



The Health Law Solution

Hospitals Have until January 1, 2028 to Obtain Separate NPIs and Submit Mandatory Provider-Based Attestations for Off-Campus Departments

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Beginning January 1, 2028, Medicare payment under the Outpatient Prospective Payment System (OPPS), including site-neutral OPPS rates, will be conditioned on hospitals obtaining separate National Provider Identifiers (NPIs) and submitting provider-based attestations for each off-campus outpatient department. These new OPPS requirements were signed into law on February 3, 2026 under Section 6225 of the Consolidated Appropriations Act (Section 6225).

These requirements represent a meaningful departure from the largely voluntary provider-based attestation framework that has existed for more than two decades and will require substantial compliance planning and operational resources.

Overview of the New Requirements

Section 6225 provides that no payment will be made under OPPS, or where applicable under site-neutral payment methodologies, for items or services furnished on or after January 1, 2028, by an off-campus outpatient department unless both of the following conditions are satisfied:

1. The department has obtained and bills Medicare under a unique NPI that is separate from the hospital's main provider NPI.
2. The hospital has submitted a provider-based attestation for the department demonstrating compliance with the Medicare provider-based status regulations at 42 C.F.R. § 413.65.

Failure to meet either requirement will result in a complete loss of OPPS payment for services furnished at the affected off-campus location.

Covered Locations

Section 6225 applies to any hospital off-campus outpatient department of a provider. This includes hospital outpatient departments located more than 250 yards from the main hospital campus or from a hospital remote location. On-campus departments are not subject to the new requirements.

Separate NPI Requirement

Hospitals must obtain a location-specific NPI for each off-campus outpatient department and use that NPI when billing Medicare. This requirement is intended to allow the Centers for Medicare and Medicaid Services (CMS) to more precisely identify and track services furnished at off-campus locations for which hospitals bill facility fees.

Provider-Based Attestation Requirement

Hospitals must submit attestations demonstrating that each off-campus outpatient department satisfies the provider-based requirements set forth in 42 C.F.R. § 413.65. The new law contemplates two separate attestations:

- An initial attestation, which must be submitted during the two-year period ending on the date services are furnished.
- A subsequent attestation, which must be submitted within a timeframe to be specified by the Secretary of the U.S. Department of Health and Human Services (HHS).

As a practical matter, a hospital seeking to bill for services furnished on January 1, 2028 must have submitted an initial attestation on or after January 1, 2026 and must thereafter submit at least one subsequent attestation on a schedule CMS will establish through rulemaking.

Until CMS issues implementing regulations, hospitals may submit attestations under the existing voluntary framework described at 42 C.F.R. § 413.65(b)(3). The new law directs CMS, through notice-and-comment rulemaking, to establish a process for reviewing attestations and verifying compliance, including through site visits, remote audits, or other review mechanisms deemed appropriate by the Secretary.

Key Takeaways

Starting January 1, 2028, hospitals must obtain unique NPIs and submit provider-based attestations for all off-campus outpatient departments or risk losing OPPS and site-neutral payment for services furnished at those locations. Providers should begin mapping all off-campus departments now, identify which locations will require new NPIs and attestations, and develop a plan to meet CMS timelines and forthcoming rulemaking.

If you have any questions or need further guidance regarding the new OPPS requirements, please contact a member of Hancock Daniel's [Licensure, Certification, and Enrollment Team](#).

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