCHAMPUS**, or a designee, may determine to be congenital anomalies.

NOTE : **Also** refer to subsection E.7. of Chapter 4 of this Regulation.

Consultation. A deliberation with a specialist physician or dentist requested by the attending physician primarily responsible for the medical care of the patient, with respect to the diagnosis or treatment in any particular case. A consulting physician or dentist may perform a limited examination of a given system or one requiring a complete diagnostic history and examination. To qualify as a consultation, a written report to the attending physician of the findings of the consultant is required.

NOTE : Staff consultations **required** by rules and regulations of the medical staff of a hospital or other institutional provider do not qualify as consultation.

Consulting Physician or Dentist. A physician or dentist, other than the attending physician, who performs a consultation.

Conviction. For purposes of this Regulation, "conviction" or "convicted" means that (1) a judgment of conviction has been entered, **or** (2) there has been a finding of guilt by the trier of fact, **or** (3) a plea of guilty or a plea of nolo contendere has **been** accepted by a court of competent jurisdiction, regardless of whether an appeal is pending.

Coordination of Benefits. The **coordination**, on a primary or secondary payer basis, of the payment of benefits between two or more health care coverages to avoid duplication of benefit payments.

Cosmetic, Reconstructive, or plastic Surgery. Surgery that can be expected primarily to improve the physical appearance of a beneficiary, or that is performed primarily for psychological purposes, or that restores form, but does not correct or improve materially a **bodily** function.

Cost-Share. The amount of money for **which** the beneficiary (**or** sponsor) is responsible in connection with otherwise covered inpatient and outpatient services (other than the annual fiscal year deductible or disallowed amounts) as set forth in section F. of Chapter 4, and section B. of Chapter 5 of this Regulation. Cost-sharing may also be referred to as "co-payment."

Custodial Care. Care rendered to a patient (1) who is disabled mentally or physically and such disability is expected to continue and be prolonged, and (2) who requires a protected, monitored, or controlled environment whether in an institution or in the home, and (3) who requires assistance to support the essentials of daily living, and (4) who is not under active and

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specific medical, surgical, or psychiatric treatment that will reduce the disability to the extent necessary to enable the patient to function outside the protected, monitored, or controlled environment. A custodial care determination is not precluded by the fact that a patient is under the care of a supervising or attending physician and that services are being ordered and prescribed to support and generally maintain the patient's condition, or provide for the patient's comfort, or ensure the manageability of the patient. Further, a custodial care determination is not precluded because the ordered and prescribed services and supplies are being provided by an R.N., L.P.N., or L.V.N.

NOTE : The determination of custodial care in no way implies that the care being rendered is not required by the patient: it only means that it is the kind of care that is not covered under CHAMPUS. A program of physical and mental rehabilitation which is designed to reduce a disability is not custodial care as long as the objective of the program is a reduced level of care.

Day or Night Care. A program of services for the diagnosis, care, and treatment of persons with psychiatric disorders that provides a planned medical therapeutic program for patients who do not require full-time hospitalization but who need broader programs than are possible through outpatient visits. Patients may participate in such programs on a day or night basis but not both programs (to do so would constitute inpatient psychiatric hospitalization). Such programs must vest patient care under the supervision of a professional staff of licensed physicians. Such programs also must be operated under the auspices, either by contract or direct administration, of a hospital accredited by the Joint Commission on Accreditation of Healthcare Organizations (JCAHO) or a community mental health center.

NOTE : The term "Day or Night Center" is frequently used inappropriately to connote a single free-standing facility. This term is synonymous with the term "Partial Hospitalization."

Days. Calendar days.

Deceased Service Member. A person who, at the time of his or her death, was an active duty member of a Uniformed Service under a call or order that did not specify a period of 30 days or less; or a retiree of a Uniformed Service.

Deductible. Payment by a beneficiary of the first \$50 of the CHAMPUS-determined allowable costs or charges for otherwise covered outpatient services or supplies provided in any one fiscal year; or for a family, the aggregate payment by two or more beneficiaries who submit claims of the first \$100.

Deductible Certificate. A statement issued to the beneficiary (or sponsor) by a CHAMPUS fiscal intermediary certifying to deductible amounts satisfied by a CHAMPUS beneficiary for any applicable fiscal year.

Defense Enrollment Eligibility Reporting System (DEERS). The automated system that is composed of two phases:

1. Enrolling all active duty **and** retired service members, their dependents, and the dependents of deceased service members, and

2. Verifying their eligibility for health care benefits in the direct care facilities and through CHAMPUS.

Dental Care. Services relating to the teeth and their supporting structures.

Dentist. Doctor of Dental Medicine (D.M.D.) or Doctor of Dental Surgery (D.D.S. ) who is licensed to practice dentistry by an appropriate authority.

Dependent. A person who bears any of the following relationships to an active duty member (under a call or order that does not specify a period of 30 days or less), retiree, or deceased active duty member or retiree, of a Uniformed Service, that is, lawful spouse, former spouse (in certain circumstances), unremarried widow or widower, or child; or a spouse and child of an active duty member of the armed forces of foreign North Atlantic Treaty Organization (NATO) nations (refer to section B. in Chapter 3 of this Regulation).

