

DEPARTMENT OF HEALTH AND HUMAN SERVICES  
Centers for Medicare & Medicaid Services



Revised products from the Medicare Learning Network®

["Medicare Claim Submission Guidelines,"](#) Fact Sheet, ICN 906764, Hard Copy only.

MLN Matters® Number: MM8028

Related Change Request (CR) #: CR 8028

Related CR Release Date: January 29, 2013

Effective Date: June 27, 2012

Related CR Transmittal #: R150NCD, R2641CP

Implementation Date: February 28, 2013

## **Bariatric Surgery for the Treatment of Morbid Obesity National Coverage Determination, Addition of Laparoscopic Sleeve Gastrectomy (LSG)**

Note: This article was revised on January 4, 2014, to add a reference to MLN Matters® article MM8484 (<http://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNMattersArticles/downloads/MM8484.pdf>) that alerted providers that, effective for dates of service beginning September 24, 2013, facility certification will no longer be required for coverage of covered bariatric surgery procedures.. All other information remains the same.

### **Provider Types Affected**

This MLN Matters® Article is intended for physicians, suppliers, and providers billing Medicare contractors (Fiscal Intermediaries (FIs), carriers and A/B Medicare Administrative contractors (MACs)) for services related to bariatric surgery for Medicare beneficiaries.

### **What You Need to Know**

This article is based on Change Request (CR) 8028, which provides that, effective for claims with dates of service on or after June 27, 2012, Medicare contractors acting within their respective jurisdictions may determine coverage of stand-alone LSG for the treatment of co-morbid conditions

#### **Disclaimer**

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related to obesity in Medicare beneficiaries only when all of the following conditions are satisfied:

- The beneficiary has a body-mass index (BMI)  $\geq 35$  kg/m<sup>2</sup>;
- The beneficiary has at least one co-morbidity related to obesity; and
- The beneficiary has been previously unsuccessful with medical treatment for obesity.

You may bill stand-alone LSG with Healthcare Common Procedure Coding System (HCPCS) code 43775 (Laparoscopy, surgical, gastric restrictive procedure; longitudinal gastrectomy (i.e., sleeve gastrectomy), which appears on the October 2012 Medicare Physician Fee Schedule update.

Effective for discharges on or after June 27, 2012, inpatient hospital claims may be submitted with stand-alone LSG International Classification of Diseases (ICD-9) procedure code 43.82 (Laparoscopic sleeve gastrectomy covered at contractor's discretion).

Please make sure that your billing staffs are aware of this change.

## Background

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In 2006, the Centers for Medicare & Medicaid Services (CMS) released a final National Coverage Determination (NCD) on Bariatric Surgery for the Treatment of Morbid Obesity (see the "NCD Manual," Section 100.1, available at [http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/ncd103c1\\_part2.pdf](http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/ncd103c1_part2.pdf) on the CMS website). For Medicare beneficiaries who have a body mass index (BMI)  $\geq 35$  kg/m<sup>2</sup>, at least one co-morbidity related to obesity, and who have been previously unsuccessful with medical treatment for obesity, the following procedures were determined to be reasonable and necessary:

- Open and laparoscopic Roux-en-Y Gastric Bypass (RYGBP),
- Laparoscopic Adjustable Gastric Banding (LAGB), and
- Open and laparoscopic Biliopancreatic Diversion with Duodenal Switch (BPD/DS).

In addition, the NCD stipulates that the above bariatric procedures are to be covered only when performed at facilities that are:

- Certified by the American College of Surgeons (ACS) as a Level 1 Bariatric Surgery Center, or
- Certified by the American Society for Bariatric Surgery as a Bariatric Surgery Center of Excellence (BSCOE) (Program Standards and requirements in effect on February 15, 2006).

Due to lack of evidence at the time, the 2006 NCD specifically did not cover open vertical banded gastroplasty, laparoscopic vertical banded gastroplasty, open sleeve gastrectomy, laparoscopic sleeve gastrectomy, and open adjustable gastric banding. In 2009, CMS updated the NCD to include type 2 diabetes mellitus as a co-morbidity.

In September 2011, CMS re-opened the NCD to determine whether new and emerging evidence supported inclusion of LSG as a reasonable and necessary bariatric surgery under Sections 1862

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(a)(1)(A) and 1862 (a)(1)(E) of the Social Security Act. Open sleeve gastrectomy was not considered and remains non-covered.

Effective for claims with dates of service on or after June 27, 2012, Medicare contractors acting within their respective jurisdictions may determine coverage of stand-alone LSG for the treatment of co-morbid conditions related to obesity in Medicare beneficiaries only when all of the following conditions are satisfied:

- The beneficiary has a body-mass index (BMI)  $\geq 35$  kg/m<sup>2</sup>;
- The beneficiary has at least one co-morbidity related to obesity; and
- The beneficiary has been previously unsuccessful with medical treatment for obesity.

**Note:** Medicare contractors will not search their files to reprocess claims processed prior to implementation of CR8028. However, upon implementation, the contractors will adjust claims that you bring to their attention.

## Additional Information

The official instructions regarding this change, CR8028, was issued to your FI, carrier, or A/B MAC via two transmittals. The first transmittal revises the "NCD Manual" and it is available at <http://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/Downloads/R150NCD.pdf> on the CMS website. The second updates the "Medicare Claims Processing Manual" and it is available at <http://www.cms.gov/Regulations-and-Guidance/Guidance/Transmittals/Downloads/R2641CP.pdf> on the CMS website.

If you have any questions, please contact your FI, carrier, or A/B 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.

**Diabetes and the Seasonal Flu** - November is National Diabetes Awareness Month. Diabetes can weaken the immune system, which can put seniors and others with diabetes at greater risk for flu-related complications like pneumonia. Medicare provides coverage for one seasonal influenza virus vaccine per influenza season for all Medicare beneficiaries. Medicare generally provides coverage of pneumococcal vaccination and its administration once in a lifetime for all Medicare beneficiaries. Medicare may provide coverage of additional pneumococcal vaccinations based on risk or uncertainty of beneficiary pneumococcal vaccination status. Medicare provides coverage for the seasonal flu and pneumococcal vaccines and their administration for seniors and others with Medicare with no co-pay or deductible. And remember, seasonal flu vaccine is particularly important for health care workers, who may spread the flu to their patients. Don't forget to immunize yourself and your staff. Protect your patients. Protect your family. Protect yourself. *Know what to do about the flu.*

Remember – The influenza vaccine plus its administration and the pneumococcal vaccine plus its administration are covered Part B benefits. The influenza vaccine and pneumococcal vaccine are NOT Part D-covered drugs. CMS has posted the 2012-2013 [Seasonal Influenza Vaccines Pricing](#) on the CMS website. You may also refer to the [MLN Matters® Article #MM8047](#), "Influenza Vaccine Payment Allowances - Annual Update for 2012-2013 Season."

For more information on coverage and billing of the flu vaccine and its administration, please visit the [CMS Medicare Learning Network® Preventive Services Educational Products](#) and [CMS Immunizations](#) web pages. And, while some providers may offer the flu vaccine, others can help their patients locate a vaccine provider within their local community. [HealthMap Vaccine Finder](#) is a free, online service where users can search for locations offering flu vaccines.

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