

Comments and Responses Regarding Draft Local Coverage Determination: Hyperbaric Oxygen Therapy (HBO)

As an important part of Medicare Local Coverage Determination (LCD) development, National Government Services solicits comments from the provider community and from members of the public who may be affected by or interested in our LCDs. The purpose of the advice and comment process is to gain the expertise and experience of those commenting.

We would like to thank those who suggested changes to the draft Hyperbaric Oxygen Therapy (HBO) LCD. The official notice period for the final LCD begins on October 1, 2007, and the final determination will become effective on December 1, 2007.

Comment: A commenter inquired whether non-physician practitioners (NPPs) (nurse practitioner, physician assistant, clinical nurse specialist) may provide the direct physician supervision.

Response: A NNP may certify, order and establish a plan of care. But, per 42 CFR 410.32(b), direct supervision must be by a physician as defined in the Social Security Act (SSA) §1861(r).

Comment: Another commenter asked whether the physician supervision may be provided by a podiatrist.

Response: A podiatrist may provide physician supervision, as they are included in the definition of physician in SSA §1861(r).

Comment: A commenter requested the removal of the phrase "in all instances it is recommended that the physician be present during the ascent and descent portions of each treatment", because it is beyond the required direct physician supervision.

Response: Direct physician supervision is the statutory requirement. Physician presence is recommended during ascent and descent in the interest of patient safety.

Comment: A commenter wished for clarification on the level(s) of supervision required.

Response: In a hospital outpatient setting, the direct physician supervision requirement is assumed to be met when the services are furnished on hospital premises. (Medicare Benefit Policy Manual, CMS Pub. 100-2, Ch. 6, § 20.4.1)

Direct supervision in the office setting means the physician must be present in the office suite and immediately available. [42 CFR 410.32(b)(ii)]

Comment: A commenter requested the removal of the requirement for an E code when billing for HBO for radiation injury.

Response: No E codes will be required.



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Comment: A commenter requested removal of the requirement for the physician to be continually present in order to bill CPT code 99183, as it is beyond the level of direct physician supervision.

Response: Physician presence is inherent in the definition of this code.

Comment: A commenter requested coverage of HBO prior to dental extraction in patients who have had radiation to the head and neck, and are thus at risk for osteoradionecrosis (ORN).

Response: The covered indications for HBO are delineated in the NCD. HBO is covered for treatment of ORN. It is not covered to prevent the development of ORN. In addition, dental extractions are not a Medicare benefit, and thus treatments to prepare a patient for extractions are also not covered.