
PROGRAM MEMORANDUM INTERMEDIARIES/CARRIERS

Department of Health
and Human Services

Health Care Financing
Administration

Transmittal No. AB-00-53

Date JUNE 2000

This Program Memorandum re-issues Program Memorandum AB-99-52, Change Request 577 dated July 1999. The only change is the discard date and the contact person; all other material remains the same.

This Program Memorandum re-issues Program Memorandum AB-98-44, Change Request 577 dated August 1998. The only change is the discard date and the contact person; all other material remains the same.

Change Request #577

SUBJECT: Suspension of National Coverage Policy on Electrostimulation for Wound Healing

Program Memorandums B-97-11, dated December, 1997 and AB-98-2, dated February, 1998, notified you of the court's decision in Aitken v. Shalala. This court order precludes HCFA and its agents from giving any effect to the national coverage determination published in Medicare Coverages Issues Manual (MCIM) §35-98. This section provided that the cost of treatment to promote the healing of open wounds by means of electrical stimulation therapy would not qualify for reimbursement under Medicare.

The court has enjoined HCFA and its agents from enforcing or giving effect to MCIM §35-98. The previous PMs on this subject carried a discard date of June 1998, in anticipation that we would be able to resolve the concerns of the court quickly. However, the court order remains in effect. Therefore, continue to ensure that all claims for electrical stimulation are processed as if the national coverage determination described in MCIM §35-98 had never existed, in accordance with the court's order. This includes claims for services performed after July 14, 1997, resubmitted based upon a denial pursuant to the national coverage determination.

These instructions should be implemented within your current operating budget.

This Program Memorandum may be discarded June 30, 2001.

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