

Payment Policy: Assistant Surgeon

Reference Number: LA.PP.029

Effective Date: 08/2020

Last Review Date: 06/2024

**Coding Implications
Revision Log**

[See Important Reminder at the end of this policy for important regulatory and legal information.](#)

Policy Overview

The American College of Surgeons (ACS) defines assistant surgeons as *“a trained individual who is able to participate in and actively assist the surgeon in completing the operation safely and expeditiously by helping to provide exposure, maintain hemostasis, and serve other technical functions.”* The ACS goes on to clarify that Assistants at Surgery could be either a qualified surgeon, a resident in an approved surgical education program and at times, non-physician practitioners.

The ACS provides guidance for surgical procedures which typically require an Assistant Surgeon. Each surgical procedure is designated in one of three categories, 1) “Almost Always, 2) “Sometimes” and 3) Almost Never.” These designations are based on clinical guidelines established by the American College of Surgeons and other specialty society medical organizations. Each organization is asked to review codes for their specialty and determine if the surgery requires the use of a physician as an Assistant at Surgery. Participating specialty organizations include:

- American College of Surgeons
- American College of Ophthalmology
- American Academy of Orthopaedic Surgeons
- American Academy of Otolaryngology – Head and Neck Surgeons
- American Association of Neurological Surgeons
- American College of Colon and Rectal Surgeons
- American Pediatric Surgical Association
- American Society of Plastic Surgeons
- American Society of Transplant Surgeons
- American Urological Association
- Congress of Neurological Surgeons
- Society for Surgical Oncology
- Society for Vascular Surgery
- Society of American Gastrointestinal Endoscopic Surgeons
- The American College of Obstetricians and Gynecologists
- The Society of Thoracic Surgeons

The Centers for Medicare and Medicaid Services (CMS) also provides designations for surgical procedures billed with an Assistant Surgeon. However, CMS bases their Assistant Surgeon designations on statistical data; in other words, the frequency with which an Assistant Surgeon is billed for a particular surgery. Unlike the ACS guidance, CMS does not consider clinical circumstances as part of the determination as to whether or not a surgical procedure requires an

Assistant Surgeon. The CMS designations can be found in the CMS Physician’s Fee Schedule File.

Louisiana Healthcare Connections uses the ACS guidance as the primary source for determining the appropriate use of assistant surgeon modifiers; however, CMS guidelines are used in certain situations identified below under the “Reimbursement” section.

Medicare Physician Fee Schedule Database (MPFSDB) Indicators for Assistant Surgeon	Definition
0	Payment restriction for assistants at surgery applies to this procedure unless supporting documentation is submitted to establish medical necessity
1	Statutory payment restriction for assistants at surgery applies to this procedure. Assistant at surgery may not be paid.
2	Payment restriction for assistants at surgery does not apply to this procedure. Assistant at surgery may be paid.
9	Concept does not apply.

The purpose of this policy is to define payment criteria for procedures which are appropriate to be billed with the assistant surgeon modifier to be used in making payment decisions and administering benefits.

Application

1. Professional Services

LHCC follows LDH Professional Services policy on Assistant Surgeons and will take precedence over any other policy of reference.

Policy Description

Modifiers 80, 81, 82 and AS represent surgical assistant services when appended to surgical procedure codes. The Primary Surgeon and the Assistant Surgeon must report the same procedure codes when using these modifiers.

Assistant Surgeon Modifiers and definitions

Modifier	Definition
80	Assistant Surgeon
81	Minimum Assistant Surgeon
82	When qualified resident surgeon not available
AS	AS is billed to indicate that a PA (Physician's Assistant), NP (Nurse Practitioner) or CNS (Clinical Nurse Specialist) served as the assistant at surgery

The Health Plan utilizes the American College of Surgeons Assistant Surgeon designations as the primary source to determine if billing for an Assistant Surgeon is appropriate.

Reimbursement

Louisiana Healthcare Connections code editing software will evaluate claim lines and identify procedure codes that have been inappropriately submitted with an Assistant Surgeon modifier.

The ACS uses three categories to determine the appropriateness of Assistant Surgeon resources for any given surgical procedure:

LHCC shall reimburse for *only one* assistant at surgery. The assistant to the surgeon should be a qualified physician. However, in those situations when a physician does not serve as the assistant, qualified, enrolled, advanced practice registered nurses and physician assistants may function in the role of an assistant at surgery and submit claims for their services under their Medicaid provider number.

Physicians serving as the assistant are to use the modifier “80” on the procedure code(s) representing their services.

Advanced practice registered nurses, certified nurse midwives, and physician assistants are to use the modifier “AS” when reporting their services as the only assistant at surgery.

Almost Always

These are surgical procedures that have been determined as almost always requiring an Assistant Surgeon in attendance. Assistant Surgeon modifiers billed with these procedures are allowed for reimbursement

Almost Never

These are surgical procedures that have been determined as almost never requiring an Assistant Surgeon in attendance. Assistant Surgeon modifiers billed with these procedures are *not* allowed for reimbursement.

Sometimes

When a surgical procedure is billed with a code that has a “sometimes” designation, the code editing software will compare the procedure code to the CMS designation for the same procedure. When the ACS assigns a designation of “sometimes,” the code editing software will refer to the CMS assignment for the same procedure. The procedure code is evaluated as follows:

ACS Designation	CMS Designation	Edit Outcome
“Sometimes”	“Always”	“Always or Never”
Reviewed by the code editing physician consultant team within the appropriate surgical specialty. Based on physician consultant consensus, the code is assigned a designation of “Sometimes” or “Never” and will be paid or denied accordingly.		

