CMS Manual System	Department of Health & Human Services (DHHS)
Pub 100-04 Medicare Claims Processing	Centers for Medicare & Medicaid Services (CMS)
Transmittal 10337	Date: August 27, 2020
	<b>Change Request 11755</b>

Transmittal 1028, dated May 8, 2020, is being rescinded and replaced by Transmittal 10337, dated, August 27, 2020, to change business requirement 11755-04.2.1.1 to deny claims and provides revised messaging. The Claims Processing Manual at section 410.4 has been revised accordingly. All other information remains the same.

SUBJECT: National Coverage Determination (NCD30.3.3): Acupuncture for Chronic Low Back Pain (cLBP)

**I. SUMMARY OF CHANGES:** The purpose of this change request is to inform MACs that CMS will cover acupuncture for chronic low back pain (cLBP) effective for claims with dates of service on and after January 21, 2020.

#### **EFFECTIVE DATE: January 21, 2020**

\*Unless otherwise specified, the effective date is the date of service.

IMPLEMENTATION DATE: October 5, 2020 - A/B MACs and SSM Edits (except BR 13); January 4, 2021 - BR 13 CWF only

Disclaimer for manual changes only: The revision date and transmittal number apply only to red italicized material. Any other material was previously published and remains unchanged. However, if this revision contains a table of contents, you will receive the new/revised information only, and not the entire table of contents.

# **II. CHANGES IN MANUAL INSTRUCTIONS:** (N/A if manual is not updated) R=REVISED, N=NEW, D=DELETED-*Only One Per Row*.

R/N/D	CHAPTER / SECTION / SUBSECTION / TITLE
N	32/410/Table of Contents
R	32/410/Acupuncture for Chronic Low Back Pain (cLBP)
N	32/410/2/Claims Processing General Information
N	32/410/3/Institutional Claims Bill Type and Revenue Coding Information
N	32/410/4/Messaging
N	32/410/5/Common Working File (CWF) Editing

#### III. FUNDING:

#### For Medicare Administrative Contractors (MACs):

The Medicare Administrative Contractor is hereby advised that this constitutes technical direction as defined in your contract. CMS does not construe this as a change to the MAC Statement of Work. The contractor is not obligated to incur costs in excess of the amounts allotted in your contract unless and until specifically

authorized by the Contracting Officer. If the contractor considers anything provided, as described above, to be outside the current scope of work, the contractor shall withhold performance on the part(s) in question and immediately notify the Contracting Officer, in writing or by e-mail, and request formal directions regarding continued performance requirements.

#### IV. ATTACHMENTS:

**Business Requirements Manual Instruction** 

# **Attachment - Business Requirements**

Pub. 100-04 | Transmittal: 10337 | Date: August 27, 2020 | Change Request: 11755

Transmittal 1028, dated May 8, 2020, is being rescinded and replaced by Transmittal 10337, dated, August 27, 2020, to change business requirement 11755-04.2.1.1 to deny claims and provides revised messaging. The Claims Processing Manual at section 410.4 has been revised accordingly. All other information remains the same.

SUBJECT: National Coverage Determination (NCD30.3.3): Acupuncture for Chronic Low Back Pain (cLBP)

**EFFECTIVE DATE: January 21, 2020** 

\*Unless otherwise specified, the effective date is the date of service.

IMPLEMENTATION DATE: October 5, 2020 - A/B MACs and SSM Edits (except BR 13); January 4, 2021 - BR 13 CWF only

#### I. GENERAL INFORMATION

**A. Background:** Acupuncture is the selection and manipulation of specific acupuncture points through the insertion of needles or "needling," or other "non-needling" techniques focused on these points. There are several variations to traditional acupuncture including shallow needling, intradermal needling, or intramuscular needling with or without a sensation of numbness, tingling, electrical sensation, fullness, distension, soreness, warmth or itching felt by a patient around an acupuncture point. Acupuncturists may additionally seek a sensation of tenseness or dragging to the needles obtained by twirling, plucking or thrusting of acupuncture needles.

