



## Clarification of the Date of Service for Maintenance and Servicing Payments for Certain Oxygen Equipment after July 1, 2010 – JA6990

Related CR Release Date: June 8, 2010

Date Job Aid Revised: June 29, 2010

Effective Date: July 1, 2010

Implementation Date: July 9, 2010

<b>Key Words</b>	MM6990, CR6990, CR6792, R717OTN, Maintenance, Servicing, Oxygen, Equipment
<b>Contractors Affected</b>	<ul style="list-style-type: none"> <li>• A/B Medicare Administrative Contractors (A/B MACs)</li> <li>• Durable Medical Equipment MACs (DME MACs)</li> <li>• Regional Home Health Intermediaries (RHHIs)</li> </ul>
<b>Provider Types Affected</b>	Suppliers submitting claims to RHHIs, MACs and/or DME MACs for oxygen services provided to Medicare beneficiaries



- Change Request (CR) 6990 clarifies the date of service (DOS) of an oxygen equipment maintenance and servicing visit as discussed in CR6792 (Maintenance and Servicing Payments for Certain Oxygen Equipment After July 1, 2010).
- It requires that the applicable DOS must be at least 6 months after the 36-month rental cap for oxygen equipment or the end of the warranty period for maintenance and servicing, **whichever is later**.
- It also clarifies that before a supplier can bill for maintenance and servicing, the supplier must verify and document in their records that the oxygen equipment is no longer covered under a warranty and the supplier must visit the beneficiary's home to inspect the equipment.

---



---

## DOS Clarification

- The DOS clarification applies to the following oxygen concentrators and oxygen transfilling equipment, HealthCare Common Procedure Coding System (HCPCS) codes:
  - E1390 – Oxygen concentrator, single delivery port, capable of delivering 85 percent or greater oxygen concentration at the prescribed flow rate;
  - E1391 -- Oxygen concentrator, dual delivery port, capable of delivering 85 percent or greater oxygen concentration at the prescribed flow rate, each;
  - E1392 – Portable oxygen concentrator, rental;
  - E0433 – Portable liquid oxygen system, rental; home liquefier used to fill portable liquid oxygen containers, includes portable containers, regulator, flowmeter, humidifier, cannula or mask and tubing, with or without supply reservoir and contents gauge; and
  - K0738 – Portable gaseous oxygen system, rental; home compressor used to fill portable oxygen cylinders; includes portable containers, regulator, flowmeter, humidifier, cannula or mask, and tubing.
- It does **not** apply to beneficiary-owned oxygen equipment or to the following liquid and gaseous oxygen equipment HCPCS codes:

### Provider Needs to Know...

- E0424 – Stationary compressed gaseous oxygen system, rental; includes container, contents, mask, and tubing;
- E0431 – Portable gaseous oxygen system, rental; includes portable container, regulator, flowmeter, humidifier, cannula or mask, and tubing;
- E0434 – Portable liquid oxygen system, rental; includes portable container, supply reservoir, humidifier, flowmeter, refill adaptor, contents gauge, cannula or mask, and tubing; or
- E0439 – Stationary liquid oxygen system, rental; includes container, contents, regulator, flowmeter, humidifier, nebulizer, cannula or mask, & tubing.

## DOS Situations Being Clarified

### Multiple Visits

- If multiple maintenance and servicing visits are needed, the DOS is the date of the first visit in the first month of the 6-month period during which an in-home inspection of the equipment was performed.

### Delayed Visits

- If an unavoidable delay (e.g., hospitalization of the beneficiary or beneficiary is out of the service area) causes the DOS to occur after the first month of a 6-month period, the DOS is the date of the first visit after the delay, during which an in-home inspection of the equipment was performed.
  - The reason for the unavoidable delay must be documented by the supplier and
- 
-

---

---

maintained in the supplier's records.

- Payment for subsequent maintenance and servicing visits can occur no earlier than 6 months after the DOS of the delayed visit (i.e., the last visit date used to bill for the maintenance and servicing payment).
- As a result, a new sequence of 6-month periods for maintenance and service payment is established.

