MAXIMUM FREQUENCY PER DAY POLICY (CES)

Policy Number: ADMINISTRATIVE 169.76C T0 **Effective Date**: November 9, 2020

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Related Policies

- Refer to the Application and Question and Answers sections of the policy

APPLICABLE LINES OF BUSINESS/PRODUCTS

This policy applies to Oxford Commercial plan membership.

INSTRUCTIONS FOR USE

The services described in Oxford policies are subject to the terms, conditions and limitations of the member's contract or certificate. Unless otherwise stated, Oxford policies do not apply to Medicare Advantage members. Oxford reserves the right, in its sole discretion, to modify policies as necessary without prior written notice unless otherwise required by Oxford's administrative procedures or applicable state law. The term Oxford includes Oxford Health Plans, LLC and all of its subsidiaries as appropriate for these policies.

Certain policies may not be applicable to Self-Funded members and certain insured products. Refer to the member specific benefit plan document or Certificate of Coverage to determine whether coverage is provided or if there are any exclusions or benefit limitations applicable to any of these policies. If there is a difference between any policy and the member specific benefit plan document or Certificate of Coverage, the member specific benefit plan document or Certificate of Coverage will govern.

UnitedHealthcare may also use tools developed by third parties, such as the MCG™ Care Guidelines, to assist us in administering health benefits. The MCG™ Care Guidelines are intended to be used in connection with the independent professional medical judgment of a qualified health care provider and do not constitute the practice of medicine or medical advice.

APPLICATION

This reimbursement policy applies to services reported using the 1500 Health Insurance Claim Form (a/k/a CMS-1500), or its electronic equivalents or its successor form. This policy applies to all network and non-network physicians and other qualified health care professionals, including, but not limited to, non-network authorized and percent of charge contract physicians and other qualified health care professionals.

This policy does not apply to Network Durable Medical Equipment (DME) providers, home health services and home health agencies, anesthesia management, ambulance services, or network physicians and other qualified health care professionals contracted at a case rate (in some markets known as a flat rate) unless the code description for the service or supply indicates it should be reported only once daily. Maximum Frequency Per Day (MFD) limits for codes with a Medically Unlikely Edits Adjudication Indicator (MAI) of 2 apply to all except DME providers.

For Healthcare Common Procedure Coding System (HCPCS) codes reported with rental modifiers (KH, KI, KJ, KR, or RR) or the Maintenance and Service modifier (MS) by participating network and non-network durable medical equipment (DME), orthotics or prosthetics vendor, refer to policy titled *Durable Medical Equipment, Orthotics and Prosthetics Multiple Frequency*.

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OVERVIEW

The purpose of this policy is to ensure that Oxford reimburses physicians and other qualified health care professionals for the units billed without reimbursing for obvious billing submission and data entry errors or incorrect coding based on anatomic considerations, HCPCS/CPT code descriptors, CPT coding instructions, established Oxford policies, nature of a service/procedure, nature of an analyte, nature of equipment, and unlikely clinical treatment. The term "units" refers to the number of times services with the same Current Procedural Terminology (CPT ®) or Healthcare Common Procedure Coding System (HCPCS) codes are provided per day by the same individual physician or other qualified health care professional. To do this, Oxford has established maximum frequency per day (MFD) values, which are the highest number of units eligible for reimbursement of services on a single date of service. This policy applies whether a physician or other qualified health care professional submits one CPT or HCPCS code with multiple units on a single claim line or multiple claim lines with one or more unit(s) on each line. It is common coding practice for some CPT and HCPCS codes to be submitted with multiple units.

MFD values will be evaluated and/or updated quarterly to reflect new, changed, and deleted codes. Review of MFD values for existing CPT and HCPCS codes based on criteria within this policy will be completed annually.

For the purpose of this policy, the same individual physician or other qualified health care professional is the same individual rendering health care services reporting the same Federal Tax Identification number.

