

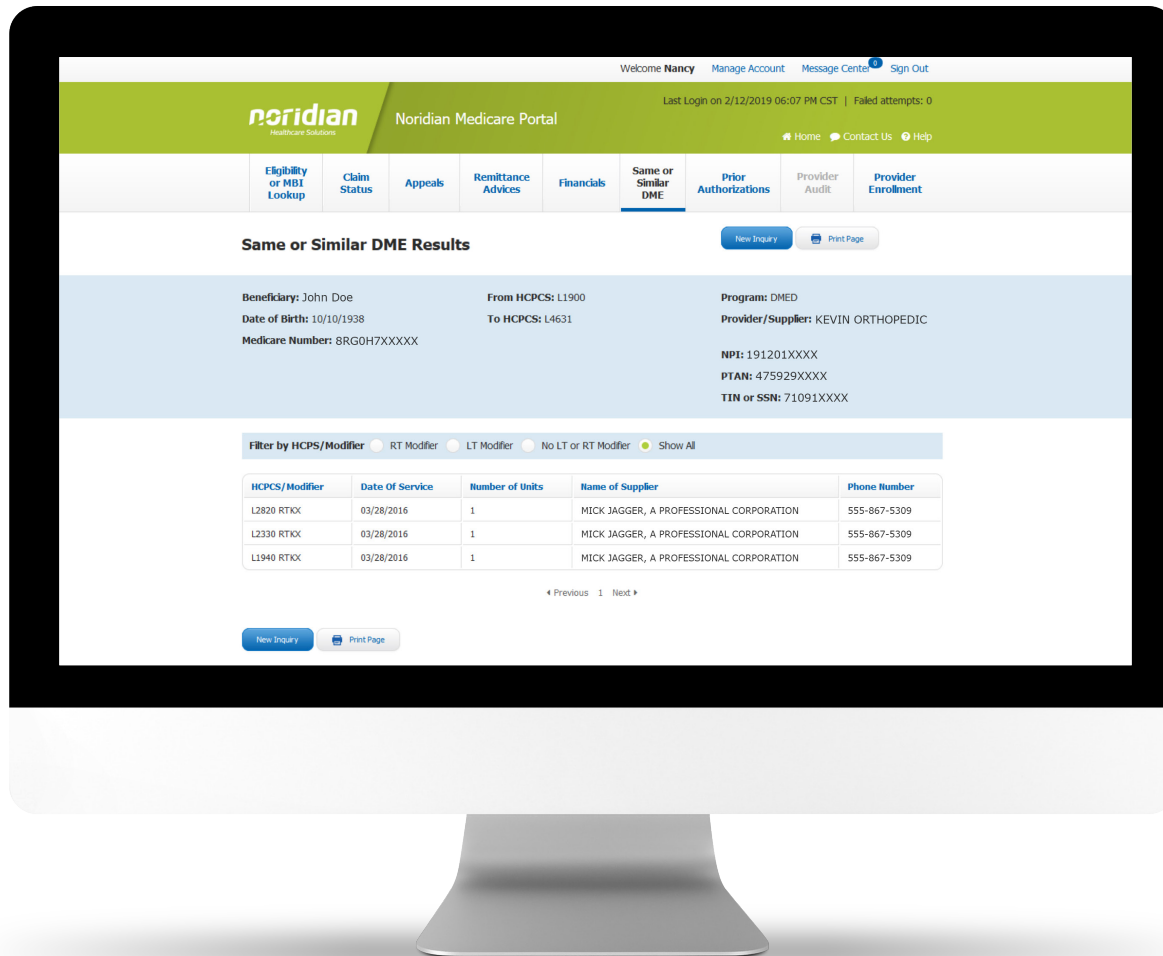


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M E D I C A L

# Same or Similar

Explanation the nuances of a Same or Similar denial and  
how you can successfully appeal this denial

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## Same or Similar

Within the past several months many of you may have experienced (or heard from a colleague about) a DME denial due to “**Same or Similar**”. This presentation will help explain the nuances of a Same or Similar denial and how you can successfully appeal this denial.