Deserter or Desertion Status. A service member is a deserter, or in a desertion status, when the Uniformed Service concerned has made an administrative determination to that effect, or the member's period of unauthorized absence has resulted in a court-martial conviction of desertion. Administrative declarations of desertion normally are made when a member has been an unauthorized absentee for over 30 days, but particular circumstances may result in an earlier declaration. Entitlement to CHAMPUS benefits ceases as of 12:01 a.m. on the day following the day the desertion status is declared. Benefits are not to be authorized for treatment received during a period of unauthorized absence that results in a court-martial conviction for desertion. Dependent eligibility for benefits is reestablished when a deserter" is returned to military control and continues, even though the member may be in confinement, until any discharge is executed. When a deserter status is later found to have been determined erroneously, the status of deserter is considered never to have existed, and the member's dependents will have been eligible continuously for benefits under CHAMPUS.

Diagnosis-Related Groups (DRGs). Diagnosis-related groups (DRGs) are a method of dividing hospital patients into clinically coherent groups based on the consumption of resources. Patients are assigned to the groups based on their principal diagnosis (the reason for admission, determined after study), secondary diagnoses, procedures performed, and the patient's age, sex, and discharge status.

Diagnostic Admission. An admission to a hospital or other authorized institutional provider, or an extension of a stay in such a facility, primarily for the purpose of performing diagnostic tests, examinations, and procedures.

Doctor of Dental Medicine (D.M.D. ). A person who has received a degree in dentistry, that is, that department of the healing arts which is concerned with the teeth, oral cavity, and associated structures.

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Doctor of Medicine (M.D.). A person who has graduated from a college of **allopathic** medicine and who is entitled legally to use the designation M.D.

Doctor of Osteopathy (D.O.). A practitioner of osteopathy, that is, a system of therapy based on the theory that the body is capable of making its own remedies against disease and other toxic conditions when it is in normal structural relationship and has favorable environmental conditions and adequate nutrition. It utilizes generally accepted physical, medicinal, and surgical methods of diagnosis and therapy, while placing chief emphasis on the importance of normal body mechanics and manipulative methods of detecting and correcting faulty structure.

Domiciliary Care. Inpatient institutional care provided the beneficiary not because it is medically necessary, but because the care in the home setting is not available, is unsuitable, or members of the patient's family are unwilling to provide the care. Institutionalization because of abandonment constitutes domiciliary care.

NOTE: The terms "domiciliary" and "custodial care" represent separate concepts and are not interchangeable. Domiciliary care is not covered under either the CHAMPUS Basic Program or the Program for the Handicapped (PFTH).

Donor. An individual who supplies living tissue or material to be used in another body, such as a person who furnishes a kidney for renal transplant.

Double Coverage. When a CHAMPUS beneficiary also is enrolled in another insurance, medical service, or health plan that duplicates all or part of a beneficiary's CHAMPUS benefits.

Double Coverage Plan. The specific insurance, medical service, or health plan under which a CHAMPUS beneficiary has entitlement to medical benefits that duplicate CHAMPUS benefits in whole or in part. Double coverage plans do not include:

1. Medicaid.
2. Coverage specifically designed to supplement CHAMPUS benefits.
3. Entitlement to receive care from the Uniformed Services medical facilities; or
4. Entitlement to receive care from Veterans Administration medical care facilities.

Dual Compensation. Federal Law (5 U.S.C. 5536) prohibits active duty members or civilian employees of the United States Government from receiving additional compensation from the government above their normal pay and allowances. This prohibition applies to CHAMPUS cost-sharing of medical care provided by active duty members or civilian government employees to CHAMPUS beneficiaries.

Durable Medical Equipment. Equipment for which the allowable charge is over \$100 and which:

1. Is medically necessary for the treatment of a covered illness or injury;
2. Improves the function of a malformed, diseased, or injured body part, or retards further deterioration of a patient's physical condition;
3. Is used primarily **and** customarily to serve a medical purpose rather than primarily for transportation, comfort, or convenience;
4. Can withstand repeated use;
5. Provides **the medically** appropriate level of performance and quality for the medical condition present (that is, nonluxury and **nondeluxe**) ;
6. Is other than spectacles, eyeglasses, contact lenses, or other optical devices, hearing aids, or other communication devices; and
7. Is other than exercise equipment, spas, whirlpools, hot tubs, swimming pools or other such items.

Emergency Inpatient Admission. An unscheduled, unexpected, medically necessary admission to a hospital or other authorized institutional provider for treatment of a medical condition meeting the definition of medical emergency and which is determined to require immediate inpatient treatment by the attending physician.

Entity. For purposes of Chapter 9.F.1., "entity" includes a corporation, trust, partnership, **sole** proprietorship or other kind of business enterprise that is or may be eligible to receive reimbursement either directly or indirectly from CHAMPUS.

Essentials of Daily Living. Care that consists of providing food (including special diets), clothing, and shelter; personal hygiene services; observation and general monitoring; **bowel** training or management; safety precautions; general preventive procedures (such as turning to prevent bedsores); passive exercise; companionship; recreation; transportation; and such other elements of personal care that reasonably can be performed by an untrained **adult** with minimal" instruction or supervision.

