

# NYSIPP & AETNA MEETING

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## MEETING MINUTES

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<b>Date:</b>	August 13th	<b>Present:</b>	<b>Robert Tiso MD</b> (President, NYSIPP) <b>Hemant Kalia MD MPH</b> (Chair, Advocacy & Policy Consortium) <b>Steve Aydin DO</b> (NYSIPP) <b>Rebecca Salmon</b> ( Practice Administrator NYSpine & Wellness) <b>Robert McDonough MD</b> ( Physician lead Clinical Policy, Aetna) <b>Lynn Fitzgerald MD</b> (Neurosurgery, Aetna) <b>Howard Marans MD</b> (Ortho spine, Aetna) <b>Rafel Lopez MD</b> ( ortho spine, Aetna)
<b>Location:</b>	Zoom Call		

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### I. TOPIC: INAPPROPRIATE APPLICATION OF CMS LCD COVERAGE REQUIREMENTS FOR MEDICARE ADVANTAGE PLANS

- Primary Issue: Apparent application of more restrictive coverage guidelines for Medicare Advantage members than required by traditional Medicare Local Coverage Determinations (LCDs); resulting in denials that would otherwise be covered for CMS FFS patients. We presented illustrative examples that appear to be widespread acts.
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- February 2024 – Aetna began imposing more restrictive prior authorization coverage requirements than CMS’ LCDs. While Medicare Advantage Organizations (MAOs) are permitted to apply additional criteria beyond Medicare national and/or local coverage policies, this must only apply to commercially insured patients. MA plans are legally required to follow CMS coverage policy.<sup>1</sup>This was reiterated in the Contract Year 2024 Policy and Technical Changes to the Medicare Advantage Program rule 2.

## II. DISCUSSION

1. 4 specific cases were discussed without PHI.
2. Dr. Marans and his team provided additional information and process of review.
3. Drs. Tiso, Aydin and Kalia reiterated recent regulatory change where all Medicare Advantage Plans need to follow traditional NCD/LCD guidelines.
4. Dr. Marans and his team confirmed that they are following those criteria’s, infact, they try to have all these cases reviewed by similar specialty medical director.
5. They advised to follow LCD language or covered indication, continuum of care and Limitation as delineated in the policy document.
6. They also pointed out a material error which leads to inaccurate interpretation of LCD with absolute and relative contraindication under Limitations section.
7. Aetna leadership reassured to continue to keep open communications between NYSIPP Advocacy & Policy team.
8. Aetna leadership suggests following criteria as exemplified in the LCD ( <https://www.cms.gov/medicare-coverage-database/view/lcd.aspx?lcdid=35130> )