The National Coverage Determination (NCD) for Acupuncture (30.3), issued in May 1980, states that Medicare reimbursement for acupuncture, as an anesthetic or as an analgesic, or for other therapeutic purposes, may not be made. Accordingly, acupuncture was not considered reasonable and necessary within the meaning of §1862(a)(1) of the Social Security Act (the Act). In 2004, the Centers for Medicare & Medicaid Services (CMS) considered the use of acupuncture for fibromyalgia and determined that there was no convincing evidence for the use of acupuncture for pain relief in patients with fibromyalgia (NCD 30.3.1). Similarly, in that same year, CMS concluded that there was no convincing evidence for the use of acupuncture for pain relief in patients with osteoarthritis (NCD 30.3.2).

- **B.** Policy: Upon the most recent national coverage analysis for acupuncture specifically targeted for chronic low back pain (cLBP) CMS determined it will cover acupuncture for cLBP under section 1862(a)(1)(A) of the Act effective for claims with dates of service on and after January 21, 2020. Up to 12 visits in 90 days are covered for Medicare beneficiaries under the following circumstances:
  - For the purpose of this decision, cLBP is defined as:
    - lasting 12 weeks or longer;
    - nonspecific, in that it has no identifiable systemic cause (i.e., not associated with metastatic, inflammatory, infectious, etc. disease);
    - not associated with surgery; and,
    - not associated with pregnancy.
  - An additional 8 sessions will be covered for those patients demonstrating an improvement. No more than 20 acupuncture treatments may be administered annually. Example: If the 1stservice is performed on March 21, 2020, the next service beginning a new year cannot be performed until March 1, 2021. This means 11 full months must pass from the date of the 1st service before eligibility begins again.
  - Treatment must be discontinued if the patient is not improving or is regressing.

Physicians (as defined in 1861(r)(1)) of the Act may furnish acupuncture in accordance with applicable state requirements.

Physician assistants (PAs), nurse practitioners (NPs)/clinical nurse specialists (CNSs) (as identified in 1861(aa)(5)) of the Act, and auxiliary personnel may furnish acupuncture if they meet all applicable state requirements and have:

- A masters or doctoral level degree in acupuncture or Oriental Medicine from a school accredited by the Accreditation Commission on Acupuncture and Oriental Medicine (ACAOM); and,
- A current, full, active, and unrestricted license to practice acupuncture in a State, Territory, or Commonwealth (i.e. Puerto Rico) of the United States or District of Columbia.

Auxiliary personnel furnishing acupuncture must also be under the appropriate level of supervision of a physician, PA, or NP/CNS required by regulations at 42 CFR §§ 410.26 and 410.27.

All types of acupuncture including dry needling for any condition other than cLBP are non-covered by Medicare.

#### II. BUSINESS REQUIREMENTS TABLE

"Shall" denotes a mandatory requirement, and "should" denotes an optional requirement.

Number	Requirement	Re	espo	nsi	bilit	y				
			A/B	3	D		Sha	red-		Other
		N	MA(	$\mathbb{C}$	M	System				
					Е	M	aint	aine	ers	
		A	В	Н		F	M		_	
				Н	M	_	C	M	W	
				Н	A C	S	S	S	F	
11755 -	Effective for dates of service (DOS) on or after	X	X			5				
04.1	January 21, 2020, contractors shall accept and process									
	claims for acupuncture for cLBP consistent with the									
	Claims Processing Manual, Publication (Pub.) 100-04, Chapter 32, and Section 410. Also see the NCD									
	Manual, Pub. 100-03, Section 30.3.3 for coverage									
	policy.									
	poney.									
11755 -	Effective for claims with DOS on or after January 21,	X	X			X				
04.2	2020, contractors shall recognize acupuncture for									
	cLBP services reported with CPT codes 97810, 97811,									
	97813, 97814, 20560, and 20561 as covered services									
	under NCD 30.3.3 no more than 20 times per annum.									
	NOTE: If the 1st service is performed on March 21,									
	2020, the next service beginning a new year cannot be									
	performed until March 1, 2021, 11 full months									
	following the 1st service.									
11755 -	Effective for claims with DOS on or after January 21,	X	X			X	X			
04.2.1	2020, contractors shall accept claims with one of the									
	ICD-10 diagnosis codes listed in Attachment A, along									