Experimental. Medical care that essentially is investigatory or an unproven procedure or treatment regimen (usually performed under controlled **medicolegal** conditions) that does not meet the generally accepted standards of usual professional medical practice in the general medical community. The conduct of biomedical or behavioral research involving human subjects at risk to physical, psychological, or social injury is experimental medicine. For the purposes of CHAMPUS, any medical services or supplies provided under a scientific research grant, either public or private, are classified as "experimental. " (Financial grants-in-aid to an individual beneficiary are not considered grants for this purpose. ) Use of drugs and medicines and devices not approved by the Food and Drug Administration for general use by humans (even though approved for **testing** on human beings) also is considered experimental . However, if a drug or medicine is listed in the U.S. Pharmacopoeia or the National Formulary and requires a prescription, it is not

considered experimental even if it is under investigation by **the** U.S. Food and Drug Administration as to its effectiveness. NOTE : In areas outside the United States, standards comparable to those of the U.S. Food and Drug Administration is the CHAMPUS **objective**.

External Partnership Agreement. The external partnership agreement is an agreement between a **military** treatment facility commander and a CHAMPUS authorized institutional provider, enabling Uniformed Services health care personnel to provide **otherwise** covered medical care to CHAMPUS beneficiaries in a civilian facility under the Military-Civilian Health Services Partnership Program. Authorized costs associated with the use of the facility will **be** financed through CHAMPUS under normal cost-sharing and reimbursement procedures currently applicable under the basic CHAMPUS.

Extramedical Individual Providers of Care. Individuals who do counseling or **nonmedical** therapy and whose training and therapeutic concepts are outside the medical field, as specified in Chapter 6 of this Regulation.

Fraud. For purposes of this Regulation, fraud is defined as 1) a deception or misrepresentation by a provider, beneficiary, sponsor, **or** any person acting on behalf of a provider, sponsor, or beneficiary with the knowledge (or who had reason to know or should have known) that the deception or misrepresentation could result in some unauthorized CHAMPUS benefit to self or some other person, or some unauthorized CHAMPUS payment., or 2) a claim that is false or fictitious, or includes or is supported **by** any written statement which asserts a material fact which is false or fictitious, or includes or is supported **by** any written statement that (a) omits a material fact and (b) is false or fictitious as a result of such omission and (c) is a statement in which the person making, presenting, or submitting such statement has a duty to include such material fact. It is presumed that, if a deception or misrepresentation is established and a CHAMPUS claim is filed, **the** person responsible for the claim had the requisite knowledge. This presumption is rebuttable only by substantial evidence. It is further presumed that the provider of the services is responsible for the actions of all individuals who file a claim on behalf of the provider (for example, billing clerks); this presumption may only be rebutted by clear and convincing evidence.

Freestanding. Not "institution-affiliated" or "institution-based. "

Former-use. A former husband or wife of a Uniformed Service member or former member who meets the criteria as set forth in paragraph B.2.b. of Chapter 3 of this Regulation.

Full-Time Course of Higher Education. A complete, progressive series of **studies** to develop attributes such as knowledge, skill, mind, and character, by formal schooling at a college or university, and which meets the criteria set out in Chapter 3 of this Regulation. To qualify as full-time, the student must be carrying a course load of a minimum of 12 credit hours or equivalent each semester.

General Staff Nursing Service. All nursing care (other than that provided by private duty nurses) including, but not limited to, general duty

nursing, emergency room nursing, recovery room nursing, intensive nursing care, and group nursing arrangements performed by nursing personnel on the payroll of . . . . the hospital or other authorized institution.

Good Faith Payments. Those payments made to civilian sources of medical care who provided medical care to persons purporting to be eligible beneficiaries but who are determined later to be ineligible for CHAMPUS benefits. (The ineligible person usually possesses an erroneous or illegal identification card.) To be considered for good faith payments, the civilian source of care must have exercised reasonable precautions in identifying a person claiming to be an eligible beneficiary.

High-risk pregnancy. A pregnancy is high-risk when the presence of a currently active or previously treated medical, anatomical, physiological illness or condition may create or increase the likelihood of a detrimental effect on the mother, fetus, or newborn and presents a reasonable possibility of the development of complications during labor or delivery.

Hospital, Acute Care (General and Special). An institution that meets the criteria as set forth in paragraph B.4.a. of Chapter 6 of this Regulation.

Hospital, Long-Term (Tuberculosis, Chronic Care, or Rehabilitation). An institution that meets the criteria as set forth in paragraph B.4. of Chapter 6 of this Regulation.

Hospital, Psychiatric. An institution that meets the criteria as set forth in paragraph B.4. of Chapter 6 of this Regulation.

Illegitimate Child. A child not recognized as a lawful offspring; that is, a child born of parents not married to each other.

Immediate Family. The spouse, " natural. parent, child and sibling, adopted child and adoptive parent, stepparent, stepchild, grandparent, grandchild, stepbrother and stepsister, father-in-law, mother-in-law of the beneficiary, or provider, as appropriate. For purposes of this definition only, to determine who may render services to a beneficiary, the step-relationship continues to exist even if the marriage upon which the relationship is based terminates through divorce or death of one of the parents.

Independent Laboratory. A freestanding laboratory approved for participation under Medicare and certified by the Health Care Financing Administration.

Infirmaries. Facilities operated by student health departments of colleges and universities to provide inpatient or outpatient care to enrolled students. When specifically approved by the Director, OCHAMPUS, or a designee, a boarding school infirmary also is included.