**History:** The Same or Similar policy has been in place for some time. Recently the DME MAC have become stricter in enforcing this policy. The rationale for this policy originates from a past Congressional Federal Register regulation, deeming a 5-year useful lifetime for AFO’s. Thus the 5-year rule is “hard wired” into the DME MAC AFO Policy. Medicare’s notion is that they are already paying for one device and will not pay for another same or similar device for the same condition during this time period.

**This thought process has critical flaws which can best be illustrated by two common clinical examples:**

**1)** A patient presents to your (or another providers office) in 2016 and is diagnosed with left foot plantar fasciitis and some mild ankle arthritis. They are dispensed an off the shelf night brace (L4397) and NDADIS. In January 2019, the patient's left ankle arthritis has progressed sufficiently to require a custom fabricated AFO (e.g. L1970). The custom AFO (L1970) is denied because they previously received a night brace (L4397) three years ago.

**2)** A patient sustained a minor stroke in September 2015 with a resultant mild right drop foot requiring a dorsiflex assist hinged custom fabricated AFO (L1970 + L2210). In December 2018, the patient suffered another stroke and now presents with a complete right drop foot. Your examination concludes they now require a solid AFO (L1960). The solid AFO you dispensed in February 2019 is denied because of the hinged brace previously dispensed in 2015.

**Inquiring on a Potential Same or Similar Denial**

Using either your DME MAC Provider Portal (preferable) or Interactive Voice Response (IVR) systems, you can submit information on your patient and perform a search inquiry to determine whether another provider dispensed a Same or Similar AFO to the patient within the last 5 years. If your inquiry reveals another AFO was previously dispensed within the 5-year time period, it is essential to document why the device previously dispensed device is medically inappropriate. As important is justifying the medical necessity for the new device.

## Appealing a Same or Similar Denial

is both possible and easier than you might think. The above common scenarios and documentation excerpts are drawn from real past experiences. Having the appropriate information prior to dispensing a second device, will enable you to reinforce your documentation from its inception. This crucial information embodied in your chart, may also be submitted to the DME MAC via their portal as part of the appeals process. This will allow the nurse reviewer to gain insight into your patient's new medical necessity issues, allowing for a successful review and overturn of the initial Same or Similar denial.

## IVR or Portal?

Both are free, however, the DME MAC Provider Portal is a more efficient method of not only obtaining Same or Similar information, but for submitting your appeal documents. Initial access to the portal may be a challenge, but it is time well spent. At the end of this tutorial we have provided some screen shots from Noridian's Provider Portal to illustrate the simplicity of obtaining Same or Similar Information.

## Which Codes Should I Check?

The following AFO codes (see table 1) were derived from the Same or Similar AFO policy. Use the range feature on your DME MAC portal to check and see if any of the codes were previously dispensed within a specified 5-year time period.

**Table 1:** Codes Subjected to Same or Similar (Bold are Common for DPMs)

L1900, L1902, **L1904, L1906, L1907**, L1910, L1920, L1930, L1932, **L1940**, L1945, L1950, L1951, **L1960, L1970, L1971**, L1980, L1990, L2000, L2005, L2010, L2020, L2030, L2034, L2035, L2036, L2037, L2038, L2106, L2108, L2112, L2114, L2116, L2126, L2128, L2132, L2134, L2136, **L4350, L4360, L4361, L4370, L4386, L4387, L4396, L4397**, L4398, **L4631**