Number	Requirement	R	esno	nsi	hilit	v				
Number	Kequirement	1	A/B		D	ľ	Cho	red-		Other
										Other
		ľ	MA	_	M		_	tem ·		
			ı		Е			aine		
		A	В	Н		F	M	V	C	
				Н	M	I	C	M	W	
				Н	Α	S	S	S	F	
					C	S				
	with one of the procedure codes in BR 4.2.									
	with one of the procedure codes in 21t w2.									
11755 - 04.2.1.1	Effective for claims with DOS on or after January 21, 2020, contractors shall reject/deny claims that do not contain payable codes noted in BR 4.2 and 4.2.1 as follows:	X	X							
	Claim Adjustment Reason Code (CARC) 50 - These are non-covered services because this is not deemed a 'medical necessity' by the payer.									
	Remittance Advice Remark Code (RARC) M64 – Missing/incomplete/invalid other diagnosis.									
	Group Code CO (Contractual Obligations) or PR (Patient Responsibility) dependent on liability.									
	MSN 15.20 - "The following polices were used when we made this decision: NCD 30.3.3."									
	Spanish Version – "Las siguientes políticas fueron utilizadas cuando se tomó esta decisión: NCD 30.3.3."									
	NOTE: Due to system requirement, the Fiscal Intermediary Shared System (FISS) has combined messages 15.19 and 15.20 so that, when used for the same line item, both messages will appear on the same MSN.									
	In addition to the codes listed above, contractors shall afford appeal rights to all denied parties.									
11755 - 04.3	Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported on institutional claims on types of bill (TOBs) 12X, 13X, 71X, 77X, and 85X (and revenue codes not equal to 096X, 097X, and 098X for CAH Method I).	X				X				
11755 - 04.4	Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported with Revenue Code 0940 on institutional claims.	X				X				
11755 - 04.5	Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported on institutional claims on TOB	X				X				

Number	er Requirement Responsibility																																							
			A/B		D		Sha	red-		Other																														
		N	ЛA	$\mathbb{C}$	M		_	tem																																
		A D 77																																	E			aine		
		A	В	H H	M	F I	M C	V M	C W																															
				Н	A	S	S	S	F																															
					C	S																																		
	85X CAH Method II with revenue codes 096X, 097X, and 098X.																																							
11755 - 04.6	Contractors shall accept and process acupuncture for cLBP claims with the -KX modifier for the 13th through 20th service.	X	X			X																																		
	NOTE: The 1st through 12th service over a 90-day period do not require the –KX modifier. There is a 20 service maximum per annum for this benefit. See BR 2.																																							
	By applying the -KX modifier to the claim, the therapy provider is confirming that the additional services are medically necessary as justified by appropriate documentation in the medical record.																																							
11755 - 04.7	For claims with DOS on and after January 21, 2020, received on or after October 5, 2020, the Common Working File (CWF) shall create a new reject to not allow payment for more than 20 acupuncture for cLBP claims per annum.								X																															
	CWF shall count 11 full months starting with the month of a beneficiary's 1st acupuncture for cLBP service. EX: If the 1st date of service is February 15, 2020, the next eligible date beginning a new year would be February 1, 2021.																																							
	NOTE: A new AUX file in HIMR will be created and HIMR will be updated to post the previous acupuncture for cLBP HCPCS 97810, 97811, 97813, 97814, 20560, or 20561.																																							
11755 - 04.7.1	For acupuncture for cLBP claims CWF shall apply appropriate updates to the Next Eligibility Date file for DOS on or after January 21, 2020.					X			X	HETS, MBD, NGD																														
	NOTE: Appropriate updates include modifications to HUQA, and Extract Records on the Next Generation Desktop (NGD) and the Medicare Beneficiary Database (MBD) to include next eligible date and services remaining.																																							
11755 - 04.7.1.1	Contractors shall reject/deny more than 20 acupuncture for cLBP claims for annum using the	X	X																																					

