
Program Memorandum Intermediaries/Carriers

**Department of Health &
Human Services (DHHS)
Centers for Medicare &
Medicaid Services (CMS)**

Transmittal AB-01-186

Date: DECEMBER 18, 2001

CHANGE REQUEST 1963

SUBJECT: Suspension of National Coverage Policy on Electrical Stimulation for Wound Healing

Pursuant to Court's decision *Aitken v. Shalala*, the court ordered an injunction to the national non-coverage policy on the use of electrical stimulation for the treatment of wounds.

The court has enjoined CMS and its agents from enforcing or giving effect to the Coverage Issues Manual §35-98. The previous Program Manual on this subject carried a discard date of July 2000, in anticipation that we would be able to resolve the concerns of the court. However, the court order remains in effect. Therefore, continue to adjudicate all claims for electrical stimulation without regard to the national coverage policy, described in CIM §35-98. This includes all claims for services performed after July 14, 1997.

These instructions should be implemented within your current operating budget.

The implementation date for this Program Memorandum (PM) is December 18, 2001.

The effective date for this PM is December 18, 2001.

This PM may be discarded December 31, 2002.

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