

E/M Changes Effective 1/1/2023

Choosing evaluation and management (E/M) levels is an objective process. Effective January 1, 2023, the levels of the following E/M types are selected based on medical decision making only or total time only:

- Office and Other Outpatient
- Hospital Inpatient and Observation Care
- Consultation
- Emergency Department
- Nursing Facility
- Home or Residence

The levels of all other evaluation and management service types are still selected using the 19952 and 19973 Documentation Guidelines for Evaluation and Management Services.

Aetna -25 and -59 Modifier Policy Victory

Aetna informed APMA that effective July 23, 2023, it has dropped its external review program regarding use of the -25 Modifier when submitted with CPT® 11719-11721, G0127, and 11055-11057. They have also mentioned that they will drop its external review program regarding use of -59 Modifier when submitted with CPT 11719-11721, G0127, and 11055-11057. This development follows more than two years of APMA's advocacy through multiple communications and meetings with Aetna leadership. A critical component of these efforts were the APMA Health Policy Committee's -25 and -59 Modifier workgroups. These workgroups, other APMA members, staff, and consultants all contributed to this latest victory.

Surgical Treatment of Nails

On June 26, 2023, APMA met with CMS to revisit its policy on the surgical nails treatment of establishing use parameters for CPT® 11730 and 11732. The current policy states that a medically reasonable and necessary repeat CPT 11730/11732 of the same nail within 32 weeks of a previous avulsion will be considered upon redetermination. APMA will continue to update members regarding its efforts and any resolutions or changes. Find more information on this topic at www.apma.org/SurgicalNail.

DEA MATE Compliance

As members are aware, as of June 27, 2023, any DEA-registered practitioner (except for veterinarians) is required to complete a one-time requirement of eight hours of training on the treatment and management of patients with opioid or other substance use

disorders. Due to an oversight in the law's drafting, education provided by APMA and other CPME-accredited organizations does not count towards this requirement, and DPM. APMA has been working to resolve this oversight by working both legislatively with Congress to obtain a technical correction as well as via the Substance Abuse and Mental Health Services Administration, which is empowered to recognize additional entities not originally mentioned in the statute. Representatives Buddy Carter (R-GA) and Lori Trahan (D-MA) sent a letter to the Substance Abuse and Mental Health Services Administration (SAMHSA) on July 13, 2023, reaffirming congressional intent and asking that SAMHSA use its authority to approve additional training organizations for new or renewing Drug Enforcement Administration (DEA)-registrants.

In the interim, APMA has created a DEA MATE resource page at www.apma.org/DEAMATE to assist members in meeting these requirements.

New Same or Similar Member Resource

APMA has added new Durable Medical Equipment (DME) resources related to Same or Similar resources for members. DME experts Paul Kesselman, DPM, and Jordan Stewart, DPM, teamed up to deliver a new recorded resource, "Same or Similar." These brief presentations are the start of a comprehensive look at the intricacies of navigating "Same or Similar" issues.

Two sessions are available online now, with the first session providing a detailed introduction to the topic, while the second session addresses how providers supplying DME can check a Medicare patient's same or similar status. The upcoming third session will focus on appealing same or similar denials. APMA created this resource to equip members with the necessary tools and knowledge to make informed decisions in their practice. View the two recorded sessions now at apma.org/sameorsimilar and apma.org/coding.

2024 Medicare Physician Fee Schedule

On July 13, CMS issued the CY 2024 Medicare Physician Fee Schedule (MPFS) Proposed Rule and Quality Payment Program Proposed Rule. APMA is very pleased to report that CMS proposed to rescind the Appropriate Use Criteria (AUC) for Advanced Diagnostic Imaging program as well as to not move forward with CMS' previous proposal to bundle payment for the application procedure and skin substitute product in the private office setting.

Of critical concern to our members, CMS proposed a CY 2024 conversion factor of \$32.7476, down about 3.4 percent from 2023. They also proposed to raise the MIPS score needed to avoid a penalty in 2024 from 75 to 82. APMA strongly opposed both of these proposals in its comments, which can be read in full at www.apma.org/CommentLetters.

CAC-PIAC Meeting

The 23rd Annual Joint National Carrier Advisory Committee-Private Insurance Advisory Committee (CAC-PIAC) meeting will be held Friday, November 10, at the Sheraton Suites Old Town in Alexandria, VA. The meeting gathers CAC representatives from all 50 states and the District of Columbia and represents the most pertinent and current public and private payer information available. This meeting affords representatives the opportunity to hear firsthand the latest information, which they can take back and share with other podiatrists in their states. It also allows them to meet with their peers to discuss ongoing and new concerns, strategies and trends happening at both the local and national level.

CAC Engagement

On August 30, 2023, APMA met with members of its Contractor Advisory Committee (CAC) Engagement Coalition to discuss updates from the Coalition's July meeting with representatives from CMS and Medicare Administrative Contractor (MAC) Medical Directors discussing the coalition's recommendations to CMS and the MACs related to local coverage policy development. As part of the August meeting, the coalition discussed opportunities to broaden the coalition (including an updated white paper on the issues), narrowing the principles for policy development outlined in the group's advocacy approach, and considerations for approaching CMS for further advocacy.

Falls Prevention Webinar

APMA hosted the first installment of its Coding Refresher Webinar Series, "Falls Prevention Coding Webinar," on September 14, 2023. David Freedman, DPM, and Alton Johnson Jr., DPM presented. Register and watch the recording today to learn proper CC/HPI documentation as it pertains to geriatric falls and falls prevention as well as proper coding of diagnoses that make the evaluation and management service provided medically appropriate as it pertains to geriatric falls and falls prevention.

Current Topics

Reimbursement Issues

The 2023 Spring Virtual Coding Seminar On-Demand

The 2023 Spring Virtual Coding Seminar was held on April 22, and the recording is now available as an on-demand course. Hosted by Jeffrey Lehrman, DPM, CPC, the Seminar is a deep dive into foot- and ankle-specific coding issues.

Registrants who watch the full recording and pass a quiz at the end are able to receive up to 4.0 credits. Only those who did not attend live seminar on April 22, 2023 are eligible. Visit www.apma.org/OnlineLearningCenter to register for this course and other on-demand offerings.

APMA Advocates for Partial Fee Reduction Relief

President Biden signed the 2023 Omnibus Appropriations Bill into law on December 22. Due to the advocacy efforts of APMA and other stakeholders, the bill contains Section 4112, which provides additional support for physicians and other health-care professionals in adjusting to Medicare payment changes. The bill waives the 4-percent statutory pay-as-you-go (PAYGO) sequester cuts scheduled for 2023 and partially reduces the physician fee schedule cuts scheduled for 2023, limiting the expected reduction in Medicare physician pay to 2 percent in 2023.

Webinars

APMA offers member-exclusive coding and MIPS webinars that are both live and recorded. To find all of our recorded webinars visit apma.org/webinars, or visit specific webinar series resource pages:

- www.apma.org/CodingBasics
- www.apma.org/DocumentationSeries
- www.apma.org/TotalRequestCoding
- www.apma.org/SurgicalCoding
- www.apma.org/BackToBasics
- www.apma.org/MIPSWebinars

APMA Advocates for Provider Nondiscrimination

APMA President-Elect Laura Pickard, DPM, presented at a listening session on the ACA Provider Nondiscrimination provision hosted by The Departments of Labor, Health and Human Services, and Labor. Dr. Pickard urged these departments to issue robust protections and enforcement provisions to prohibit health plans from discriminating against podiatrists.