

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

Do we cover :
Do we need to revise
policy?

ACTION REFERRAL

TO <i>Bonnie Bush-Giese</i>	DATE <i>1-16-07</i>
--------------------------------	------------------------

DIRECTOR'S USE ONLY		ACTION REQUESTED	
1. LOG NUMBER <i>000448</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____		
2. DATE SIGNED BY DIRECTOR	prepare reply for appropriate signature DATE DUE _____ I I FOIA DATE DUE _____ <input checked="" type="checkbox"/> Necessary Action <i>NEW</i>		
<i>cc: Singleton</i> <i>Booklet included</i> <i>KRM per Susan on 1/17/07</i>			

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

DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF DIRECTOR

ACTION REFERRAL

TO	DATE
<i>Banking</i>	<i>1-16-07</i>

DIRECTOR'S USE ONLY	ACTION REQUESTED
1. LOG NUMBER <i>000448</i>	<input type="checkbox"/> Prepare reply for the Director's signature DATE DUE _____
2. DATE SIGNED BY DIRECTOR <i>cc: Singletta</i> <i>Booklet included</i>	<input checked="" type="checkbox"/> Prepare reply for appropriate signature DATE DUE <i>1-25-07</i> 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.			



2621 Superior Drive NW
Rochester, Minnesota 55901
Telephone: (507) 288-0100 ♦ Fax: (507) 288-1225

www.aanem.org
aanem@aanem.org

Advancing Neuromuscular, Musculoskeletal, & Electrodagnostic Medicine

December 29, 2006

Roger Bowdler
Approp. Sir,

RECEIVED

JAN 11 2007

Medical Director
Medicaid Fiscal Agent
1801 Main St
Columbia, SC 29201

Department of Health & Human Services
OFFICE OF THE DIRECTOR

Re: Increase in Nerve Conduction Studies

Dear Medical Director:

The American Association of Neuromuscular & Electrodagnostic Medicine (AANEM [formerly AAEM]) is concerned that the number of nerve conduction studies (NCSs) performed in the United States continues to increase dramatically. This is especially troublesome because the number of needle electromyography (EMG) studies have not increased at the same rate. It is the opinion of the AANEM that NCSs and needle EMG studies are complementary studies that should be performed together except in unusual circumstances. In addition, only physicians trained in electrodiagnostic (EDX) medicine should perform and interpret needle EMG and interpret NCSs. These principles provide the basis for electrodiagnostic (EDX) policies that ensure both quality studies and appropriate reimbursement. They are discussed in detail in two AANEM position papers 1) *Recommended Policy for Electrodagnostic Medicine* and 2) *Proper Performance and Interpretation of Electrodagnostic Studies*. The AANEM is the largest organization worldwide, composed of over 5000 physicians, dedicated solely to the scientifically based advancement of electrodiagnostic and neuromuscular medicine. As such, it is uniquely qualified to comment on the proper performance of EDX studies.

- President**
Kathryn A. Stolp, MD, MS
- Secretary-Treasurer**
John D. England, MD
- President-Elect**
Peter D. Donofrio, MD
- Past President**
Janice M. Massey, MD

- Historian**
James A. Leonard, Jr., MD
- Directors**
William S. David, MD, PhD
Timothy R. Dillingham, MD, MS
Clifton L. Goodt, MD
David D. Hubbel, MD
Kevin R. Nelson, MD
Jeffrey A. Strakowski, MD

Executive Director
Shirlyn A. Adkins, JD

The AANEM is aware of a number of companies that are advertising services or products to physicians and nonphysicians who are not qualified to perform and interpret needle EMG or interpret NCSs. Most of these services or products encourage the health care professional to perform and interpret NCS alone without performing an accompanying needle EMG. The AANEM is particularly concerned about hand held devices that are being marketed to physicians untrained in performing or interpreting EDX studies. The hand held devices currently on the market only perform NCSs. The physician users of these devices are typically not trained in neuromuscular disease or electrodiagnostic medicine and therefore usually do not, in AANEM's opinion, have the ability to critique the quality of the obtained waveform tracings nor to combine the "findings" with the history and physical examination to reach an accurate diagnosis. It is unlikely that the physician has any understanding of the raw data on which the findings are based. In addition, it is the AANEM's opinion that when the NCS is used on its own without integrating needle EMG findings, or when an individual relies solely on a computer generated report of NCS data, the results can often be misleading, and important diagnoses may be missed. Patients may thus be subjected to incorrect, unnecessary, and potentially harmful treatment interventions, or serious conditions may be missed.