Initial Determination. A formal" written decision on a CHAMPUS claim, a request for benefit authorization, a request by a provider for approval as an authorized CHAMPUS provider, or a decision disqualifying or excluding a provider as an authorized provider under CHAMPUS. Rejection of a claim or a

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request for benefit or provider authorization for failure to comply with administrative requirements, including failure to submit reasonably requested information, is not an initial determination. Responses to general or specific inquiries regarding CHAMPUS benefits are not initial determinations.

In-Out Surgery. Surgery performed in the outpatient department of a hospital or other institutional provider, in a physician's office or the office of another individual professional provider, in a clinic, or in a "freestanding" ambulatory surgical center which does not involve a formal inpatient admission for a period of 24 hours or more.

Inpatient. A patient who has been admitted to a hospital or other authorized institution for bed occupancy for purposes of receiving necessary medical care, with the reasonable expectation that the patient will remain in the institution at least 24 hours, and with the registration and assignment of an inpatient number or designation. Institutional care in connection with in and out (ambulatory) surgery is not included within the meaning of inpatient whether or not an inpatient number or designation is made by the hospital or other institution. If the patient has been received at the hospital, but death occurs before the actual admission occurs, an inpatient admission exists as if the patient had lived and had been formally admitted.

Institution-Affiliated. Related to a CHAMPUS authorized institutional provider through a shared governing body but operating under a separate and distinct license or accreditation.

Institution-Based. Related to a CHAMPUS authorized institutional provider through a shared governing body and operating under a common license and shared accreditation.

Institutional Provider. A health care provider which meets the applicable requirements established by section B. of Chapter 6 of this Regulation.

Intensive Care Unit (ICU). A special segregated unit of a hospital in which patients are concentrated by reason of serious illness, usually without regard to diagnosis. Special lifesaving techniques and equipment regularly and immediately are available within the unit, and patients are under continuous observation by a nursing staff specially trained and selected for the care of this type patient. The unit is maintained on a continuing rather than an intermittent or temporary basis. It is not a postoperative recovery room nor a postanesthesia room. In some large or highly specialized hospitals, the ICUs may be further refined for special purposes, such as for respiratory conditions, cardiac surgery, coronary care, burn care, or neurosurgery. For the purposes of CHAMPUS, these specialized units would be considered ICUs if they otherwise conformed to the definition of an ICU.

Intern. A graduate of a medical or dental school serving in a hospital in preparation to being licensed to practice medicine or dentistry.

Internal Partnership Agreement. The internal partnership agreement is an agreement between a military treatment facility commander and a CHAMPUS authorized civilianhealthcare provider which enables the use of civilian

health care personnel or other resources to provide medical care to CHAMPUS beneficiaries on the premises of a military treatment facility under the Military-Civilian Health Services Partnership Program. These internal agreements may be established when a **military** treatment facility is unable to provide sufficient health care services for CHAMPUS beneficiaries due to shortages of personnel and other required resources.

Item, Service, or Supply. Includes (1) any item, device, medical supply, or service claimed to have been provided to a beneficiary (patient) and listed in an itemized claim for CHAMPUS payment or a request for payment, or (2) in the case of a claim based on costs, any entry or omission in a cost report, books of account, or other documents supporting the claim.

Laboratory and Pathological Services. Laboratory and pathological examinations (including **machine diagnostic** tests that produce hard-copy results) when necessary to, and rendered in connection with medical, obstetrical, or surgical diagnosis or treatment of an illness or injury, or in connection with well-baby care.

Legitimized Child. A formerly illegitimate child who is considered legitimate by reason of qualifying actions recognized in law.

Licensed Practical Nurse (L.P.N. ). A person who is prepared specially in the scientific basis of nursing; who is a graduate of a **school** of practical nursing; whose qualifications have been examined by a state board of nursing; and who has been authorized legally to practice as an **L.P.N.** under the supervision of a physician.

Licensed Vocational Nurse (L.V.N.). A person who specifically is prepared in the scientific basis of nursing; who is a graduate of a school of vocational nursing; whose qualifications have been examined by a state board of nursing; and who has been authorized legally to practice as a **L.V.N.** under the supervision of a physician.

Long-Term Hospital Care. Any inpatient hospital stay that exceeds 30 days.

Low-Risk Pregnancy. A pregnancy is low-risk when the basis for the ongoing clinical expectation of a normal uncomplicated birth, as defined by **reasonable** and generally accepted criteria of maternal and fetal health, is documented throughout a generally accepted course of prenatal care.

Management Plan. A detailed description of the medical history of and proposed therapy for a CHAMPUS beneficiary seeking benefits under the PFTH as set forth in Chapter 5 of this Regulation. A management plan must include, at a minimum, a diagnosis (either in the International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM) or the Diagnostic and Statistical Manual of Mental Disorders, Third Edition (DSM-III)); detailed reports of prior treatment. family history, social history, history of handicapping condition, and physical examination; diagnostic test results; consultants (if any) reports; proposed therapeutic approach and modality (including anticipated length of time the proposed modality will be

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required); prognosis; problem list; and all inclusive current or anticipated monthly charges related to the proposed management plan. If the management plan involves the transfer of a beneficiary from a hospital or another inpatient facility, medical records r-elated to that inpatient stay also are required as a part of the management plan documentation.

Marriage and Family Counselor or-Pastoral Counselor. A person who has completed a recognized graduate professional education with the minimum of an earned master's degree from an accredited educational institution in an appropriate behavioral science field or mental health discipline and meets the experience requirements set forth in Chapter 6 of this Regulation.

