



**Durable Medical Equipment  
Medicare Administrative Contractor**

January 2010  
Therapeutic Diabetic Shoes

Dear Physician:

The Comprehensive Error Rate (CERT) Contractor, under contract with the Centers for Medicare & Medicaid Services (CMS), performs medical review for durable medical equipment, prosthetics, orthotics, and supplies (DMEPOS) provided to Medicare beneficiaries to determine paid claims error rates for Medicare contractors and providers. It is your responsibility as the ordering physician to determine and document the medical need for all healthcare services.

The CERT Contractor may request that the supplier obtain this information from you in order to verify that Medicare coverage criteria have been met. The supplier must submit the documentation to CERT within 75 days from the date of the first initial request letter.

For Therapeutic Shoes for Persons with Diabetes to be covered by Medicare, the patient's medical record must contain sufficient information about the patient's medical condition to substantiate the necessity for the type and quantity of items ordered and for the frequency of use or replacement (if applicable). As the Certifying Physician, you are responsible for the following:

- A. Completing the Physician Certification Statement by certifying that the following conditions are met:
  - 1. The patient has Diabetes Mellitus (ICD-9 249.00-250.93)
  - 2. The patient has one or more of the following conditions:
    - a. Previous amputation of the other foot, or part of either foot
    - b. History of previous foot ulceration of either foot
    - c. History of pre-ulcerative calluses of either foot
    - d. Peripheral neuropathy with evidence of callus formation of either foot
    - e. Foot deformity of either foot
    - f. Poor circulation in either foot
  - 3. The Certifying Physician's legible signature
  - 4. The date of the Certifying Physician's signature

- B. Clinical records that document one or more of criteria a-f prior to signing the Physician Certification Statement; that the Certifying Physician is treating the patient under a comprehensive plan of care for his/her diabetes; and that the patient needs diabetic shoes.

**Note:** The Certifying Physician may also refer to the clinical records of a podiatrist, other M.D or D.O, physician assistant, nurse practitioner, or other nurse specialist that document one or more of criteria a-f, under the following conditions:

- 1. The Certifying Physician reviews the medical records and documents an agreement with information from these records
- 2. The Certifying Physician initials these records
- 3. The Certifying Physician dates the records prior to signing the Physician Certification Statement.

For complete coverage information, you may access the *Therapeutic Shoes for Persons with Diabetes Local Coverage Determination (LCD) L11535* at the following web site:

[http://www.medicarenhic.com/dme/medical\\_review/mr\\_lcd\\_current.shtml](http://www.medicarenhic.com/dme/medical_review/mr_lcd_current.shtml)

**NHIC, Corp.**

DME MAC Jurisdiction A  
75 Sgt. William B. Terry Drive  
Hingham, MA 02043  
A CMS CONTRACTOR

DMEPOS suppliers are your partners in caring for your patient. They will not receive payment from Medicare for the items that are ordered if you do not provide information from your medical records when it is requested. Furthermore, not providing this information may result in your patients having to pay for the item themselves. Finally, your cooperation is a legal requirement as outlined in the Social Security Act, the law governing Medicare:

*In accordance with 42U.S.C. 1320C-5 (a) (3) and 1833 of the Social Security Act, as a Medicare provider, you must provide documentation and medical records to the CERT contractor upon request to support claims for Medicare services. It is your responsibility to obtain additional supporting documentation from a third party (hospital, nursing home, etc.), as necessary. Providing medical records of Medicare patients to the Comprehensive Error Rate Testing (CERT) contractor is within the scope of compliance with the Health Insurance Portability and Accountability Act (HIPAA).*

You may not charge the supplier or the beneficiary to provide this information to the supplier.

Help your DMEPOS supplier continue to provide good service to your patients by promptly providing the information from your medical records that is requested.

**DO NOT** send medical records directly to the DME MAC. **Provide them to the equipment supplier who originated this request.**

Thank you.