

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO <i>Myers/BZ</i>	DATE <i>10-20-09</i>
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DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>1001182</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Fortner</i> <i>Quinter</i> <i>Cleared 10/30/09, letter attached.</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>10-29-09</i> <input type="checkbox"/> FOIA DATE DUE _____ <input type="checkbox"/> Necessary Action

APPROVALS (Only when prepared for director's signature)	APPROVE	* DISAPPROVE (Note reason for disapproval and return to preparer.)	COMMENT
1.			
2.			
3.			
4.			

Shahina Khan, M.D.
Gaffney Children's Clinic
226 West Robinson Street
Gaffney, S.C. 29341
(864) 489-7616

Senator Harvey S. Peeler, Jr.
District 14 - *Cherokee, Spartanburg, Union & York Counties*
213 Gressette Bldg.
Columbia, S.C. 29201
Business (803) 212-6430

10/16/2009

Dear Mr. Peeler:

I am writing to respectfully request your assistance with a very pressing matter. I am a pediatrician in Gaffney, S.C. I have a very well-established private practice and have been practicing Pediatrics in Gaffney for 26 years. I have a prominent and reputable standing and deeply care about the children of this community.

The matter at hand requires your immediate attention. We recently received a request from the State of South Carolina Department of Health and Human Services (DHHS, Medicaid) for repayment of medical claim reimbursements for an important vision test for children. Medicaid is asking for \$34,000 in repayment. I have been performing this test called VEP for three years since June 2006. I performed this test with the best of intentions to diagnose visual impairment in young children and correct or treat any problems on time. DHHS is currently reviewing this matter and may expect repayment by the end of this month. October, 2009. This request for repayment will have a significant negative impact on the pediatricians and Medicaid children of South Carolina. It will particularly have a significant impact on my practice since I am only working part time due to my health problems.

The test, Visual Evoked Potential, is needed to objectively detect visual impairments in young children. According to Prevent Blindness America®,

"More than 12.1 million school age children, or one in four, have some form of vision problem. If not detected and treated early, these conditions could lead to permanent vision loss. They also clearly affect all aspects of life, negatively impacting a child's ability to learn, athletic performance and self-esteem. From an economic standpoint, untreated Amblyopia alone cost the United State nearly \$7.4 billion in earning power each year."

Our goal is to identify young children at risk for visual impairment and Amblyopia, a silent condition that exists in an eye that otherwise appears to be normal.

- 1.) By disallowing reimbursement for this test, a "two tiered" level of health care is being created in the state of South Carolina. The test is covered and encouraged for children whose families pay for private insurance. Medicaid children will not receive the same care.
- 2.) Repayment for these services to Medicaid will have an adverse affect on our ability to provide adequate care for the children you represent.
- 3.) Medicaid is removing the physician's ability to determine what is medically necessary for the children, thereby affecting our ability to prevent abnormal conditions in young children.

I urge you to please speak to your contacts as soon as possible and support our efforts to have Medicaid retract their request for repayment. Medicaid also needs to develop a coverage policy that allows physicians "to prevent or to diagnose, correct or treat in any manner, or by any means, methods, or devices, disease, illness, pain, wound, fracture, infirmity, defect, or abnormal physical or mental condition of a person.." as stated in South Carolina State Law § 40-47-20.

The DHHS must not allowed to balance their budget on the backs of the Medicaid children in South Carolina and the pediatricians who care for them. Your prompt attention to this matter is appreciated.

Sincerely,



Shahina Khan, M.D.
Gaffney Children's Clinic
226 West Robinson Street
Gaffney, SC 29341
(864) 489-7616

FAX COVER SHEET



OFFICE OF SENATOR HARVEY S. PEELER, JR.

S. C. SENATE

FAX # (803) 212-~~6289~~ 64134

DATE: 10/19/09

TO: Kendall Quanton

FROM: Julie Price, Research Assistant
Medical Affairs Committee

FAX NUMBER: 893 4515

PAGES: 3 (including this one)

MESSAGE:

IF YOU DO NOT RECEIVE ALL OF THE SHEETS INDICATED, PLEASE
CONTACT SENATOR PEELER'S OFFICE AT (803) 212-6430.



October 30, 2009

Shahina Khan, M.D.
Gaffney Children's Clinic
326 West Robinson Street
Gaffney, South Carolina 29341

Dear Dr. Khan:

The South Carolina Department of Health and Human Services (SCDHHS) is in receipt of your letter to Senator Harvey S. Peeler, Jr., concerning correspondence from the SCDHHS Program Integrity Division regarding a Medicaid claims review and recoupment.

The SCDHHS Early and Periodic Screening, Diagnosis, and Treatment (EPSDT) program provides, through periodic medical screenings, a comprehensive and preventive health service to Medicaid eligible children from birth to age twenty-one. When an EPSDT screen is performed, as outlined by the SCDHHS policy, the physician:

- Conducts a comprehensive health and developmental history
- Conducts a developmental assessment
- Conducts a comprehensive unclothed physical examination
- Provides appropriate immunizations according to age and health history
- Conducts a dental assessment
- Conducts a vision screening
- Conducts a hearing screening
- Conducts an anemia screening
- Checks blood pressure
- Provides health education according to the child's age
- If age appropriate conducts a lead screening

The SCDHHS reimbursement policy, found in Section II of the Physician, Laboratories, and Other Medical Professionals Manual, states that EPSDT screenings will be reimbursed at a uniform rate, and that screening components cannot be fragmented and billed separately. The Current Procedural Terminology (CPT) code 95930 visual evoked potential (VEP) is a covered diagnostic procedure code. This code is not covered as a screening tool to be billed in conjunction with an EPSDT screen. The EPSDT screen includes a vision screening component, and therefore payment for this service is included in the reimbursement for the EPSDT service.

Shahina Khan, M.D.
October 30, 2009
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The letter that you received from the SCDHHS Division of Program Integrity, dated September 3, 2009, indicated that the billing practice in your office does not meet policy guidelines. The Program Integrity Division routinely reviews claims data to ensure appropriate utilization and billing for Medicaid benefits.

This data showed that a small number of pediatricians were billing separately for the VEP as part of the EPSDT screening, thus causing an overpayment from the Medicaid program.

The Program Integrity letter is not the final determination but is rather one step in the review process. As stated in the letter, if you do not agree with the findings, you could provide support documentation of the medical necessity of all services rendered. The Division of Program Integrity will review this documentation and adjust the overpayment accordingly if we find that program guidelines were followed. You may also request an appeal of the finding by following the instruction provided in the letter.

Thank you for your continued support of the South Carolina Medicaid program. If you have any additional questions, please contact Ms. Valeria Williams, Division Director in Physician Services, at (803) 898-2660.

Sincerely,

A handwritten signature in dark ink, appearing to read 'Felicity Myers', written over the typed name and title.

Felicity Myers, Ph.D.
Deputy Director

FM/gws

cc: The Honorable Harvey S. Peeler, Jr.