CASE AND COMMENTARY
Is It Covered or Not? Health Plans and Experimental Procedures
Commentary by Kayhan Parsi, JD, PhD

Case
Dr. Burnett arrived at DeFrancis to examine Mrs. Raphael. He confirmed her blood
Ms. Evans was diagnosed with stage II, node positive breast cancer. The primary
tumor was 3 centimeters when diagnosed, and 14 of her 23 axillary lymph nodes
were involved with the tumor. Ms. Evans underwent a lumpectomy,
lymphadenectomy, and several months of standard-dose chemotherapy, all of which
her health plan covered. Her physician, Dr. Bookman, discussed another possible
follow-up treatment for her breast cancer. He believed that Ms. Evans' best chance
for long-term survival required the administration of a procedure called high-dose
chemotherapy/peripheral blood stem cell rescue (HDC/PBSCR). This is a three-step
process. First, blood stem cells are harvested from the patient's circulating, or
peripheral, blood and placed in temporary storage. Next, the patient undergoes a
cycle of high dose chemotherapy in hopes of killing the cancer cells. After
administration of the HDC, the stored blood stem cells, which also would have been
attacked by the chemotherapy had they not been removed, are reinfused into the
patient's bloodstream to relieve the toxic effects of the HDC.

Dr. Bookman requested that the health plan pre-approve payment of expenses for
Ms. Evans' treatment. Part of the charge was for stem cell rescue procedure, but no
CPT code existed for such a procedure. Moreover, the health plan determined that
the HDC/PBSCR procedure was experimental and investigational in nature and
should not be covered. This decision was made by a patient care committee
composed of physicians employed by the health plan.

Questions for Discussion
1. Ms. Evans cannot afford the HDC/PBSCR treatment without reimbursement.
   Should Dr. Bookman use the code of a therapy that is listed on the CPT so
   that Ms. Evans can receive the therapy he thinks offers her the best chance of
   long-term survival?
2. Should physicians who are employed by the health plan serve on the patient
care committee that makes reimbursement decisions?
3. "Mis-coding" for the procedure aside, does Dr. Bookman have any ethical or
   professional responsibility for attempting to help Ms. Evans receive payment
   for the HDC/PBSCR procedure that he believes will benefit her?

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