

Policy Clarifying the Ability to Bill for a Procedure in Which a Physician Holding a Visiting Professor License Participates or Assists

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The New Hampshire statute, RSA 329:14, VI, states: "The board may issue special licenses containing conditions, limitations, or restrictions, including licenses limited to specific periods of time in accordance with rules adopted under RSA 329:9, VIII." The relevant New Hampshire administrative rules state: "Physicians wishing to practice medicine, perform surgery or do other **procedures for the education and enlightenment of the medical community** shall apply for a special license which is limited to: (1) Practice only at a licensed New Hampshire hospital in an educational capacity, whether or not direct patient care is involved; (2) Practice only on specific dates; and (3) **Practice for which the patient is not being charged.**" Med 305.02(b) (emphasis added).

The patient cannot be charged for the services provided by the Visiting Professor. To clarify, the patient may be billed for other services provided by the hospital/facility, including services provided by other health care professionals. The law does not require an institution to waive all billing for the procedure; however, the law does require an institution to waive all billing for the practice that is done by the Visiting Professor. Hopefully, this will not constitute a hardship for the institution, despite the inability to collect financially from a portion of the procedure, where the rationale behind this rule appears to be that the hospital/facility will be benefiting from the Visiting Professor's 'education and enlightenment of the medical community.' Finally, in light of the above rule, the Board expects that a procedure being done with a Visiting Professor, as opposed to the same procedure being done without a Visiting Professor, may result in a reduced bill charged to the patient. When surgical services are being performed by multiple providers, including the special licensed Visiting Professor, physicians or institutions should refer to the American Medical Association's Code of Medical Ethics 6.10 and bill only for services they have provided.