### Multiple Pieces of Oxygen Equipment

- If both a stationary concentrator and portable transfilling equipment are serviced, and the 36-month rental payment cap for one piece of equipment was reached at a different time than the 36-month rental payment cap for the other piece of equipment, the DOS is the date of the visit which occurs during the 6-month period following the earliest of the dates that the 36-month rental caps was reached for either piece of equipment.
- Only one payment is allowable per beneficiary, regardless of the number of pieces of equipment serviced (stationary concentrator, portable concentrator, and/or transfilling equipment).

### When a Maintenance and Servicing Warranty Applies

- The applicable DOS must be at least 6 months after the 36-month rental cap for oxygen equipment or the end of the warranty period for maintenance and servicing, **whichever is later**.
  - Only one maintenance and servicing payment may be made for each 6-month period, regardless of the combination of stationary and portable oxygen equipment that the beneficiary uses.
  - In addition, payment for maintenance and servicing cannot be made if the oxygen equipment is covered under a warranty. Therefore, before a supplier can bill for maintenance and servicing, the supplier must confirm and record that the oxygen equipment is no longer covered under a warranty. They must also visit the beneficiary's home to inspect the equipment.
  - Finally, keep in mind that the *Medicare Claims Processing Manual*, Chapter 20 (Durable Medical Equipment, Prosthetics, Orthotics, and Supplies (DMEPOS)), Section 40 (Payment for Maintenance and Service for Non-ESRD Equipment), Subsection 40.1 (General) instructs the contractor to refer cases to the program integrity specialist if claims are submitted that do not appear to comply with program instructions.

### Summary of Service Details from CR6792

- If a combination of stationary concentrator (E1390 or E1391) and transfilling equipment (K0738 or E0433) is furnished, the supplier should bill for the maintenance and servicing payment, using the code for the concentrator (E1390 or E1391) and the MS modifier.
  - If a portable concentrator (billed using a combination of codes E1390 and E1392 during the 36-month rental period) is furnished, the supplier should bill for the maintenance and servicing payment using the code for the concentrator (E1390 or E1391) and the MS
- 
-

---



---

modifier.

- Code E1392 should not be used when billing for maintenance and servicing.
  - If transfilling equipment (K0738 or E0433) is furnished and a separate concentrator is not furnished or is owned by the beneficiary, the supplier should bill for the maintenance and servicing payment, using the code for the transfilling equipment (K0738 or E0433) and the MS modifier.
  - Only one maintenance and servicing payment may be made for each 6-month period, regardless of the number of visits. Although a visit is not required, separate payment is not allowable without an in-home visit to inspect the equipment.
  - Even if the supplier does not perform a maintenance and servicing visit and forgo payment, 42 Code of Federal Regulations (CFR) 414.226(f)(1) continues to require the supplier that furnished the oxygen equipment for the 36th continuous rental month to furnish the equipment in good working order for the remaining period of medical need or the end of the equipment's reasonable useful lifetime (5 years).
- 
- 

---



---

**Background**

- CR6792 (released on February 5, 2010) announced (for dates of service on or after July 1, 2010) that Medicare regulation 42 CFR 414.210(e) (5) permits one payment for all maintenance and servicing of certain oxygen equipment during each 6-month period, beginning 6 months after the end of the 36-month rental period for oxygen equipment.
  - Medicare contractors and DME suppliers requested clarification for particular situations that are listed above, and CR6990 provides that clarification.
- 
- 

---



---

**Operational  
Impact**

N/A

---



---



---



---

**Reference  
Materials**

The related MLN Matters® article can be found at <http://www.cms.gov/MLN MattersArticles/downloads/MM6990.pdf> on the CMS website.

The official instruction (CR6990) regarding this change may be viewed at <http://www.cms.gov/Transmittals/downloads/R7170TN.pdf> on the CMS website.

MLN Matters® article, "Maintenance and Servicing Payments for Certain Oxygen Equipment after July 1, 2010," may be viewed at <http://www.cms.gov/MLN MattersArticles/downloads/MM6792.pdf> on the CMS website.

---



---