



DEPARTMENT OF HEALTH & HUMAN SERVICES

*Division of Medicare Financial Management
Program Integrity Branch
26 Federal Plaza
38TH floor
New York, N.Y. 10278
Refer to:06210*

September 13, 2006

Ted Rothstein, DDS, PhD
35 Remsen Street
Brooklyn, NY 11201

Dear Dr. Rothstein:

This is in response to your letter to Dr. Mark B. McClellan concerning the Centers for Medicare and Medicaid Services' (CMS) reimbursement changes for Bariatric services and its consideration to reimburse Orthodontic Jaw Wiring as an alternative procedure for Bariatric surgery.

Reimbursement for Bariatric services is expected to increase providing all the variables in the Medicare Physician Fee Schedule (PFS) formula remain constant. However, in accordance with the statutory requirements the conversion factor is scheduled for an update which will reduce all services by an estimated 5.1 percent. Although an overall reduction of the Medicare PFS is planned, Congress has the authority to take action to eliminate the scheduled reduction as it has done in the past.

CMS's Office of Clinical Standards & Quality, Coverage and Analysis Group, in Central Office is responsible for considering new procedures for Medicare coverage. They have established a website at <http://cms.hhs.gov/center/coverage.asp>, which contains information on Medicare's National Coverage Determination (NCD) process and instructions on how to request an NCD. I suggest that you review the information available on the website and follow the outlined procedures in order to obtain a coverage decision for Orthodontic Jaw Wiring.

If you have any additional questions on this matter, please contact Ms. Melissa Towns of my staff at 212-616-2538.

Sincerely,

Sandra M. Tokayer
Manager
Program Integrity Branch