# Same or Similar

**Table 1: Codes Subjected to Same or Similar (Bold are Common for DPMs)**

L1900	for Ankle foot orthosis (AFO), spring wire, dorsiflexion assist calf band, custom-fabricated	L2038	for Knee ankle foot orthosis (KAFO), full plastic, with or without free motion knee, multi-axis ankle, custom fabricated
L1902	for Ankle orthosis, ankle gauntlet or similar, with or without joints, prefabricated, off-the-shelf	L2106	for Ankle foot orthosis (AFO), fracture orthosis, tibial fracture cast orthosis, thermoplastic type casting material, custom-fabricated
<b>L1904</b>	for Ankle orthosis, ankle gauntlet or similar, with or without joints, custom fabricated	L2108	for Ankle foot orthosis (AFO), fracture orthosis, tibial fracture cast orthosis, custom-fabricated
<b>L1906</b>	for Ankle foot orthosis, multiligamentous ankle support, prefabricated, off-the-shelf	L2112	for Ankle foot orthosis (AFO), fracture orthosis, tibial fracture orthosis, soft, prefabricated, includes fitting and adjustment
<b>L1907</b>	for Ankle orthosis, supramalleolar with straps, with or without interface/pads, custom fabricated	L2114	for Ankle foot orthosis (AFO), fracture orthosis, tibial fracture orthosis, semi-rigid, prefabricated, includes fitting and adjustment
L1910	for Ankle foot orthosis (AFO), posterior, single bar, clasp attachment to shoe counter, prefabricated, includes fitting and adjustment	L2116	for Ankle foot orthosis (AFO), fracture orthosis, tibial fracture orthosis, rigid, prefabricated, includes fitting and adjustment
L1920	for Ankle foot orthosis (AFO), single upright with static or adjustable stop (phelps or perlstein type), custom-fabricated	L2126	for Knee ankle foot orthosis (KAFO), fracture orthosis, femoral fracture cast orthosis, thermoplastic type casting material, custom-fabricated
L1930	for Ankle foot orthosis (AFO), plastic or other material, prefabricated, includes fitting and adjustment	L2128	for Knee ankle foot orthosis(KAFO), fracture orthosis, femoral fracture cast orthosis, custom-fabricated
<b>L1940</b>	for Ankle foot orthosis (AFO), plastic or other material, custom-fabricated	L2132	for Knee ankle foot orthosis(KAFO), fracture orthosis, femoral fracture cast orthosis, soft, prefabricated, includes fitting and adjustment
L1945	for Ankle foot orthosis (AFO), plastic, rigid anterior tibial section (floor reaction), custom-fabricated	L2134	for Knee ankle foot orthosis(KAFO), fracture orthosis, femoral fracture cast orthosis, semi-rigid, prefabricated, includes fitting and adjustment
L1950	for Ankle foot orthosis (AFO), spiral, (institute of rehabilitative medicine type), plastic, custom-fabricated	L2136	for Knee ankle foot orthosis(KAFO), fracture orthosis, femoral fracture cast orthosis, rigid, prefabricated, includes fitting and adjustment
L1951	for Ankle foot orthosis (AFO), spiral, (institute of rehabilitative medicine type), plastic or other material, prefabricated, includes fitting and adjustment	<b>L4350</b>	for Ankle control orthosis, stirrup style, rigid, includes any type interface (e.g., pneumatic, gel), prefabricated, off-the-shelf
<b>L1960</b>	for Ankle foot orthosis (AFO), posterior solid ankle, plastic, custom-fabricated	<b>L4360</b>	for Walking boot, pneumatic and/or vacuum, with or without joints, with or without interface material, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise
<b>L1970</b>	for Ankle foot orthosis (AFO), plastic with ankle joint, custom-fabricated	<b>L4361</b>	for Walking boot, pneumatic and/or vacuum, with or without joints, with or without interface material, prefabricated, off-the-shelf
<b>L1971</b>	for Ankle foot orthosis (AFO), plastic or other material with ankle joint, prefabricated, includes fitting and adjustment	<b>L4370</b>	for Pneumatic full leg splint, prefabricated, off-the-shelf
L1980	for Ankle foot orthosis (AFO), single upright free plantar dorsiflexion, solid stirrup, calf band/cuff (single bar 'BK' orthosis), custom-fabricated	<b>L4386</b>	for Walking boot, non-pneumatic, with or without joints, with or without interface material, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise
L1990	for Ankle foot orthosis (AFO), double upright free plantar dorsiflexion, solid stirrup, calf band/cuff (double bar 'BK' orthosis), custom-fabricated	<b>L4387</b>	for Walking boot, non-pneumatic, with or without joints, with or without interface material, prefabricated, off-the-shelf
L2000	for Knee ankle foot orthosis (KAFO), single upright, free knee, free ankle, solid stirrup, thigh and calf bands/cuffs (single bar 'AK' orthosis), custom-fabricated	<b>L4396</b>	for Static or dynamic ankle foot orthosis, including soft interface material, adjustable for fit, for positioning, may be used for minimal ambulation, prefabricated item that has been trimmed, bent, molded, assembled, or otherwise customized to fit a specific patient by an individual with expertise
L2005	for Knee ankle foot orthosis (KAFO), any material, single or double upright, stance control, automatic lock and swing phase release, any type activation, includes ankle joint, any type, custom fabricated	<b>L4397</b>	for Static or dynamic ankle foot orthosis, including soft interface material, adjustable for fit, for positioning, may be used for minimal ambulation, prefabricated, off-the-shelf
L2020	for Knee ankle foot orthosis (KAFO), double upright, free ankle, solid stirrup, thigh and calf bands/cuffs (double bar 'AK' orthosis), custom-fabricated	L4398	for Foot drop splint, recumbent positioning device, prefabricated, off-the-shelf as
L2030	for Knee ankle foot orthosis (KAFO), double upright, free ankle, solid stirrup, thigh and calf bands/cuffs, (double bar 'AK' orthosis), without knee joint, custom fabricated	<b>L4631</b>	for Ankle foot orthosis (AFO), walking boot type, varus/valgus correction, rocker bottom, anterior tibial shell, soft interface, custom arch support, plastic or other material, includes straps and closures, custom fabricated
L2034	for Knee ankle foot orthosis (KAFO), full plastic, single upright, with or without free motion knee, medial lateral rotation control, with or without free motion ankle, custom fabricated		
L2035	for Knee ankle foot orthosis (KAFO), full plastic, static (pediatric size), without free motion ankle, prefabricated, includes fitting and adjustment		
L2036	for Knee ankle foot orthosis, full plastic, double upright, with or without free motion knee, with or without free motion ankle		
L2037	for Knee ankle foot orthosis (KAFO), full plastic, single upright, with or without free motion knee, with or without free motion ankle, custom fabricated		