REIMBURSEMENT GUIDELINES

MFD Determination: Part I

The following criteria are first used to determine the MFD values for codes to which these criteria are applicable:

- The Centers for Medicare and Medicaid Services (CMS) Medically Unlikely Edit (MUE) value, where available, may be utilized to establish an MFD value, including unlisted codes.
- The service is classified as bilateral (CMS Indicators 1 or 3) on the CMS National Physician Fee Schedule (NPFS) or the term 'bilateral' is included in the code descriptor and when no MUE value has been established for these codes, the MFD value is one (1). There are some codes that describe more than one anatomical site or vertebral level that can be treated bilaterally where the MFD value may be more than 1.
- The CPT or HCPCS code description/verbiage indicates the number of times the service can be performed, in which case the MFD value is set at that value.
- The service is anatomically or clinically limited (e.g. anatomical site, vertebral level, dosage, units of measure and coding guidelines) with regard to the number of times it may be performed, in which case the MFD value is established at that value
- CMS Durable Medical Equipment Medicare Administrative Contractor (DMEMAC) Local Coverage Determination (LCD) assigns an MFD value in which case the MFD value is set at that value.
- Where no other definitive value has been established based on the criteria above, drug HCPCS codes will have an MFD value of 999 which indicates they bypass the MFD policy.
- Where no other definitive value has been established based on the criteria above, new CPT codes released by the American Medical Association and new HCPCS codes released by CMS (which are not covered by any of the above criteria), will have an MFD value of 100.

MFD Determination: Part II

When none of the criteria listed in Part I apply to a code, data analysis is conducted to establish MFD values according to common billing patterns.

- When a code has 50 or more claim occurrences in a data set (excluding HCPCS drug codes), the MFD values are determined through claim data analysis and are set at the 100th percentile (i.e., the highest number of units billed for that CPT or HCPCS code in the data set). If the 100th percentile exceeds the 98th percentile by a factor of four, the MFD will be set at the 98th percentile.
- When a code (excluding HCPCS drug codes) has less than 50 claim occurrences in a data set, the MFD values will be set at the default of 100 until the next annual analysis.
- In any case where, in Oxford's judgment, the 98th percentile does not account for the clinical circumstances of the services billed, the MFD for a code may be increased so as to capture only obvious billing submission and data entry errors.

The "MFD per Day Policy List" list below contains the most current MFD values. Maximum Frequency Per Day List

Reimbursement

The MFD values apply whether a physician or other qualified health care professional submits one CPT or HCPCS code with multiple units on a single claim line or multiple claim lines with one or more unit(s) on each line. It is common coding practice for some CPT and HCPCS codes to be submitted with multiple units. However, when reporting the

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same CPT or HCPCS code on multiple and/or separate claim lines, the claim line may be classified as a duplicate service.

Services provided are reimbursable services up to and including the MFD value for an individual CPT or HCPCS code. In some instances, a modifier may be necessary for correct coding and corresponding reimbursement purposes. See Q&A #3, 4 and 5.

Modifiers LT and RT Restrictions

Bilateral payment via the use of modifiers LT or RT is inappropriate for procedures, services, and supplies where the concept of laterality does not apply. Oxford will pay up to the maximum frequency per day value for codes with "bilateral" or "unilateral or bilateral" in description or for codes where the concept of laterality does not apply, whether submitted with or without modifiers LT and/or RT by the same individual physician or other qualified healthcare professional on the same date of service for the same member. Use of modifiers LT and/or RT on the codes identified in the "Codes Restricting Modifiers LT and RT" list will be considered informational only.
Codes Restricting Modifiers LT and RT

There may be situations where a physician or other healthcare professional reports units accurately and those units exceed the established MFD value. In such cases, Oxford will consider additional reimbursement if reported with an appropriate modifier such as modifier 59, 76, 91, XE, XS or XU. Medical records are not required to be submitted with the claim when modifiers 59, 76, 91, XE, XS or XU are appropriately reported. Documentation within the medical record should reflect the number of units being reported and should support the use of the modifier.