The AANEM is also concerned about mobile diagnostic laboratories and other schemes offering NCS services. Enclosed is a fax received by an AANEM member from a group offering what appears to be a questionable, and possibly fraudulent, scheme regarding NCS testing. Also enclosed is an article from the *Pittsburgh Post-Gazette* describing how the person sending the fax has already been indicted once for a seemingly similar scheme. The State of Illinois through Attorney General Lisa Madigan also sued a group using multiple names including Veridian Health, Veridian Health Management, and ZT Technical Services. These two items demonstrate the high cost society is paying when health care

resources are wasted on inappropriate NCSs.

The mobile diagnostic centers that appear to be operating in a fraudulent manner tend to have several distinguishing characteristics. Typically, a non-physician technician leases space in an office suite (generally a chiropractor's office or family practice physician's office) and performs a variety of studies such as nerve conduction studies, somatosensory evoked potentials, dermatomal evoked potentials and spinal ultrasound. The technician often employs a "shot-gun" approach—testing every nerve and limb available rather than tailoring the study to the individual patient as a properly trained EDX physician would do. The record of the study is sent to a physician, often out-of-state, for interpretation. The out-of-state physician interprets the studies and then sends the results to the ordering physician. A claim is then submitted to the insurance company that is often excessive due to the large number of unnecessary studies performed

The AANEM strongly encourages your company to adopt reimbursement policies that require trained physicians to supervise and interpret NCS and perform and interpret needle EMG. We also suggest that you indicate that NCS should only be performed separate from needle EMG in limited circumstances and that it should not be the typical pattern for any practitioner to perform NCSs consistently without the needle EMG examination. We believe this will provide the best patient care and will discourage possible abuse of NCS codes. Physicians should be required to provide written justification in those instances where the needle EMG was not performed. It is the opinion of the AANEM that NCSs studies should also be performed under the direct supervision of a physician trained in EDX medicine. As an additional resource, we have enclosed policies from CIGNA and TrailBlazer Health Enterprises on Nerve Conduction Velocity Studies and Electromyography Studies as examples of policies that are consistent with the AANEM's recommendations. A summary of other similar policies can be found in the enclosed *Practice Topics* Newsletter. A more complete listing of policies can be found on the AANEM website at www.aanem.org/practicelssues/reimbursementpolicies.cfm.

Thank you for taking the time to review this matter. If you have any questions regarding this information, please feel free to contact Megan Fogelson, JD, MHA, Director of Healthcare Policy, at the AANEM Executive Office.

Sincerely,



Kathryn A. Stolp, MD, MS
AANEM President

Enclosures: *AANEM Recommended Policy for Electrodiagnostic Medicine*
Proper Performance and Interpretation of Electrodiagnostic Studies
Practice Topics Newsletter
Washington State Department of Labor and Industry Technology Assessment
CIGNA Policy—Nerve Conduction Velocity Studies
First Coast Service Options, Inc. – NC-Stat System®, Neurometrix®
TrailBlazer Health Enterprises—Electrodiagnostic Studies
Diagnostic Solicitation
Fraud News Article

Electrodiagnostic Medicine Resource Documents

AANEM Recommended Policy for Electrodiagnostic Medicine	3-20
AANEM Proper Performance and Interpretation of Electrodiagnostic Studies	21-24
Practice Topics September 2006	25-32
NC-stat System®, Neurometrix Inc® Technology Assessment - Washington State Department of Labor and Industry	33-47
CIGNA Healthcare Coverage Position - Nerve Conduction Velocity Studies	49-57
First Coast Service Options, Inc Article - Emerging Diagnostic Technology - NC-stat, Neurometrix	59
Trailblazer Health Enterprises, LLD Local Coverage Determination - Electrodiagnostic Studies	61-78
Trailblazer Health Enterprises, LLD Article - Electrodiagnostic Studies	79-85
Fax from Dr. David Goroway 7/18/06	87
Pittsburgh Post-Gazette Article 1/24/06	89-91

