

Daniel Gottry

September 1, 2004

Sue Haegele, Grievance and Appeal Analyst
Humana Inc.
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Pages: 8

To: Humana - Grievance and Appeals Analyst

Re: Partial Nonapproval of Services
Employee: Daniel Gottry

Thank you for your response to my appeal relative to services from Pongratz Orthotics and Prosthetics, Inc., 2530 East Thomas Road, Phoenix, Arizona 85016. In your response, you have approved the most critical components of the needed services. However, it appears that there may be some level of misunderstanding on the part of the reviewer as to the use of L Codes related to prosthetics, as opposed to their use in Physical Medicine and Rehabilitation.

I spent most of yesterday afternoon with Joe Pongratz, Certified Prosthetist and Orthotist, reviewing each of the items which were denied on this appeal. I have a significantly expanded understanding and appreciation of the complexity of the billing process for prosthetics.

In this case, the items denied are indeed medically necessary ... with some possible exceptions which I will explain later. I hope to provide some additional information which will clarify this situation.

The following is the total request, with items in bold being those approved by Humana's reviewer:

L5321AK, Molded Socket, Sach Foot, Endo, Single Axis Knee

L5705 Custom Shaped Protective Cover – AK

L5624 Test Socket, Above Knee

L5650 Total Contact, Above Knee or Knee Disarticulation

L5950 Above Knee, Ultra-Light Material (Titanium, Carbon, or Equal)

L5850 Above Knee or Hip Disarticulation, Knee Extension Assist

L5920 Above Knee or Hip Disarticulation, Alignable System

L5649 Ischial Containment/Narrow M-L Socket

L5651 Above Knee, Flexible Inner Socket, External Frame

L5652 Suction Suspension, Above Knee or Knee Disarticul – Socket

L5671 Addition to Lower Extrem, BK/AK Knee Suspension Lock

L5673 Add to LE BK/AK Cstm Fab from Exist Mold or Pre – Insert, Silicon Gel, Elasto, Use with Locking Mech

L5681 Add to LE BK/AK Cstm Fab Sckt, Insert for Cong-Traumatic Amputee, Silicone Gel, Elastomeric, Initial

L5694 Above Knee, Pelvic Control Belt, Padded and Lined

L5672 Flexible Keel Foot (Soft, Sten, Bock Dynamic or Equal)

L5986 Multi-Axial Rotation Unit MCP or Equal (was L5709)

L5828 Single Axis, Fluid Swing and Stance Phase Control

- L5845 Add Endoskel, kn-shin system, Stance Flex Feature, Adjust
- L5846 Add Endoskel, kn-shin system, Microproc Control Feature
- L5930 Add Endoskel syst, high act knee Control Frame
- L8430 Prosthetic Sock, Wool, Above Knee (8)
- L8460 Prosthetic Shrinker, Above Knee, Each (2)
- L8480 Prosthetic Sock, Single Ply, Fitting, Above Knee (8)
- L5694 Addon Endo System – AK, Nuskin Finish or Equivalent**
- L5989 Electronic Force Sensor**
- L7368 Lithium Ion Battery Charger**
- L5847 Add Endoskel syst, Microprocessor Feature, Stance Phase**

When I read the reviewer’s response, I found the coding system very confusing and certainly thought there must be, as he said, redundancy. However, after reviewing HCPCS codes for prosthetics and the suggested codes provided by the manufacturer, I gained a much better understanding of the L Code system and how it applies in my case.

The best way I could come to an understanding was through an analogy. If my car was on blocks in my driveway and the wheels and tires were stolen off the car ... I go to buy four tires advertised for \$50 each. Since tires don’t work without wheels and lug nuts, I we assume that certainly wheels and lug nuts will be included. The reality, of course, is that those are additional even though, in the end, they are one usable item. Rather than \$200, my billing will really be as follows:

| | |
|-----------------|-------------------------|
| Tires | 4 @ \$50 = \$200 |
| Wheels | 4 @ \$35 = \$140 |
| <u>Lug Nuts</u> | <u>20 @ \$1 = \$ 20</u> |
| TOTAL | \$360 |

It should be noted that the base codes (L5321 - AK, Molded Socket, Sach Foot, Endo, Single Axis Knee) relates to the procedure but does specifically include the equipment needed to carry out the procedure. For instance, code L5321 does not actually include a Sach Foot.

Otto Bock Health Care had developed an L Code listing for each of their products. As a Prosthetist, both over coding and under coding violate Medicare guidelines and could be considered fraudulent. In the appeal review it was recommended that a number of codes be combined under one ... this would be improper use of the coding system. In order to do that, the costs would also have to be combined, therefore resulting in a cost, per code, in excess of the allowable amount.