Medically Unlikely Edit Adjudication Indicator (MAI) 2

CMS has identified CPT/HCPCS codes where the units of service (UOS) on the same date of service in excess of the MUE value would be considered impossible because it is contrary to statute, regulation or sub-regulatory guidance. Therefore, Oxford will not allow units in excess of the MFD value to be reimbursed for CPT/HCPCS codes assigned an MAI indicator of "2". Per CMS guidelines, no modifier override will be allowed, however, anatomic modifiers may be considered when appropriate. MAI2 Indicator Codes

Modifiers										
59	76	91	XE	XS	XU					
Anatomic Modifier										
E1	E2	E3	E4	F1	F2	F3	F4	F5	F6	F7
F8	F9	FA	LC	LD	LM	LT	RC	RI	RT	T2
T2	T3	T4	T5	T6	T7	T8	T9	TA		

QUESTIONS AND ANSWERS

1	Q:	Why are DME, network home health services and home health agencies, anesthesia management, and ambulance providers excluded from this policy?
	A:	There are many contracts specific to these physicians and other health care professionals that permit codes to be used in a different manner than intended by CPT and HCPCS, which make the application of this policy unworkable. Billing practices may also dictate that the units field is used to report something other than how many times a service was performed (i.e., mileage), which again may make the application of this policy unworkable. These providers were excluded until contract language and/or billing practices can be reviewed and changed.
2	Q:	When the frequency of a billed service, drug or supply on a date of service is greater than the established MFD value, will there be additional reimbursement?
	A:	When a physicianor other healthcare professional reports units accurately, yet those units exceed the established MFD value, an appropriate modifier such as 59, 76, 91, XE, XS, or XU may be utilized. The MFD value is a threshold set solely to avoid overpayment due to billing and data entry errors. Oxford intends to reimburse all services performed and reported with proper coding in accordance with its reimbursement policies and benefit or provider contracts. Medical records do not need to be submitted for the purposes of this policy, unless the processed claim is being submitted on appeal. When reporting the same CPT or HCPCS code on multiple and/or separate claim lines, the claim line may be classified as a duplicate service.