Maternity Care. Care and treatment related to conception, delivery, and abortion, including prenatal and postnatal care (generally through the 6th post-delivery **week**), and also including treatment of the complications of pregnancy.

Medicaid. Those medical benefits authorized under Title XIX of the Social Security Act (reference (h)) provided to welfare recipients and the medically indigent through programs administered by the various states.

Medical. The generally used term which pertains to the diagnosis and treatment of illness, injury, pregnancy, and mental disorders by trained and licensed or certified health professionals. For purposes of CHAMPUS, the term "medical" should be understood to include "medical, psychological, surgical, and obstetrical, " unless it is specifically stated that a more restrictive meaning is intended.

Medical Emergency. The sudden and unexpected onset of a medical condition or the acute exacerbation of a chronic condition that is threatening to life, limb, or sight, and requires immediate medical treatment or which manifests painful **symptomatology** requiring immediate palliative. efforts to alleviate suffering. Medical emergencies include heart attacks, cardiovascular accidents, poisoning, convulsions, kidney stones, and such other acute medical conditions as may be determined to be medical emergencies by the Director, **OCHAMPUS**, or a designee. In the case of a pregnancy, a medical emergency must involve a sudden and unexpected medical complication that puts the mother, the baby, or both, at risk. Pain **would not**, however, qualify a maternity case as an emergency, nor would incipient birth after the 34th week of gestation, unless an otherwise qualifying medical condition is present. Examples of medical emergencies related to pregnancy or delivery are hemorrhage, ruptured membrane with prolapsed cord, placenta **previa**, abruptio placenta, presence of shock or unconsciousness, suspected heart attack or stroke, or trauma (such as injuries received in an automobile accident).

Medically or Psychologically Necessary. The frequency, extent, and types of medical services or supplies which represent appropriate medical care and that are generally accepted by qualified professionals to be reasonable and adequate for the diagnosis and treatment of illness. injury, pregnancy, and mental disorders or that are reasonable and adequate for well-baby care.

Medical Supplies and Dressings (Consumables). Necessary medical or surgical supplies (exclusive of durable medical equipment) that do not withstand prolonged, repeated use and that are needed for the proper medical management of a condition for which **benefits** are otherwise authorized under CHAMPUS, on either an **inpatient** or outpatient basis. Examples include disposable syringes for a diabetic, colostomy sets, irrigation sets, and ace bandages,

Medicare. Those medical benefits authorized under Title XVIII of the **Social Security Act** (reference (h)) provided to persons 65 or older, certain disabled persons, or persons with chronic renal disease, through a national program administered by the DHHS, Health Care Financing Administration, Medicare Bureau.

Mental Disorder. For purposes of the payment of CHAMPUS benefits, a mental disorder is a nervous or mental condition that involves a clinically significant behavioral or psychological syndrome or pattern that is associated with a painful symptom, such as distress, and that impairs a patient's ability to function in one or more major life activities. Additionally, the mental disorder must **be** one of those conditions listed in the **DSM-III**.

Mental Health Counselor. An individual who meets the requirements established by paragraph **C.3.d.** of chapter 6 of this Regulation.

Mental Health Therapeutic Absence. A therapeutically planned absence from "the inpatient setting. The patient is **not** discharged from the facility and may be away for periods of several hours to several days. The purpose of the therapeutic absence is to give the patient an opportunity to test his or her ability to function outside the inpatient setting before the actual **discharge**.

Mental Retardation. Subnormal general intellectual functioning associated with impairment of either learning and social adjustment or maturation, or both. The diagnostic classification of moderate and severe mental retardation relates to intelligence quotient (IQ) as follows:

1. Moderate. Moderate mental retardation IQ 36-51.
2. Severe. Severe mental retardation IQ 35 and under.

Missing in Action (MIA). A battle casualty whose whereabouts and status are unknown, provided the absence appears to be involuntary and the service member is not known to be in a status of unauthorized absence. NOTE: Claims for eligible CHAMPUS beneficiaries whose sponsor is classified as MIA are processed as dependents of an active duty service member.

Morbid Obesity. The body weight is 100 pounds over ideal weight for height and bone structure, according to the most current Metropolitan Life Table, and such weight is in association with severe medical conditions known to have higher mortality rates in association with morbid obesity; or, the

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body weight is 200 percent **or** more of the ideal weight for height and bone structure according to the most current Metropolitan Life **Table**. The associated medical conditions are diabetes **mellitus**, hypertension, **cholecystitis**, narcolepsy, **pickwickian** syndrome (and other severe respiratory diseases), hypothalamic disorders, and severe arthritis **of** the weight-bearing joints .

Most-Favored Rate. The lowest usual charge to any individual **or** **third-party** payer in effect on the date of the admission of a CHAMPUS beneficiary.

Natural Childbirth. Childbirth without the use of chemical induction or augmentation of labor or surgical procedures other than episiotomy or perineal repair.

Naturopath. A person who practices naturopathy, that is, a **drugless** system of therapy. making use of physical forces such as air, **light**, water, heat, and massage. NOTE : Services of a naturopath are not covered **by** CHAMPUS.

Nonavailability Statement. A certification by a commander (or a designee) of a Uniformed Services medical treatment facility recorded on **DD** Form 1251, generally for the reason that the needed medical care being requested by a CHAMPUS beneficiary cannot be provided at the facility concerned because the necessary resources are not available.