### How Can I Sign Up for my DME MAC Provider Portal?

The URLs for the Noridian DME MAC Provider Portals are:

**For DME MAC JA:**

<https://med.noridianmedicare.com/web/jadme/topics/nmp>

**For DME MAC JD:**

<https://med.noridianmedicare.com/web/jddme/topics/nmp>

**For DME MAC B and C:**

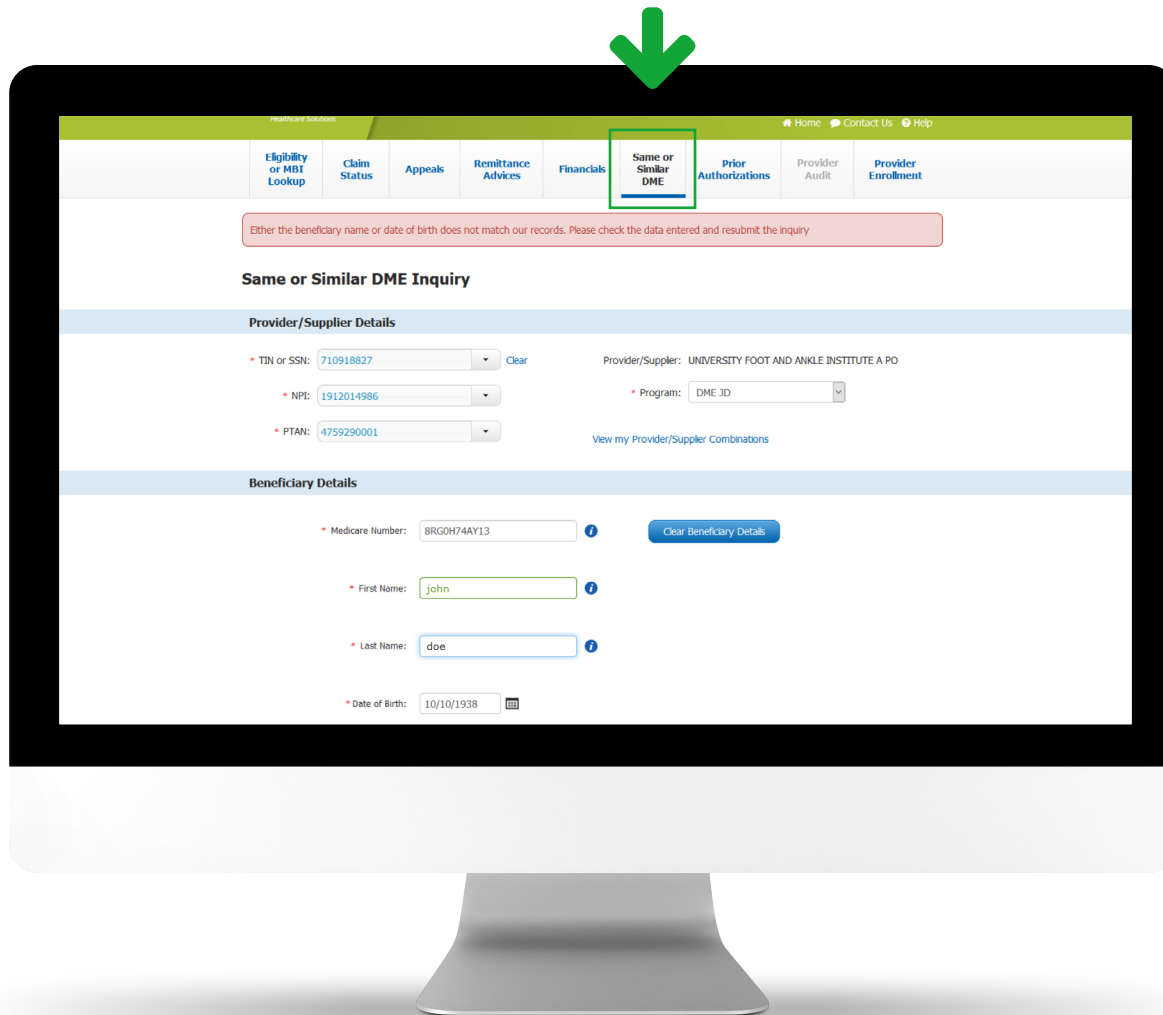
<https://mycgportal.com/mycgs/>

There is an accompanying Provider Portal tool to assist you with your enrollment in the portal.

### Summary:

It may be impossible to avoid a Same or Similar denial. However, obtaining some crucial information from your DME MAC and documenting that in your chart, will provide you with the essential information necessary for a successful appeal. Organizations representing AFO suppliers are currently working with CMS in order to attempt to find a solution to this problem. Stay tuned!