Number	Requirement	Re	espo	nsil	bilit	y				
			A/B D MAC M E				Sys	red- tem aine		Other
		A	В	H H H	M A C	F S S	M C S		C W F	
	following messages:									
	CARC 96 - Non-covered charge(s). At least one Remark Code must be provided (may be comprised of either the NCPDP Reject Reason [sic] Code, or Remittance Advice Remark Code that is not an ALERT.) Note: Refer to the 835 Healthcare Policy Identification Segment (loop 2110 Service Payment Information REF), if present.									
	RARC N640 - Exceeds number/frequency approved/allowed within time period.									
	Group Code - CO (Contractual Obligation)									
	MSN 15.20 - "The following polices were used when we made this decision: NCD 30.3.3."									
	Spanish Version – "Las siguientes políticas fueron utilizadas cuando se tomó esta decisión: NCD 30.3.3."									
	MSN 15.19: "We used a Local Coverage Determination (LCD) to decide coverage for your claim. To appeal, get a copy of the LCD at www.cms.gov/medicare-coverage-database (use the MSN Billing Code for the CPT/HCPCS Code) and send with information from your doctor."									
	Spanish Version -Usamos una Determinación de Cobertura Local (LCD) para decidir la cobertura de su reclamo. Para apelar, obtenga una copia del LCD en www.cms.gov/medicare-coverage-database (use el código de facturación de MSN para el código "CPT/HCPCS") y envíela con la información de su médico.									
	NOTE: Due to system requirements, the Fiscal Intermediary Shared System has combined messages 15.19 and 15.20 so that, when used for the same line item, both messages will appear on the same MSN.									
11755 - 04.8	For acupuncture for cLPB claims with DOS on and after January 21, 2020, the Multi-Carrier System Desktop Tool shall display the acupuncture for cLBP visits in a format equivalent to the CWF HIMR screen.						X			
	Desktop Tool shall display the acupuncture for cLBP									

Number	Requirement	Re	Responsibility																													
			A/B		D		Sha	red-	<u> </u> -	Other																						
		N	MAC M S					tem	n																							
		E																											aint	aine	ers	
		A	В	Н		F	M	V	C																							
				Н			C		1 W																							
				Н	A	S	S	S	F																							
11===					C	S																										
11755 -	Effective for claims with DOS on and after January								X																							
04.9	21, 2020, received on or after October 5, 2020, CWF shall post acupuncture for cLBP HCPCS codes 97810,																															
	97811, 97813, 97814, 20560, and 20561, reported on																															
	institutional claims, types of bill (TOBs) 12X, 13X,																															
	71X, 77X, and 85X (and revenue code not equal to																															
	096X, 097X, 098X), as the technical component on																															
	the new cLBP auxiliary (AUX) file.																															
	NOTE: 1 TECH and 1 PROF on same DOS represents																															
	1 service.																															
	NOTE: CWF shall post the Part B Professional claim																															
	line as TECH/PROF for the HCPCS if the modifier is																															
	blank.																															
11755 -	Effective for claims with DOS on and after January								X																							
04.10	21, 2020, received on or after October 5, 2020, CWF																															
	shall post acupuncture for cLBP HCPCS codes 97810,																															
	97811, 97813, 97814, 20560, and 20561, reported on TOB 85X claims containing revenue codes 096X,																															
	097X, or 098X, as the professional component on the																															
	new cLBP AUX file.																															
	NOTE: 1 TECH and 1 PROF on same DOS represents																															
	1 service.																															
	NOTE: CWE shall post the Part P Professional claim																															
	NOTE: CWF shall post the Part B Professional claim line as TECH/PROF for the HCPCS if the modifier is																															
	blank.																															
11755 -	CWF shall create a new reject for HCPCS 97810,								X																							
04.11	97811, 97813, 97814, 20560, and 20561 for when a																															
	beneficiary has reached 20 acupuncture for cLBP																															
	services and the -KX modifier is not included on the																															
	claim line for services 13 through 20 (the reject will apply for both PROF and TECH).																															
	apply for both FROT and Therif.																															
11755 -	Contractors shall return to provider/return as	X	X																													
04.11.1	unprocessable claims for acupuncture for cLBP for																															
	services 13 through 20 per annum without the -KX																															
	modifier and use these messages:																															
	B/MACs shall use the following messages:																															
	Divires shall use the following messages.																															
	CARC 4 - The procedure code is inconsistent with the																															
	modifier used or a required modifier is missing.																															