Nonparticipating Provider. A hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or **other** authorized provider that furnished medical services or supplies to a CHAMPUS beneficiary, but who did not agree on the CHAMPUS claim form to participate or to accept the CHAMPUS-determined allowable cost or charge as the total charge for the services. A nonparticipating provider looks to the beneficiary or sponsor for payment of his or her charge, not CHAMPUS. In such cases, CHAMPUS pays the beneficiary or sponsor, not the provider.

North Atlantic Treaty Organization (NATO) Member. A military member of an armed force of a foreign NATO nation who is on active duty and who, in connection with official duties, is stationed in or passing through the United States. The foreign NATO nations are Belgium, Canada, Denmark, France, Federal Republic of Germany, Greece, Iceland, Italy, Luxemburg, the Netherlands, Norway, Portugal, Spain, Turkey, and the United Kingdom.

Official Formularies. A book of official standards for certain pharmaceuticals and preparations that are not included in the U.S. Pharmacopoeia.

Optometrist (Doctor of Optometry). A person trained and licensed to examine and test the eyes and to treat visual defects by prescribing and adapting corrective lenses and **other** optical aids, and by establishing programs of exercises.

Oral Surgeon (D.D.S. or D.M.D.). A person who has received a degree in dentistry and who limits his or her practice to oral surgery, that is, that branch of the healing arts that deals with the diagnosis and the surgical correction and adjunctive **treatment of** diseases, injuries, and defects of the mouth, the jaws, and associated structures.

Orthopedic Shoes. Shoes prescribed by an orthopedic surgeon to effect changes in foot or feet position **and** alignment and which **are** not an integral part of a brace.

Other Allied Health Professionals. Individual professional providers other than—physicians, dentists, or **extramedical** individual providers, as specified in Chapter 6 of this Regulation.

Other Specialized Treatment Facilities (STFs). Certain specialized medical treatment facilities, either inpatient or outpatient, other than those specifically defined, that provide courses of treatment prescribed by a doctor of medicine or osteopathy; when the patient is under the supervision of a doctor of medicine or osteopathy during the entire course of the inpatient admission or the outpatient treatment; when the type and level of care and services rendered **by** the institution are otherwise authorized in this Regulation; when the facility meets **all** licensing or other certification requirements that are extant in the jurisdiction in which the facility is located geographically; which is accredited **by** the Joint Commission on Accreditation if an appropriate accreditation program for the given type of facility is available; and which is not a nursing home, intermediate facility, halfway house, home for the aged, or other institution of similar purpose.

Outpatient. A patient who has **not** been admitted to a hospital or other authorized institution as an inpatient.

Ownership or Control Interest. For purposes of Chapter 9.F.1., a "person with an ownership or control interest" is anyone who

1. Has directly or indirectly a 5 percent or more ownership interest in the entity; or
2. Is the owner of a whole or part interest in any mortgage, deed of trust, note, **or** other obligation secured (in whole or in part) by the entity or any of the property or assets thereof, which **whole** or part interest is equal **to** or exceeds 5 percent of the total property and assets of the entity; or
3. Is an officer or director of the entity if the entity is organized as a corporation; or
4. Is a partner in the entity if the entity is organized as a partnership.

Participating Provider. A hospital or other authorized institutional provider, a physician or other authorized individual professional provider, or other authorized provider that furnished services or supplies to a CHAMPUS beneficiary and that has agreed, **by** act of signing and submitting a CHAMPUS claim form and indicating participation in the appropriate space on the claim form, to accept the CHAMPUS-determined allowable cost or charge as the total charge (even though less than the actual **billed** amount), whether paid for fully **by** the CHAMPUS allowance or requiring cost-sharing by the beneficiary (**or** sponsor) .

Party to a Hearing. An appealing party or parties and CHAMPUS.

Party to the Initial Determination. Includes CHAMPUS and also refers to a CHAMPUS beneficiary and a participating provider of services whose interests have been adjudicated by the initial determination. In addition, a provider who has been denied approval as an authorized CHAMPUS provider is a party to that initial determination, as is a provider who is disqualified or excluded as an authorized provider under CHAMPUS, unless the provider is excluded based on a determination of abuse or fraudulent practices or procedures under another federal or federally funded program. See Chapter 10 **for** additional information concerning parties not entitled to administrative review under the CHAMPUS appeals and hearing procedures.

Pharmacist. A person who is trained specially in the scientific basis of pharmacology and who is licensed to prepare and sell or dispense drugs and compounds and to make up prescriptions ordered by a physician.

Physical Medicine Services or Physiatry Services. The treatment of disease or injury **by** physical means such as massage, hydrotherapy, or heat.

Physical Handicap. A physical condition of the body that meets the following criteria:

1. Duration. The condition is expected to result in death, or has lasted, **or with reasonable** certainty is expected to last, for a minimum period of 12 months; and

2. Extent. The condition is of such severity as to preclude the individual from engaging in substantially basic productive activities of daily living expected of unimpaired persons of the same age group.