ACS Designation	CMS Designation	Edit Outcome
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“Sometimes”	“Never”	“Never”
<p>The code editing specialty physician consultant team uses the CMS designation for procedures that the ACS assigns as “sometimes” and CMS assigns as “never.” Since CMS bases appropriateness of an Assistant Surgeon on statistical data (versus a clinical review) of how often claims are submitted with an Assistant Surgeon modifier, the assumption is that the Assistant Surgeon modifiers are rarely submitted with these procedures and therefore medical necessity for an Assistant Surgeon is unwarranted. These claim lines are denied.</p>		

Documentation Requirements

Not Applicable.

Coding and Modifier Information

This payment policy references Current Procedural Terminology (CPT®). CPT® is a registered trademark of the American Medical Association. All CPT® codes and descriptions are copyrighted 2023, American Medical Association. All rights reserved. CPT codes and CPT descriptions are from current manuals and those included herein are not intended to be all-inclusive and are included for informational purposes only. Codes referenced in this payment policy are for informational purposes only. Inclusion or exclusion of any codes does not guarantee coverage. Providers should reference the most up-to-date sources of professional coding guidance prior to the submission of claims for reimbursement of covered services.

CPT/HCPCS Code	Descriptor
10021-69990	Surgical Procedure Codes

ICD-10 Codes	Descriptor
NA	Not Applicable.

Definitions

- Modifier 80: Assistant Surgeon**
 Surgical assistant services may be identified by adding modifier -80 to the usual procedure number(s). Modifier 80 is appended to the same service code as the primary surgeon and designates the surgeon as a surgical assistant on the procedure.
- Modifier 81: Minimum Assistant Surgeon**
 Minimum surgical assistant services are identified by adding modifier -81 to the usual procedure number. Modifier -81 should be appended to the procedure code representing the services performed by each physician who participated in the operative session. Typically, the Assistant at Surgery is not present for the entire procedure; rather, he or she assists with a specific part of the procedure only.
- Modifier 82: Assistant Surgeon (when qualified resident surgeon not available)**
 The unavailability of a qualified resident surgeon is a prerequisite for use of modifier -82 appended to the usual procedure number(s). Modifier -82 is limited to use in a teaching hospital to indicate that a qualified resident surgeon is unavailable.

Typically in this environment, training programs allow qualified residents to function as the first assistant. However, when there is a qualified resident available or in facilities without a teaching program for specific specialties, Medicare covers assistant at surgery services when modifier 82 is appended to the basic services code.

- **Modifier AS:** Physician Assistant, Nurse Practitioner or Clinical Nurse Specialist Services for Assistant at Surgery
 HCPCS Level II modifier AS is used to report non-physician providers (NPP) or advance practice providers (APP) who assist in surgery.

References

1. *Current Procedural Terminology (CPT®)*, 2024
2. American College of Surgeons. (2023). Physicians as Assistants at Surgery
<https://www.facs.org/media/gp3ny4ps/2023-update-physicians-as-assistants-at-surgery.pdf>
3. CMS Physician Fee Schedule Relative Value Files
<https://www.cms.gov/medicare/payment/fee-schedules/physician/pfs-relative-value-files>
4. CMS Medicare Claims Processing Manual Chapter 12
<https://www.cms.gov/Regulations-andGuidance/Guidance/Manuals/Downloads/clm104c12.pdf>

Revision History	Revision Date	Approval Date	Effective Date
Converted corporate to local policy.	08/15/20		
Annual Review; Update: Links in “Related Documents or Resources” section and “Reference” section along with dates Removed clinical and added payment policy in “Important Reminder” section	08/29/22		
Annual Review; code table removed. References updated	7/19/23	9/13/23	
Annual review; updated dates and references. Added the modifier definition and the MPFSDB Indicators for Assistant Surgeon. Language added from the MCO Manual.	6/24	11/20/24	12/21/24

Important Reminder

This payment policy has been developed by appropriately experienced and licensed health care professionals based on a review and consideration of currently available generally accepted standards of medical practice; peer-reviewed medical literature; government agency/program approval status; evidence-based guidelines and positions of leading national health professional organizations; views of physicians practicing in relevant clinical areas affected by this payment policy; and other available clinical information. LHCC makes no representations and accepts no liability with respect to the content of any external information used or relied upon in developing this payment policy. This payment policy is consistent with standards of medical practice current at the time that this payment policy was approved.

The purpose of this payment policy is to provide a guide to medical necessity, which is a component of the guidelines used to assist in making coverage decisions and administering

benefits. It does not constitute a contract or guarantee regarding payment or results. Coverage decisions and the administration of benefits are subject to all terms, conditions, exclusions and limitations of the coverage documents (e.g., evidence of coverage, certificate of coverage, policy, contract of insurance, etc.), as well as to state and federal requirements and applicable LHCC administrative policies and procedures.

This payment policy is effective as of the date determined by LHCC. The date of posting may not be the effective date of this payment policy. This payment policy may be subject to applicable legal and regulatory requirements relating to provider notification. If there is a discrepancy between the effective date of this payment policy and any applicable legal or regulatory requirement, the requirements of law and regulation shall govern. LHCC retains the right to change, amend or withdraw this payment policy, and additional clinical policies may be developed and adopted as needed, at any time.

This payment policy does not constitute medical advice, medical treatment or medical care. It is not intended to dictate to providers how to practice medicine. Providers are expected to exercise professional medical judgment in providing the most appropriate care, and are solely responsible for the medical advice and treatment of members. This payment policy is not intended to recommend treatment for members. Members should consult with their treating physician in connection with diagnosis and treatment decisions.

Providers referred to in this payment policy are independent contractors who exercise independent judgment and over whom LHCC has no control or right of control. Providers are not agents or employees of LHCC.

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