

Related Change Request (CR) #: 3502

Medlearn Matters Number: MM3502

Related CR Release Date: October 1, 2004

Related CR Transmittal #: 23

Effective Date: October 1, 2004

Implementation Date: October 1, 2004

### *Treatment of Obesity*

#### Provider Types Affected

All Providers.

#### Provider Action Needed

No action is necessary. This article is informational only. Current language in the National Coverage Determinations (NCD) Manual states that "obesity itself cannot be considered an illness." This language is being removed as a result of a recent decision by the Secretary of Health and Human Services. The change in the manual language will not directly affect current Medicare coverage of obesity treatments. Treatments for obesity alone remain non-covered and treatments of diseases resulting in or exacerbated by obesity remain unchanged.

Providers should note, however, that removal of the language does permit interested parties to submit NCD requests for anti-obesity interventions to the Centers for Medicare & Medicaid Services to determine if scientific and medical evidence demonstrate their effectiveness in improving Medicare beneficiaries' health outcomes.

#### Background

##### *Nationally Covered Indications*

Services performed in connection with the treatment of obesity are covered by Medicare only when such services are an integral and necessary part of a course of treatment for diseases such as hypothyroidism, Cushing's disease, hypothalamic lesions, cardiovascular diseases, respiratory diseases, diabetes, and hypertension.

##### *Nationally Noncovered Indications*

The treatment of obesity alone (i.e., where obesity cannot be shown to be an integral part of a disease process) is not considered reasonable and necessary for the treatment of an illness or injury and is not covered under the Medicare program. Supplemental fasting is not covered under the Medicare program as a general treatment for obesity.

#### Disclaimer

Medlearn Matters articles are prepared as a service to the public and are not intended to grant rights or impose obligations. Medlearn Matters articles may contain references or links to statutes, regulations, or other policy materials. The information provided is only intended to be a general summary. It is not intended to take the place of either the written law or regulations. We encourage readers to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of their contents.

### *Other*

Supplemented fasting with adequate monitoring of the patient is eligible for a local coverage determination at the discretion of your Medicare contractor where weight loss is necessary before surgery to ameliorate the complications posed by obesity when it coexists with pathological conditions such as cardiac and respiratory diseases, diabetes, or hypertension (and other more conservative techniques to achieve this end are not regarded as appropriate).

### **Implementation**

The implementation date for this instruction is October 1, 2004.

### **Additional Information**

The official instruction issued to your Medicare contractor regarding this change may be found at:

[http://www.cms.hhs.gov/manuals/transmittals/comm\\_date\\_dsc.asp](http://www.cms.hhs.gov/manuals/transmittals/comm_date_dsc.asp)

From that web page, look for CR 3502 in the CR NUM column on the right and click on the file for that CR. Attached to CR 3502 is the actual revised language for the Medicare NCD Manual.

If you have any questions, please contact your Medicare contractor at:

<http://www.cms.hhs.gov/medlearn/tollnums.asp>

#### **Disclaimer**

Medlearn Matters articles are prepared as a service to the public and are not intended to grant rights or impose obligations. Medlearn Matters articles may contain references or links to statutes, regulations, or other policy materials. The information provided is only intended to be a general summary. It is not intended to take the place of either the written law or regulations. We encourage readers to review the specific statutes, regulations, and other interpretive materials for a full and accurate statement of their contents.