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<table>
<tr><td rowspan="2">3</td><td>Q:</td><td>Why has Oxford set the MFD value at 1 for bilateral procedures?</td></tr>
<tr><td>A:</td><td>Oxford has set the MFD value for most bilateral procedures at 1. The preferred method of billing a bilateral eligible procedure is with 1 unit on one claim line with modifier 50. Modifier 50 indicates that one procedure was performed bilaterally. Bilateral eligible procedures may also be billed with modifiers RT and LT, but must be reported on two separate lines with 1 unit each. There are some codes that describe more than one anatomical site or vertebral level that can be treated bilaterally where the MFD value may be more than 1.</td></tr>
<tr><td rowspan="2">4</td><td>Q:</td><td>Would the MFD value for bilateral procedures remain at 1 unit if it is possible to perform these procedures more than once per day?</td></tr>
<tr><td>A:</td><td>If the bilateral procedure is provided more than once per day, modifiers 59, 76, or XS may be appropriate to bill depending on the circumstance. Additional reimbursement will be considered with the use of these modifiers.</td></tr>
<tr><td rowspan="2">5</td><td>Q:</td><td>Would the MFD value for hand or foot bilateral procedures remain at 1 unit if it is possible to perform the procedure on multiple digits such as fingers or toes?</td></tr>
<tr><td>A:</td><td>The MFD value would remain at 1 unit, however, HCPCS modifiers FA or F1-9 may be used to report specific fingers; TA or T1-9 may be used to report specific toes.</td></tr>
<tr><td rowspan="2">6</td><td>Q:</td><td>Will Oxford allow more than 1 unit for a CPT or HCPCS code with “per diem” or “per day” in the code description?</td></tr>
<tr><td>A:</td><td>Oxford will allow 1 unit of a procedure code with “per diem” or “per day” or other verbiage describing once daily in the code description.</td></tr>
<tr><td rowspan="2">7</td><td>Q:</td><td>What is an example of a code that is limited because of anatomical or clinical reasons?</td></tr>
<tr><td>A:</td><td>An Appendectomy would be set at the MFD value of 1 unit because a person only has one appendix.</td></tr>
<tr><td rowspan="2">8</td><td>Q:</td><td>How should 90460 and/or 90461 be reported when multiple immunizations with face-to-face counseling are performed on the same date of service? For example, if the physician or other qualified health care professional administers immunizations for a 2-month-old infant on the same date of service according to the current immunization schedule, how should the following immunizations be reported?
<table>
<tr><th>Immunization</th><th>Components</th><th>CPT Code</th></tr>
<tr><td>DtaP intramuscular administration</td><td>3</td><td>90460
90461 x 2</td></tr>
<tr><td>Rotavirus oral administration</td><td>1</td><td>90460</td></tr>
<tr><td>Hepatitis B and Hemophilus influenza B intramuscular administration</td><td>2</td><td>90460
90461</td></tr>
<tr><td>Poliovirus intramuscular administration</td><td>1</td><td>90460</td></tr>
<tr><td>Pneumococcal conjugate vaccine</td><td>1</td><td>90460</td></tr>
</table></td></tr>
<tr><td>A:</td><td>Coding practices may vary by physician or other qualified healthcare professional offices. It is appropriate to report the immunization administration of the first and additional vaccine/toxoid component with face-to-face counseling on one line with multiple units and a link to all associated ICD-10-CM codes or report each component on a separate line. In the example above, the claim could be reported as 90460 with 5 units on one line and 90461 with 3 units on a separate line with the associated ICD-10-CM diagnoses linked to each line.
It is also appropriate to report the administration of each vaccine component on separate lines; e.g., reporting 5 lines for 90460 with 1 unit each and 3 lines for 90461 with 1 unit each. However, when reporting the same CPT or HCPCS code on multiple lines and/or on separate claims, the additional claim line(s) reported with the same procedure code may be denied as a duplicate service.</td></tr>
<tr><td rowspan="2">9</td><td>Q:</td><td>How are MFD values for immunization administration CPT codes, 90472 and 90474 determined?</td></tr>
<tr><td>A:</td><td>Oxford follows the recommendations from the Center for Disease Control's (CDC) Advisory Committee on Immunization Practices (ACIP) to set the MFD value for additional immunization administration codes.</td></tr>
<tr><td rowspan="2">10</td><td>Q:</td><td>What are examples of procedures or services where the "description/verbiage" clearly indicates the number of units that can be performed on a single date of service?</td></tr>
<tr><td>A:</td><td>Services that include “single lesion,” “XX or more lesions,” or "per date of service" in the code description should be reported with 1 unit of service.</td></tr>
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11	Q:	Why are many new CPT and HCPCS codes set at an MFD value of 100?
	A:	There is no CMS MUE value, data or previous claim history for new codes. Setting the MFD value at 100 allows claims to be processed and prevents most overpayments from occurring due to billing errors and data entry errors. Once there is a CMS MUE value or claims data on a code, the MFD value will be established based on the hierarchy of the Reimbursement Guidelines MFD Determination listed above.
12	Q:	What is an example of determining the MFD value at the 100th percentile unless the 100th percentile exceeds the 98th percentile by greater than a factor of 4?
	A:	Statistical calculation: (A) x 4 = (C); if (B) is greater than (C), then the 98th percentile is set for the MFD value. If (B) is less than or equal to (C), then the 100th percentile is set for the MFD value. Here are two examples of determining MFD values based on a factor of 4.

Code	(A) Units @ 98th	(B) Units @ 100th	(C) Factor of 4	Set MFD at:
86902	14	27	56	27
E0676	2	30	8	2

APPLICABLE CODES

Maximum Frequency Per Day Code List

CDT, CPT, and HCPCS codes and their maximum frequency per day (MFD) value assignments
Maximum Frequency Per Day Code List

Codes Restricting Modifiers LT and RT

Codes that allow up to the MFD limit that have "bilateral" or "unilateral or bilateral" in the description or where the concept of laterality does not apply
Codes Restricting Modifiers LT and RT

MAI2 Indicator Codes

Codes that CMS has identified where the Units of Service (UOS) on the same date of service in excess of the MUE value would be considered impossible, however, anatomic modifiers may be considered when appropriate.
MAI2 Indicator Codes

REFERENCES

The foregoing Oxford policy has been adapted from an existing UnitedHealthcare national policy that was researched, developed and approved by UnitedHealthcare Payment Policy Oversight Committee. [*2020R0060I*]

American Medical Association, Current Procedural Terminology (CPT®) and associated publications and services.

Centers for Disease Control and Prevention, Advisory Committee on Immunization Practices.

Centers for Medicare and Medicaid Services, Healthcare Common Procedure Coding System, HCPCS Release and Code Sets.

