

CMS WARNS PROVIDERS ABOUT IMPLANTABLE GENERATOR SUPPLY CODE

Medical practices across the country are accused of improperly billing Medicare for surgically implanted neurostimulators. Devices such as P-Stim, Stivax, ANSiStim, NeuroStim, E-Pulse and other similar devices are considered electro-acupuncture by CMS.

Physician practices and integrated (MD/DC) practices that billed HCPCS code L8679 (Implantable neurostimulator, pulse generator, any type) for P-Stim, Stivax, ANSiStim, NeuroStim, E-Pulse and other similar devices are facing post-payment audits and recoupment from CMS. CMS has also referred many of these cases to the United States Department of Justice for prosecution under the federal False Claims Act. A recent press release from the U.S. Attorney's Office for the Eastern District of Pennsylvania announced that two local integrative chiropractic practices and their chiropractor owners have agreed to make payments totaling \$805,978 to resolve liability under the False Claims Act for the alleged improper billing.

CMS takes the position that providers should not report HCPCS code L8679 for the electro-acupuncture devices because L8679 does not describe devices used for stimulation of acupuncture points. CMS has also implemented a 100% prepayment review for such claims. Claims for HCPCS code L8679 billed with an appropriate HCPCS/CPT surgical code will be suspended for medical review to verify that coverage, coding, and billing rules have been met. In addition, CMS contractors will begin to reject any claim for L8679 that comes in without an appropriate procedure code.

Practices that reported electro-acupuncture with L8679 should discuss their situation with a healthcare attorney as soon as possible. Failure to do so will almost certainly lead to a CMS contractor investigating the claims, calculating an overpayment and recouping overpayments. False Claims Act violations that can lead to significant monetary penalties and triple the amount of actual damages.

Contact The Martin Law Firm, P.C. at 215-646-3980 if you have any questions or concerns.