Number	Requirement	Re	espo	nsi	bilit	y				
			A/B D MAC M E		M		Sha Sys aint	tem		Other
		A	В	H H H	M A C	F I S S	M C S	V M S	_	
	Usage: Note: Refer to the 835 Healthcare Policy Identification Segment (loop 2110 Service Payment Information REF), if present.									
	RARC N657 - This should be billed with the appropriate code for these services.  Group Code: CO									
	-									
11755 - 04.12	CWF shall update the determination when any changes occur to the beneficiary master data or claims data that would result in a change to the calculation.								X	
11755 - 04.13	CWF shall crreate a new HICR function for the new cLBP AUX file.								X	
11755 - 04.14	Contractors shall not search acupuncture for cLBP claims for DOS on or after January 21, 2020, but shall adjust claims that are brought to their attention.	X	X							

# III. PROVIDER EDUCATION TABLE

Number	Requirement	Re	spoi	nsib	ility	
			A/B MA(		D M	C
		A	D	TT	Е	D
		A	В	H H	M	1
				Н	A C	
11755 - 04.15	MLN Article: CMS will make available an MLN Matters provider education article that will be marketed through the MLN Connects weekly newsletter shortly after the CR is released. MACs shall follow IOM Pub. No. 100-09 Chapter 6, Section 50.2.4.1, instructions for distributing MLN Connects information to providers, posting the article or a direct link to the article on your website, and including the article or a direct link to the article in your bulletin or newsletter. You may supplement MLN Matters articles with localized information benefiting your provider community in billing and administering the Medicare program correctly. Subscribe to the "MLN Matters" listserv to get article release notifications, or review them in the MLN Connects weekly newsletter.	X	X			

# IV. SUPPORTING INFORMATION

#### Section A: Recommendations and supporting information associated with listed requirements: N/A

"Should" denotes a recommendation.

X-Ref	Recommendations or other supporting information:
Requirement	
Number	

#### Section B: All other recommendations and supporting information: N/A

#### V. CONTACTS

**Pre-Implementation Contact(s):** David Dolan, 410-786-3365 or David.Dolan@cms.hhs.gov (Coverage and Analysis), Yvette Cousar, 410-786-2160 or Yvette.Cousar@cms.hhs.gov (Physician Claims Processing), Yvonne Young, 410-786-1886 or Yvonne.Young@cms.hhs.gov (Institutional Claims Processing), Wanda Belle, 410-786-7491 or Wanda.Belle@cms.hhs.gov (Coverage and Analysis), Patricia Brocato-Simons, 410-786-0261 or Patricia.BrocatoSimons@cms.hhs.gov (Coverage and Analysis)

**Post-Implementation Contact(s):** Contact your Contracting Officer's Representative (COR).

#### VI. FUNDING

#### **Section A: For Medicare Administrative Contractors (MACs):**

The Medicare Administrative Contractor is hereby advised that this constitutes technical direction as defined in your contract. CMS does not construe this as a change to the MAC Statement of Work. The contractor is not obligated to incur costs in excess of the amounts allotted in your contract unless and until specifically authorized by the Contracting Officer. If the contractor considers anything provided, as described above, to be outside the current scope of work, the contractor shall withhold performance on the part(s) in question and immediately notify the Contracting Officer, in writing or by e-mail, and request formal directions regarding continued performance requirements.

#### **ATTACHMENTS: 1**

# Medicare Claims Processing Manual Chapter 32 – Billing Requirements for Special Services

Table of Contents (Rev. 10337; 08-27-20)

## **Transmittals for Chapter 32**

- 410 Acupuncture for Chronic Low Back Pain (cLBP)
- 410.1 Coverage Requirements
- 410.2 Claims Processing General Information
- 410.3 Institutional Claims Bill Type and Revenue Coding Information
- 410.4 Messaging
- 410.5 Common Working File (CWF) Editing

#### 410 – Acupuncture for Chronic Low Back Pain (cLBP)

(Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

Acupuncture is the selection and manipulation of specific acupuncture points through the insertion of needles or "needling," or other "non-needling" techniques focused on these points.

