



March 4, 2013

Niles R. Rosen, MD
Correct Coding Solutions, LLC
P.O. Box 907
Carmel, Indiana 46082-0907

Dear Dr. Rosen:

The American Association for Clinical Chemistry (AACC) welcomes the opportunity to comment on proposed modifications to the Medicare Medically Unlikely Edit (MUE) program, which will change some MUEs to date of service (DOS) edits. We support the Centers for Medicare and Medicaid Services (CMS) efforts to streamline the billing process. AACC is concerned, however, that the suggested changes may prevent clinical laboratories from getting paid for medically necessary tests.

Currently, when a laboratory performs a **medically necessary** test that exceeds the MUE for a single DOS, the additional tests are listed on a separate claims line using modifier - 59 (separate service). These tests are then reimbursed by Medicare. CMS is proposing to eliminate this option for some tests by limiting payment to DOS edits. Therefore, tests beyond the MUE limit (and are listed on a separate line) would not be paid.

AACC believes this recommendation is too broad. We suggest that CMS limit this policy to HCPCS codes G0431 and G0434, which specify "per patient encounter," and Tier 1 Molecular Pathology codes, which are essentially "once in a lifetime tests." Other tests listed in the Pathology/Laboratory section of the CPT Manual should be exempt from this policy change, since they may be performed multiple times on the same date for medically necessary purposes.

AACC is also concerned about CMS's decision not publish which MUE edits are DOS edits as opposed to claim line MUEs. Most laboratories prescreen all Medicare claims against MUE edits and coverage policy. These testing facilities do not submit claims that they know will be denied. CMS's assumption that providers will abuse the system if they know the rules is not reasonable. In fact, an accurate knowledge of the applicable edits would, in general, promote the submission of only medically necessary claims. In the interest of transparency, we recommend that any DOS edits applicable to laboratory and pathology procedures be made public in the same manner as MUE edits.

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By way of background, AACC is the principal association of professional laboratorians--including MDs, PhDs and medical technologists. AACC's members develop and use chemical concepts, procedures, techniques and instrumentation in health-related investigations and practice in hospitals, independent laboratories and the diagnostics industry worldwide. The AACC provides international leadership in advancing the practice and profession of clinical laboratory science and medicine and its applications to health care. If you have any questions, please call me at (410) 328-8672, or Vince Stine, PhD, Director, Government Affairs, at (202) 835-8721.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert Christenson", enclosed in a thin black rectangular border.

Robert Christenson, PhD
President, AACC