



**FSIPP**  
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**FLORIDA SOCIETY OF INTERVENTIONAL PAIN PHYSICIANS**

**P.O. Box 330298, Atlantic Beach, FL 32233-0298**  
**Phone: 904-270-8886 Fax: 904-246-9233**

October 8, 2009

Noridian Administrative Services, LLC  
Attn: Part B Medical Director  
P.O. Box 6740  
Fargo ND 58108-6740  
[policyb.drafts@noridian.com](mailto:policyb.drafts@noridian.com)

RE: Draft LCD for Non-Covered Services (DL24471) - Facet Joint Interventions

**Part B:**

Alaska, Oregon, Washington, Arizona, Montana, North Dakota, South Dakota, Utah  
Wyoming

Dear Drs. Waldman, Hecker, and Mangold,

The Florida Society of Interventional Pain Physicians (FSIPP) is responding to your potential determination to place facet joint interventions on the non-covered code list. With representatives on the Medicare Carrier Advisory Committee for the State of Florida we understand waste, abuse, and fraud as an escalating problem in health care in the United States. As a sub chapter of the American Society of Interventional Pain Physicians, we have reviewed the extensive letter sent to you by Dr. Lax Manchikanti, CEO. We stand firm with the ASIPPs recommendation that removing facet injection from coverage will be detrimental to patients with facet joint syndrome and support the evidence that diagnostic and ablative facet joint procedures provide patients with significant pain relief. However, we also stand firm that these procedures must be provided by physicians trained in pain management, since patient selection criteria is key in achieving positive results.

As you are aware the 2007 OIG Report on Facet Joint Injections identified significant fraud and abuse, but may we also point out the 88% of the surveyed injections were provided by physicians who were not credential nor trained in pain management. The diagnostic information and documentation reported was extremely poor, except for the physicians who were designated as interventional pain management specialists. There is no doubt there is waste, abuse, and fraud in performing facet joint interventions by physicians who are untrained and merely seeking to capture procedure based revenues. We maintain that facet joints are one of the common structures responsible for spinal pain. Deleterious effects of elimination of facet joints include an

exponential overall increase in emergency room visits, physician visits and a further increase in waste as the identified etiology of pain will not be covered and therefore not provided. Additionally, the consequences of a decision like this will hamper patient access and increase the cost to the beneficiary fund in the long run.

Strict regulations must be implemented without sacrificing the care of the patient. The OIG has recommended strengthening program efforts to prevent improper payments, not eradication the treatments. Manchikanti has also recommended tighter regulations on medical necessity, indications, limitation on levels and time intervals.

Florida’s MAC, J9, First Coast Service Options recently revised the Local Coverage Determination for para vertebral facet injections and ablation in an effort to accomplish this task. We believe as does our carrier that waste, abuse, and fraud can be substantially reduced or even eliminated while still maintaining access to the patients and also provide appropriate care consistent with the mission of Medicare.

In summary, spine pain is a complex medical condition that requires detailed clinical evaluation by experienced practitioners. Patient selection is principal in considering treatment of the facet joint. We respectfully request reconsideration of this proposed decision.

Thank you. If you have any further questions, please feel free to contact us.

Sincerely,

Deborah H. Tracy MD, MBA  
 Florida Medicare CAC  
 Florida Society of Interventional Pain Physicians, President-Elect

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