# Same or Similar

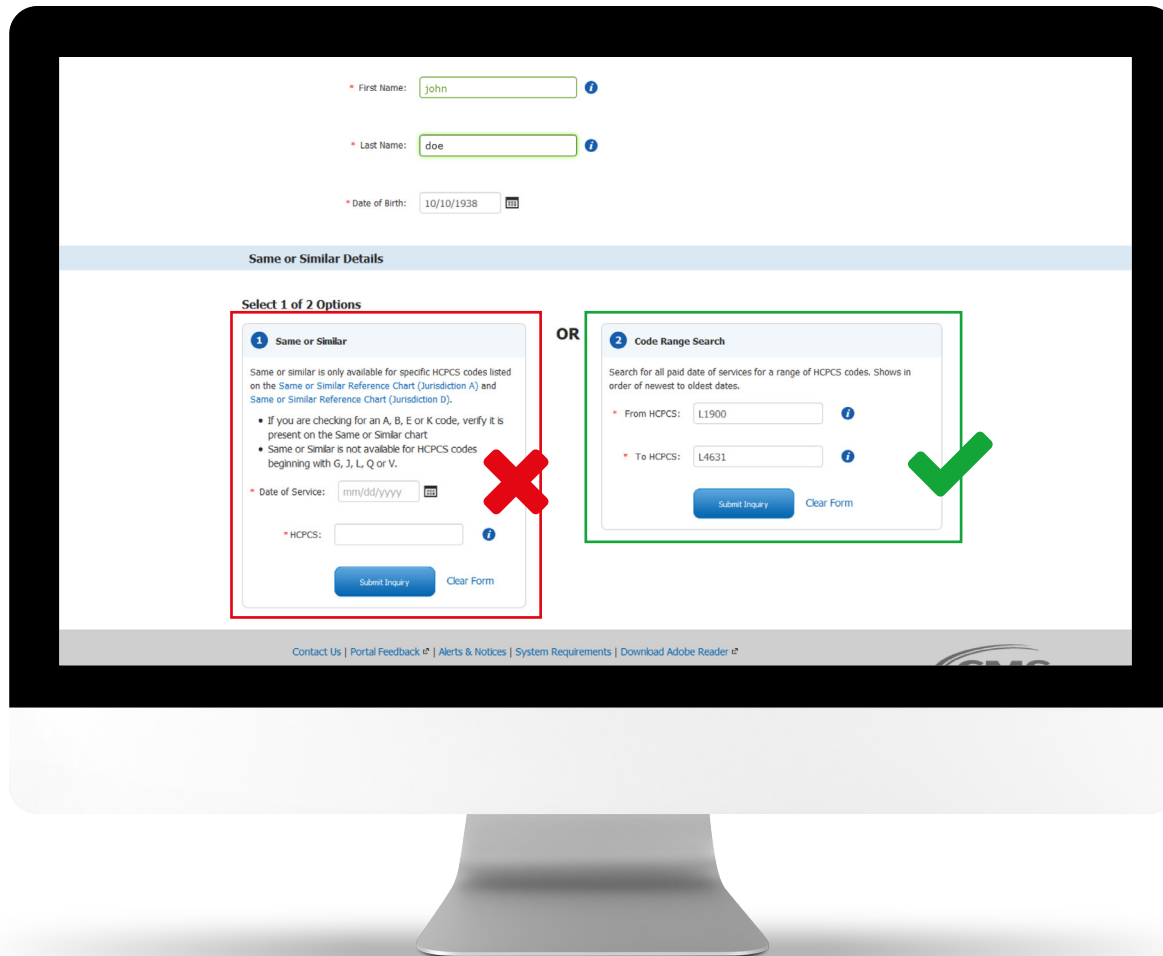


## Provider Portal Example and Screen Shots

1) Once you have logged onto Noridian's Provider Portal, click the Same or Similar Inquiry Button. Then enter all the requested information.