POLICY HISTORY/REVISION INFORMATION

Date	Action/Description
11/09/2020	**Applicable Codes** • Revised *Maximum Frequency Per Day Code List*: ***COVID-19 Related Edits*** ○ Added CPT codes 0240U, 0241U, 87636, 87637, and 87811 ***Quarterly Edits*** ○ Added CPT/HCPCS codes 0015M, 0016M, 0203U, 0204U, 0205U, 0206U, 0207U, 0208U, 0209U, 0210U, 0211U, 0212U, 0213U, 0214U, 0215U, 0216U, 0217U, 0218U, 0219U, 0220U, 0221U, 0222U, J1437, J1632, J1738, J3032, J3241, J7351, J9227, J9304, K1006, K1007, K1009, K1010, K1011, K1012, Q4249, Q4250, Q4254, Q4255, T2047, and V2524 ○ Updated MFD value for CPT/HCPCS codes 0202U, 0223U, 0224U, 0598T, 36227, 86328, 86408, 86409, 86413, 86769, 87426, 88342, 89220, 90791, 90792, 90845, 90853, 90875, 90967, 90968, 90969, 90970, 92507, 92521, 92522, 92523, 92524, 96131, 96133, 96156, 96160, 96161, 96171, 97161, 97162, 97163, 97164, 97165, 97166, 97167, 97168, 99212, 99213, 99214,

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<table>
<tr><th>Date</th><th>Action/Description</th></tr>
<tr><td></td><td>
99217, 99224, 99225, 99226, 99231, 99232, 99233, 99234, 99235, 99236, 99238, 99239, 99307, 99308, 99309, 99310, 99315, 99316, 99406, 99407, 99458, 99468, 99469, 99471, 99472, 99473, 99475, 99476, 99477, 99478, 99479, 99480, 99483, 99495, 99496, G0409, G0443, G0459, G0506, G0508, G0509, J9305, Q2041, S0270, S0271, S0272, S0320, and S9110

Revised list of Codes Restricting Modifiers LT and RT:
COVID-19 Related Edits
Added CPT codes 0240U, 0241U, 87636, 87637, and 87811
Quarterly Edits
Added CPT/HCPCS codes 0015M, 0016M, 0203U, 0204U, 0205U, 0206U, 0207U, 0208U, 0209U, 0210U, 0211U, 0212U, 0213U, 0214U, 0215U, 0216U, 0217U, 0218U, 0219U, 0220U, 0221U, 0222U, 92235, 92240, G0442, G0443, G0444, G0445, J0178, J0179, J1437, J1632, J1738, J2778, J3032, J3241, J7311, J7312, J7351, J9227, J9304, K1006, K1007, K1009, K1010, K1011, K1012, Q4249, Q4250, Q4254, Q4255, and T2047
Revised list of MAI2 Indicator Codes:
Quarterly Edits
Added CPT/HCPCS codes 0014M, 0099U, 0100U, 0172U, 0173U, 0174U, 0175U, 0177U, 0178U, 0179U, 36227, 77427, 90839, 90845, 90951, 90952, 90953, 90954, 90955, 90957, 90958, 90959, 90960, 90961, 90962, 90963, 90964, 90965, 90966, 90967, 90968, 90969, 90970, 92521, 92522, 92523, 92524, 96116, 96130, 96132, 96136, 96138, 96158, 96164, 96167, 97161, 97162, 97163, 97164, 97165, 97166, 97167, 97168, 98966, 98967, 98968, 99201, 99202, 99203, 99204, 99205, 99217, 99218, 99219, 99220, 99224, 99225, 99226, 99291, 99304, 99305, 99306, 99307, 99308, 99309, 99310, 99315, 99316, 99327, 99328, 99341, 99342, 99343, 99344, 99345, 99354, 99356, 99406, 99407, 99421, 99422, 99423, 99441, 99442, 99443, 99468, 99469, 99471, 99472, 99473, 99475, 99476, 99477, 99478, 99479, 99480, 99483, 99495, 99496, 99497, G0296, G0396, G0397, G0438, G0439, G0442, G0443, G0444, G0445, G0506, G0508, G0509, G0513, G2061, G2062, G2063, J0178, J0179, J1095, J2778, J7311, J7312, J7313, and J7314

Supporting Information
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