#### 410.1 - Coverage Requirements

(Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

Effective for services on or after January 21, 2020, the Centers for Medicare & Medicaid Services (CMS) will cover acupuncture for chronic low back pain (cLBP) under section 1862(a)(1)(A) of the Social Security Act. Up to 12 visits in 90 days are covered for Medicare beneficiaries under the following circumstances:

- For the purpose of this decision, cLBP is defined as:
  - o Lasting 12 weeks or longer;
  - o nonspecific, in that it has no identifiable systemic cause (i.e., not associated with metastatic, inflammatory, infectious, etc. disease);
  - o not associated with surgery; and
  - o not associated with pregnancy.
- An additional 8 sessions will be covered for those patients demonstrating an improvement. No more than 20 acupuncture treatments may be administered annually. Example: If the 1st service is performed on March 21, 2020, the next service beginning a new year cannot be performed until March 1, 2021. This means 11 full months must pass from the date of the 1<sup>st</sup> service before eligibility begins again.

All types of acupuncture including dry needling for any condition other than cLBP are non-covered by Medicare.

## 410.2 - Claims Processing General Information

(Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

Effective for claims with dates of service (DOS) on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported with CPT codes 97810, 97811, 97813, 97814, 20560, and 20561 as covered services under National Coverage Determination (NCD) 30.3.3 no more than 20 times per annum.

*NOTE:* If the 1st service is performed on March 21, 2020, the next service beginning a new year cannot be performed until March 1, 2021, 11 full months following the 1<sup>st</sup> service.

The attached includes the International Classification of Diseases (ICD)-10 diagnosis codes are applicable and must be reported for acupuncture for cLBP services:

Contractors shall accept and process acupuncture for cLBP claims with the -KX modifier for the 13th through 20th service per annum.

NOTE: The 1st through 12th service over a 90-day period do not require the –KX modifier. There is a 20 service maximum per annum for this benefit.

NOTE: By applying the -KX modifier to the claim, the therapy provider is confirming that the additional services are medically necessary as justified by appropriate documentation in the medical record.

410.3 – Institutional Claims Bill Type and Revenue Coding Information (Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported on institutional claims on types of bill (TOBs) 12X, 13X, 71X, 77X, and 85X (and revenue codes not equal to 096X, 097X, and 098X for CAH Method I).

Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported with Revenue Code 0940 on institutional claims.

Effective for claims with DOS on or after January 21, 2020, contractors shall recognize acupuncture for cLBP services reported on institutional claims on TOB 12X, 71X, 77X 85X CAH Method II with revenue codes 096X, 097X, and 098X.

#### 410.4 – *Messaging*

(Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

Effective for claims with DOS on or after January 21, 2020, contractors shall reject/deny claims that do not contain the appropriate diagnosis/procedure coding noted in section 410.2 and use these messages:

Claim Adjustment Reason Code (CARC) 50 - These are non-covered services because this is not deemed a 'medical necessity' by the payer.

Remittance Advice Remark Code (RARC) M64 – Missing/incomplete/invalid other diagnosis.

Group Code CO (Contractual Obligations) or PR (Patient Responsibility) dependent on liability.

MSN 15.20 - "The following polices were used when we made this decision: NCD 30.3.3."

Spanish Version – "Las siguientes políticas fueron utilizadas cuando se tomó esta decisión: NCD 30.3.3."

NOTE: Due to system requirement, the Fiscal Intermediary Shared System (FISS) has combined messages 15.19 and 15.20 so that, when used for the same line item, both messages will appear on the same MSN.

*In addition to the codes noted in section 410.2, contractors shall afford appeal rights to all denied parties.* 

Contractors shall return to provider/return as unprocessable claims for acupuncture for cLBP for services 13 through 20 per annum without the -KX modifier and use these messages:

CARC 4 - The procedure code is inconsistent with the modifier used or a required modifier is missing. Usage: Note: Refer to the 835 Healthcare Policy Identification Segment (loop 2110 Service Payment Information REF), if present.

