



An Anthem Company

Administrative Policy

Title: Out-of-Network Exception Requests for Breast Reconstruction Following a Mastectomy

Date Issued: 4/24/14

Description/Scope

This document outlines Empire's process for reviewing Out-of-Network Exception requests for breast reconstructive services performed by an out-of-network surgeon.

Lines of Business

This policy only applies to Empire's insured commercial lines of business when such requests are made within Empire's service area. This policy does not apply to Medicare Advantage, FEP, or Blue Card, or self-funded lines of business. However, self-funded plans may opt to follow this policy.

Definitions

In-network provider: Providers that have a participation agreement with Empire to provide services applicable to the member's benefit plan. A list of participating providers and their locations are available on Empire's website at www.empireblue.com.

Out-of-Network Exception: A determination made by Empire to provide benefits for covered services rendered by an out-of-network provider as if the provider was an in-network provider, where the member is only responsible for any applicable in-network cost-sharing amounts.

Cost-Share: The amounts a member is required to pay in the form of a deductible, copayment and/or coinsurance under the health care benefit plan for covered services.

Policy

I. Initiating An Out-of-Network Exception Request for Breast Reconstruction

Any request for an Out-of-Network Exception for breast reconstruction surgery services should be made prior to the referral or first appointment with the out-of-network breast reconstruction surgeon, and before any services are performed by such out-of-network provider. **Nothing in this policy shall require Empire to approve Out-of-Network Exception requests if submitted post-service by either the member or provider.**

II. Process for Reviewing Out-of-Network Exception Requests for Breast Reconstruction Immediately Following a Mastectomy

When Empire receives an Out-of-Network Exception for breast reconstruction surgery services Empire will then review the request as follows:

A. Researching Participating Providers

1. When the reconstruction surgery is to be performed in the same operative session as the mastectomy, Empire will research whether there are in-network breast reconstruction surgeons available in Empire's network who can perform the requested services at the in-network hospital where the surgeries will be performed.
2. When the surgery is to be performed in a separate operative session, Empire will research whether there are in-network breast reconstruction surgeons available that meet the New York State Department of Health's travel distance and time standards. Empire will use the member's current home residence zip code when performing this analysis. Empire will confirm there is at least one in-network breast reconstructive surgeon within the geographic radius that can provide the

requested services.

B. Decision Process

1. In-Network Breast Reconstruction Surgeons Not Available: If there are not in-network breast reconstruction surgeons available within the member's geographic radius to perform the requested services, Empire will approve the Out-of-Network Exception request orally and in writing, and the member is responsible for any applicable in-network cost-sharing amounts. Approval of an Out-of-Network Exception for breast reconstruction surgery services immediately following a mastectomy does not mean that Empire will approve any other request for out-of-network services at in-network benefit levels on an individual basis.

2. Agreement Reached with Out-Of-Network Breast Reconstruction Surgeon when an In-Network Breast Reconstruction Surgeon is Not Available at the In-Network Hospital where the Surgery is to be Performed: If Empire's in-network mastectomy surgeon has referred the member to an out-of-network breast reconstruction surgeon when there is not an in-network breast reconstruction surgeon available to provide such services at the in-network hospital where the proposed mastectomy surgery is to be performed, Empire will approve orally and in writing such Out-of-Network Exception request if the out-of-network breast reconstruction surgeon has agreed to accept as payment in full (excluding any in-network cost sharing required of the member) an amount agreed to by the parties for all stages of the procedure and all related procedures.

3. In-Network Breast Reconstructive Surgeons Available: If there are in-network breast reconstruction surgeons available and Empire has not granted the Out-of-Network Exception request pursuant to sections B. 1. or B. 2. above, Empire will deny the Out-of-Network Exception request and provide the following information to the member:

- a. Names, specialty and contact information for the in-network breast reconstruction surgeons who could perform the recommended breast reconstruction;
- b. Identity of the participating mastectomy surgeons and hospitals in the proposed in-network medical team;
- c. A statement that going out-of-network will cost a member more unless Empire has approved the request for an Out-of-Network Exception for breast reconstruction immediately following a mastectomy according to Empire's administrative policy;
- d. A statement that the member is entitled to have the mastectomy and breast reconstruction performed during the same surgical procedure; and
- e. The process to file a grievance with Empire.

C. Decision Timeframe for Breast Reconstruction Surgery Services During the Same Operative Session:

Empire shall decide Out-of-Network Exception requests for breast reconstruction surgery services when such services will be performed immediately following a mastectomy during the same operative session within 10 calendar days of receipt of all necessary information. If Empire fails to issue a decision within this required time frame, Empire will approve the exception request.

Policy History	
(insert date)	

Use of this administrative policy:

This policy is subject to federal and state laws to the extent applicable, as well as the terms, conditions, and limitations of a member's benefits. In the event of a conflict between this policy and the member's benefit plan or contract, the member's benefit plan or contract controls. We reserve the right in our sole discretion to revise and update this periodically.

No part of this publication may be reproduced, stored in a retrieval system, or transmitted, in any form or by any means, electronic, mechanical, photocopying, or otherwise, without permission from Empire BlueCross BlueShield. © 2014 Empire BlueCross BlueShield.