(See the next page)

# Same or Similar

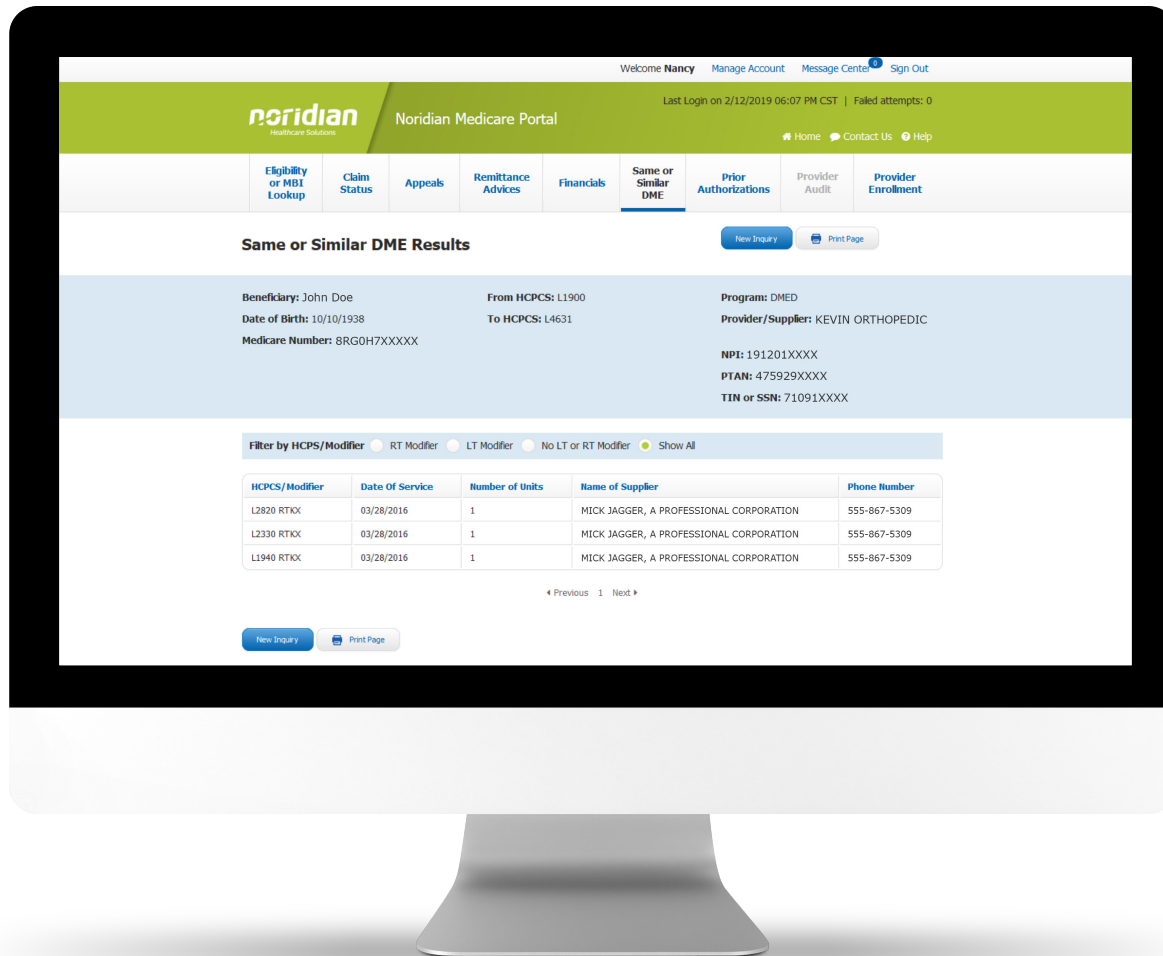


**2)** After you have entered all the requested information about you and your patient, use the “2” code range button and select the code range as L1900 through L4631. This should provide you with a comprehensive view of any AFO’s provided within the last five years.

(See the next page)



# Same or Similar



Then submit the inquiry. If the patient has received any AFO devices within the last five years then a very detailed list of the dispensed AFO's will be provided which you can print and save to your patient's chart as a PDF. (PDF)

My CGS for Regions B and C works in a very similar fashion. We hope to have illustrations of that soon.



**KevinRoot**  
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# Thank you

Contact us if you have any questions.  
We are here to support you.

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