Physical Therapist. A person who is trained specially in the skills and techniques of physical therapy (that is, the treatment of disease **by** physical agents and methods such as heat, massage, manipulation, therapeutic exercise, hydrotherapy, and various forms of energy such as electrotherapy and ultrasound), who has been authorized legally (that is, registered) to administer treatments prescribed by a physician and who is entitled legally to use the designation "Registered Physical Therapist. " A physical therapist also may be **called** a physiotherapist.

**Physician** « A person with a degree of Doctor of Medicine (M.D.) or Doctor of Osteopathy (D.O.) who is licensed to practice medicine by an appropriate authority.

**Podiatrist (Doctor of Podiatry or Surgical Chiropody).** A person who has received a degree in podiatry (formerly called chiropody), that is, that specialized field of the healing arts that deals with the study and care of the foot, including its anatomy, pathology, and medical and surgical treatment.

**Preauthorization.** A decision issued in writing by the Director, OCHAMPUS, or a designee, that CHAMPUS benefits are payable for certain services that a beneficiary has not yet received.

**Prescription Drugs and Medicines.** Drugs and medicines which at the time of use were approved for general use by humans by the U.S. Food and Drug Administration as listed in the U.S. Pharmacopeia and National Formulary, were available commercially, and which, by law of the United States, require a physician's or dentist's prescription, except that it includes insulin for known diabetics whether or not a prescription is required.

NOTE: The fact that the U.S. Food and Drug Administration has approved a drug for testing on humans would not qualify it within this definition.

**Preventive Care.** Diagnostic and other medical procedures not related directly to a specific illness, injury, or definitive set of symptoms, or obstetrical care, but rather performed as periodic health screening, health assessment, or health maintenance.

**Primary Payer.** The plan or program whose medical benefits are payable first in a double coverage situation.

**Private Duty (Special) Nursing Services.** Skilled nursing services rendered to an individual patient requiring intensive medical care. Such private duty (special) nursing must be by an actively practicing registered nurse (R.N.) or licensed practical or vocational nurse (L.P.N. or L.V.N.) only when the medical condition of the patient requires intensive skilled nursing services (rather than primarily providing the essentials of daily living) and when such skilled nursing care is ordered by the attending physician.

**Private Room.** A room with one bed that is designated as a private room by the hospital or other authorized institutional provider.

**Program for the Handicapped (PFTH).** The special program set forth in Chapter 5 of this Regulation, through which dependents of active duty members receive supplemental benefits for the moderately or severely mentally retarded and the seriously physically handicapped over and above those medical benefits available under the Basic Program.

Prosthetic Device (Prosthesis). An artificial substitute for a missing **body part.**

Provider. A hospital or other **institutional provider**, a physician, or other individual professional provider, or other provider of services or supplies as specified in Chapter 6 of this Regulation.

Provider Exclusion and, Suspension. The terms "exclusion" and "suspension" , when referring to a provider under CHAMPUS, both mean the denial of **status** as an authorized provider, resulting in items, services, or supplies furnished by the provider not being reimbursed, directly or indirectly, under CHAMPUS. The terms may be used interchangeably to refer to a provider who has been denied status as an authorized CHAMPUS provider based on 1) a criminal conviction or civil judgment involving fraud, 2) an administrative finding of fraud or abuse under CHAMPUS, 3) an administrative finding that the provider has been excluded or suspended by another agency of the Federal Government, a **state**, or a local licensing authority, 4) an administrative finding that the provider has knowingly participated in a conflict of interest. situation, or 5) an administrative finding that it is in the best interests of the CHAMPUS or CHAMPUS beneficiaries to exclude or suspend the provider.

Provider Termination. When a provider's status as an authorized CHAMPUS provider is ended, other than through exclusion or suspension, based on a finding that the provider does not meet the qualifications, as set forth in Chapter 6 of this Regulation, to be an authorized CHAMPUS provider.

Radiation Therapy Services. The treatment of diseases by x-ray, radium, or radioactive isotopes when ordered by the attending physician.

Referral. The act or an instance of referring a CHAMPUS beneficiary to another authorized provider to obtain necessary medical treatment. Under CHAMPUS, only a physician may make referrals.

Registered Nurse. A person who is prepared specially in the scientific basis of nursing, who is a graduate of a school of nursing, and who is registered for practice after examination by a state board of nurse examiners or similar regulatory authority, who holds a current, valid license, and who is entitled legally to use the designation R.N.

Representative . Any person who has been appointed by a party to the **initial determination** as counsel or advisor and who is otherwise eligible to serve as the counsel or advisor of the party to the initial determination, particularly in connection with a hearing.

Resident (Medical). A graduate physician or dentist who has an M.D. or D.O. degree, or D.D.S. or D.M.D. degree, respectively, is licensed to practice, and who chooses to remain on the house staff of a hospital to get further training that will qualify him or her for a medical or dental specialty.

Residential Treatment Center (RTC). A facility (or distinct part of a facility) **which** meets the criteria in Chapter 6.B.4.

Retiree. A member or former **member** of a Uniformed Service who is entitled to retired, retainer, or equivalent pay based on duty in a Uniformed Service.

Routine Eye Examinations. The services rendered in order to determine the refractive state of the eyes.

Sanction. For purpose of Chapter 9, "sanction" means a provider exclusion, suspension, or termination.

Secondary Payer. The plan or program whose medical benefits are payable in double coverage situations **only** after the primary payer has adjudicated the claim.