According to *Otto Bock*, consistent with Medicare’s HCPCS codes and the features of the product, the C-Leg System is to be billed as follows (bolded items are those approved by Humana):

- L5321 AK, Molded Socket, Sach Foot, Endo, Single Axis Knee (5320)**
- L5649 Ischial Containment/Narrow M-L Socket
- L5650 Total Contact, Above Knee or Knee Disarticulation
- L5651 Above Knee, Flexible Inner Socket, External Frame
- L5671 Addition to Lower Extrem, BK/AK Knee Suspension Lock
- L5672 Flexible Keel Foot (Saft, Sten, Bock Dynamic or Equal) [Indicated as “appropriate code(s) for foot used]
- L5681 Add to LE BK/AK Cstm Fab Sckt, Insert for Cong-Traumatic Amputee, **Silicone Gel**, (Indicated as K0556/0557)
- L5828 Single Axis, Fluid Swing and Stance Phase Control**

L5845 Add Endoskel, kn-shin system, Stance Flex Feature, Adjust
L5846 Add Endoskel, kn-shin system, Microproc Control Feature
L5847 Add Endoskel syst, Microprocessor Feature, Stance Phase
L5920 Above Knee or Hip Disarticulation, Alignable System
L5930 Add Endoskel syst, high act knee Control Frame
L5950 Above Knee, Ultra-Light Material (Titanium, Carbon, or Equal)
L5989 Electronic Force Sensor
L7368 Lithium Ion Battery Charger

[See attached L-Code Options for C-Leg Knee-Shin System from Otto Bock Health Care]

You will note that the reviewer has denied payment of 11 of the 16 L-Codes required for this product. In reality, my provider simply cannot provide the leg utilizing the approved codes. Were he to do so, his out-of-pocket costs for materials only would exceed the amount paid by Humana. No provision would be made for the creating and fitting of the socket. The leg has been deemed medically necessary, but the components that are a part of the leg have been denied. While looking good on paper, this denies me of the medically necessary leg.

A Pelvic Control Belt was recommended for instances when I might desire additional stability but it is not a medical necessity. In a careful review of the list of codes, we have identified four codes that could be eliminated, based on the question of medical necessity. They are:

L5850 Above Knee or Hip Disarticulation, Knee Extension Assist
L5694 Above Knee, Pelvic Control Belt, Padded and Lined
L8430 Prosthetic Sock, Wool, Above Knee (8)
L8480 Prosthetic Sock, Single Ply, Fitting, Above Knee (8)

In way of explanation, there are two separate charges for similar items:

L5681 Add to LE BK/AK Cstm Fab Sckt, Insert for Cong-Traumatic Amputee, Silicone Gel, Elastomeric, Initial
L5673 Add to LE BK/AK Cstm Fab from Exist Mold or Pre – Insert, Silicon Gel, Elasto, Use with Locking Mech

The reason for the two codes is based on my leg. In 1999, long before my amputation, I had surgery for a muscle flap and skin graft to allow healing following an abscess. As a result, my surgeons anticipated needing to do a tissue transplant during my amputation. In the surgery they determined it would not be necessary. However, because some of the muscle flap and skin graft tissue was used in the closure, my leg is somewhat deformed and the tissue is very vulnerable to potential problems. This is the cause for the additional cost for the custom item and mold. Having two of these allows for alternating, which is a hygiene issue.

Another disallowed item was:

L8460 Prosthetic Shrinker, Above Knee, Each (2)

This was prescribed so that I could obtain smaller shrinkers, now that my leg size had reduced. Typically an amputee will wear shrinkers for as long as 18 months. Many find that, after having their leg compressed in the socket all day, they experience pain if they do not wear a shrinker at night. Furthermore, it is possible to have difficulties initially, when putting the

socket on in the morning if a shrinker was not worn at night. These issues I believe justify a medical necessity for these shrinkers.

A final denied item was:

L5624 Test Socket, Above Knee

In a perfect world, this would be unnecessary. The inclusion of this item allows Pongratz to assure a proper fit without incurring the cost of the total socket as they make minor adjustments from this test socket to achieve optimal fit. The downside of excluding this item is that an improperly fitted socket will result in physical discomfort for me and an increased risk of sores or injury.

I believe it would be helpful if Humana would have this request reviewed by a Certified Prosthetist who could determine the reasonable nature of this request.

Thank you for your reconsideration of this request. Please contact me if you have any questions whatsoever.

Sincerely,



Daniel Gottry

P.S. In preparing this letter, I have had extensive discussions with my Prosthetist. I have also had discussed and reviewed this information with an Otto Bock Reimbursement Specialist, because of his knowledge of this particular leg. This individual is Brian L. Gustin, CP, Wisconsin Prosthetics & Orthotics, 1525 University Avenue, Green Bay, WI 54302-1861, Phone: (920) 435-3537 Fax: (920) 435-3545 E-mail: bgustin@tds.net.

Additional information can be provided to you, should you desire it:

1. Brian Gustin has offered to provide a letter of support relative to the accuracy of the proposed coding as it relates to the specific products that Otto Bock sells.
2. Obviously the most significant issues relate to the specific features of the C-Leg and the appropriate coding and the coding process itself. The reviewer's primary concerns appear to be that codes should be combined ... something that cannot be done. Should you desire the specific justification of any specific features, Joe Pongratz, CPO will be pleased to provide that information to you.