RARC N657 - This should be billed with the appropriate code for these services.

Group Code CO

Contractors shall reject/deny more than 20 claims per annum for acupuncture for cLBP and use the following messages:

CARC 96 - Non-covered charge(s). At least one Remark Code must be provided (may be comprised of either the NCPDP Reject Reason [sic] Code, or Remittance Advice Remark Code that is not an ALERT.) Note: Refer to the 835 Healthcare Policy Identification Segment (loop 2110 Service Payment Information REF), if present.

RARC N640 - Exceeds number/frequency approved/allowed within time period.

*Group Code - CO (Contractual Obligation)* 

MSN 15.20 - "The following polices were used when we made this decision: NCD 30.3.3."

Spanish Version – "Las siguientes políticas fueron utilizadas cuando se tomó esta decisión: NCD 30.3.3."

MSN 15.19: "We used a Local Coverage Determination (LCD) to decide coverage for your claim. To appeal, get a copy of the LCD at www.cms.gov/medicare-coverage-database (use the MSN Billing Code for the CPT/HCPCS Code) and send with information from your doctor."

Spanish Version - Usamos una Determinación de Cobertura Local (LCD) para decidir la cobertura de su reclamo. Para apelar, obtenga una copia del LCD en www.cms.gov/medicare-coverage-database (use el código de facturación de MSN para el código "CPT/HCPCS") y envíela con la información de su médico.

NOTE: Due to system requirements, the Fiscal Intermediary Shared System has combined messages 15.19 and 15.20 so that, when used for the same line item, both messages will appear on the same MSN.

410.5 – Common Working File (CWF) FISS, and Multi-Carrier System (MCS) Editing (Rev. 10337, Issued: 08-027-20, Effective: 01-21-20, Implementation: 06-24 - 20 - A/B MACs; 10-05-20-SSM Edits; 01-04-21 - BR 13 CWF only)

The Common Working File (CWF) shall create a new reject for claims with DOS on and after January 21, 2020, for claims received on or after October 5, 2020, to not allow payment for more than 20 acupuncture for cLBP claims per annum.

For acupuncture for cLBP claims CWF, FISS and the Multi-Carrier System (MCS) shall apply appropriate updates to the Next Eligibility Date file for DOS on or after January 21, 2020.

**NOTE**: Appropriate updates include modifications to HUQA, and Extract Records on the Next Generation Desktop (NGD) and the Medicare Beneficiary Database (MBD) for next eligible date and services remaining.

CWF shall count 11 full months starting with the month of a beneficiary's 1<sup>st</sup> acupuncture for cLBP service. EX: If 1<sup>st</sup> date of service is October 15, 2020, the next eligible date beginning a new year would be October 1, 2021.

NOTE: A new cLBP auxiliary (AUX) file will be created and HIMR will be updated to post the previous acupuncture for cLBP HCPCS 97810, 97811, 97813, 97814, 20560, or 20561.

For acupuncture for cLPB claims with DOS on and after January 21, 2020, the Multi-Carrier System Desktop Tool shall display the acupuncture for cLBP visits in a format equivalent to the CWF HIMR screen.

Effective for claims with DOS on and after January 21, 2020, received on and after October 5, 2020, CWF shall post acupuncture for cLBP HCPCS codes 97810, 97811, 97813, 97814, 20560, and 20561, reported on institutional claims, TOBs 12X, 13X, 71X, 77X, and 85X (and revenue code not equal to 096X, 097X, 098X), as the technical component on the new cLBP AUX file.

NOTE: 1 TECH and 1 PROF on same DOS represents 1 service.

NOTE: CWF shall post the Part B Professional claim line as TECH/PROF for the HCPCS if the modifier is blank.

CWF shall create a new reject for HCPCS 97810, 97811, 97813, 97814, 20560, and 20561 when a beneficiary has reached 20 acupuncture for cLBP sessions and the -KX modifier is not included on the claim line for sessions 13 through 20 (the reject will apply for both PROF and TECH sessions).

CWF shall update the determination when any changes occur to the beneficiary master data or claims data that would result in a change to the calculation

CWF shall create a new HICR function for the new cLBP AUX file.

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