Semiprivate Room. A room containing at least two beds. If a room is designated publicly as a semiprivate accommodation by the hospital or other authorized institutional provider and contains multiple beds, it qualifies as a semiprivate room for the purposes of CHAMPUS.

Skilled Nursing Facility. An institution (or a distinct part of an institution) that meets the criteria as set forth in subsection B.4. of Chapter 6 of this Regulation.

Skilled Nursing Service. A service that can only be furnished by an R.N., or L.P.N. or L.V.N., and is required to be performed under the supervision of a physician to ensure the safety of the patient and achieve the medically desired result. Examples of skilled nursing services are intravenous or intramuscular **injections, levin tube or gastrostomy** feedings, or tracheotomy aspiration and insertion. Skilled nursing services are other than those services that provide primarily support for the essentials of **daily** living or that could be performed by an untrained adult with minimum instruction or supervision.

Special Tutoring. Teaching or instruction provided by a private teacher to an individual usually in a private or separate setting to enhance the educational development of an individual **in** one or more study areas.

Spectacles?, Eyeglasses, and Lenses. Lenses, including contact lenses, that help to correct faulty vision.

Sponsor. An active duty member, retiree, or deceased active duty member or retiree, of a Uniformed Service upon whose status his or her dependents' eligibility for CHAMPUS is based.

Spouse. A lawful wife or husband regardless of whether or not dependent upon the active duty member or retiree.

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Student Status. A dependent of a member or former **member** of a Uniformed **Service who** has not passed his or her 23rd birthday, and is enrolled in a full-time course of study in an institution of higher learning.

Suppliers of Portable X-Ray Services. A supplier that meets the **condi- tions** of coverage of the Medicare program, set forth in the Medicare regu- lations (reference (m)), or the Medicaid program in the state in which the covered service is provided.

Surgery. Medically appropriate operative procedures, including related preoperative and postoperative care; reduction of fractures and dislocations; injection and needling procedures of the joints; laser surgery of the eye; and those certain procedures listed **in** paragraph **C.2.a.** of Chapter 4 of this Regulation.

Surgical Assistant. A physician (or dentist or podiatrist) who assists the operating surgeon in the performance of a covered surgical service when such assistance is certified as necessary **by** the attending surgeon, when the type of surgical procedure being performed is of such complexity and seriousness as to require a surgical assistant, and when interns, residents, or other house staff are not available to provide the surgical assistance services in the specialty area required,

Suspension of Claims Processing. The temporary suspension of processing (to protect the government's interests) **of** claims **for** care furnished by a specific provider (whether the claims are submitted by the provider or beneficiary) or claims submitted by or on behalf of a specific CHAMPUS beneficiary pending action by the Director, **OCHAMPUS**, or a designee, in a case of suspected fraud or abuse. The action may include the administrative remedies provided for in Chapter 9 **or** any other Department **of** Defense issuance (**e.g.** DoD issuances implementing the Program Fraud Civil Remedies Act), case development or investigation by **OCHAMPUS**, or referral to the Department of Defense-Inspector General or the Department of Justice for action within their cognizant jurisdictions.

Timely Filing. The filing of CHAMPUS claims within the prescribed time limits as set forth in Chapter 7 of this Regulation.

Treatment Plan. A detailed description of the medical care being rendered or expected to **be rendered** a CHAMPUS beneficiary seeking approval for inpatient benefits for which preauthorization is required as set forth in section B. of Chapter 4 of this Regulation. A treatment plan must include, at a minimum, a diagnosis (either **ICD-9-CM** or **DSM-III**); detailed reports of prior treatment, medical history, **family** history, social history, and physical examination; diagnostic test results; consultant's reports (if any); proposed treatment by type (such as surgical, medical, and psychiatric); a description of who is or **will** be providing treatment. (by discipline or specialty); anticipated frequency, medications, and specific **goals** of treatment; type of inpatient facility required and why (including length of time the related

inpatient **stay** will be required); **and prognosis**. If the treatment plan involves the transfer **of** a CHAMPUS patient from a hospital or another inpatient facility, medical records related to that inpatient stay also are required **as a** part of the treatment plan documentation.

Uniformed Services. The Army, Navy, **Air Force**, Marine Corps, **Coast Guard**, **Commissioned Corps of the USPHS**, and the **Commissioned Corps** of the NOAA.

Veteran. A **person** who served **in** the **active** military, naval, or air **service**, and who was discharged or released therefrom under conditions other than dishonorable.

NOTE: Unless the veteran is eligible for “retired pay,” “retirement pay,” or “retainer pay,” which **refers** to payments **of** a continuing nature and are payable **at** fixed intervals from the government for military service neither the veteran nor his or her dependents are eligible for benefits under CHAMPUS.

Well-Baby Care. A specific program of periodic health screening, developmental assessment, and routine immunization for children from birth up to 2 year8.

Widow or Widower. A person who **was** a **spouse** at the time of death **of** the active duty member or retiree and who **has** not remarried.

Worker's Compensation Benefits. Medical benefits available under any worker's compensation law (including the Federal Employees Compensation Act), occupational **disease** law, employers liability law, or any other legislation of similar purpose, or under the maritime doctrine of maintenance, wages, and cure.

X-Ray Services. **An x-ray** examination from which an x-ray film or other image **is** produced, ordered by the attending physician when **necessary and** rendered in connection with a medical or surgical diagnosis or treatment of an illness or injury, or in connection with maternity or well-baby care.