



News Flash - Flu Season is upon us! Begin now to take advantage of each office visit as an opportunity to talk with your patients about the flu virus and their risks for complications associated with the flu. Encourage them to get their flu shot. It's their best defense against combating the flu this season. *(Medicare provides coverage of the flu vaccine without any out-of-pocket costs to the Medicare patient. No deductible or copayment/coinsurance applies.)* And don't forget, health care professionals need to protect themselves also. **Get Your Flu Shot. – Not the Flu.** Remember - Influenza vaccination is a covered Part B benefit. Note that influenza vaccine is NOT a Part D covered drug. For information about Medicare's coverage of flu vaccine and its administration as well as related educational resources for health care professions, please go to http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNProducts/downloads/flu_products.pdf on the CMS website.

MLN Matters Number: MM5758

Related Change Request (CR) #: 5758

Related CR Release Date: October 15, 2007

Effective Date: July 16, 2007

Related CR Transmittal #: R2950TN

Implementation Date: November 16, 2007

Note: This article was updated on September 24, 2012, to reflect current Web addresses. All other information remains the same.

Durable Medical Equipment Medicare Administrative Contractors (DME MACs) - Discontinuance/Cancellation of the Use of a "WL" Modifier on Claims for the DeWall Posture Protector Orthotic Body Jacket HCPCS Code (L0430)

Provider Types Affected

All suppliers who submit claims to durable medical equipment Medicare Administrative Contractors (DME MACs) for the DeWall Posture Protector Orthotic Body Jacket.

What Providers Need to Know

This article is based on Change Request (CR) 5758, which states that DME/MACs shall accept claims billed with Healthcare Common Procedure Coding System (HCPCS) Code L0430 with no modifier requirements for the DeWall Posture Protector Orthotic Body Jacket. See *"Key Points"* for specific details.

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Background

On November 2, 2004, the Centers for Medicare & Medicaid Services (CMS) entered into a settlement agreement (“Stipulation for Compromised Settlement”) resolving the DeWall court case. The United States District Court for the District of Nebraska approved of the settlement and dismissed the DeWall case by Order dated November 3, 2004, (Filing 121). The settlement agreement stipulates that “code L0430 be reinstated for a period of five years from the date of reinstatement, with no modifiers, as a HCPCS L code, with a descriptor that indicates that it describes only the DeWall Posture Protector.”

On January 1, 2005, CMS reinstated code L0430 for the DeWall Posture Protector only, for a five-year period ending on December 31, 2009. By agreement of the parties, the **five-year duration of the settlement agreement ending December 31, 2009, will be extended to August 1, 2012.**

On July 16, 2007, CMS issued further instructions to the DME MACs to reiterate the terms of this court order and ensure compliance with the stipulation to **accept and process claims using the L0430 code, when the item furnished is a DeWall Posture Protector, without requiring any modifiers.**

Key Points

In accordance with CR5758, DME MACs shall:

- Accept and process claims for the DeWall Posture Protector Spinal Orthosis, submitted using HCPCS code L0430, when the item furnished is a DeWall Posture Protector, without requiring any modifiers, including the “KX” or “WL” modifiers;
- Apply all other current applicable Medicare edits to such claims; and
- Upon implementation of CR5758, retire all use of the “WL” modifier.

Additional Information

To see the official instruction (CR5758) issued to your Medicare DME MAC visit <http://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/downloads/R2950TN.pdf> on the CMS website.

If you have questions, please contact your Medicare DME MAC at their toll-free number which may be found at <http://www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/provider-compliance-interactive-map/index.html> on the CMS website.

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