



State of New Jersey
Department of Human Services
Division of Medical Assistance & Health Services

NEWSLETTER

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TO: Hospitals, Physicians, Advanced Practice Nurses, Midwives,
Independent Clinics and Health Maintenance Plans – **For Action**

SUBJECT: **Non-Medically Indicated Early Elective Deliveries**
****Revised Diagnosis Codes****

EFFECTIVE: Claims with service dates on or after **January 1, 2021**

PURPOSE: To clarify that Medicaid/NJ FamilyCare will not reimburse providers for non-medically indicated early elective deliveries (EEDs).

BACKGROUND: On May 8, 2019, Public Law 2019, Chapter 87 was signed into law by Governor Murphy prohibiting Medicaid/NJ FamilyCare coverage of any non-medically indicated early elective deliveries (EED). The original effective date was July 1, 2020. On March 9, 2020, Governor Murphy signed Executive Order 159 as part of New Jersey's response to the current COVID-19 crisis. One of the provisions of Executive Order 159 was to extend the effective date of Public Law 2019, Chapter 87.

EEDs are defined as scheduled cesarean sections or medical inductions performed prior to 39 weeks of gestation without medical indication. An EED is not justified solely by maternal request, availability of effective pain management, or facility or provider scheduling issues. Studies have demonstrated that non-medically indicated early elective deliveries performed prior to 39 weeks of gestation carry risks for both babies and mothers, including higher incidences of neonatal intensive care unit admissions, pneumonia and longer hospital stays for infants than when the pregnancy is allowed to progress naturally to full term. Unsuccessful inductions may result in a cesarean section, which can lead to infections, bleeding and anesthesia complications for mothers.

ACTION: Public Law 2019, Chapter 87 prohibits Medicaid/NJ FamilyCare reimbursement for professional, hospital and clinic claims for non-medically indicated early elective deliveries. Obstetricians and midwives are encouraged to share educational materials with their patients to ensure their understanding of the risks associated with early elective deliveries. The American College of Obstetricians and Gynecologists (ACOG) and the March of Dimes provide educational information at:

<https://www.acog.org/womens-health>,
<https://www.marchofdimes.org/materials/HBWW-Infographic.pdf>, and
<https://marchofdimes.org/39weeks>.

Obstetricians, midwives, hospitals and clinics requesting Medicaid/NJ FamilyCare reimbursement for a labor and delivery claim are required to report an ICD-10-CM diagnosis code indicating the week of gestation (ICD-10-CM category code Z3A). Code Z3A.00 (weeks of gestation of pregnancy not specified) should not be utilized to indicate gestational age. Claims submitted without a diagnosis code indicating the week of gestation shall be denied payment.

Any claims with service dates on or after January 1, 2021 reporting a week of gestation ICD-10-CM diagnosis code of less than 39 weeks without one of the diagnosis codes identified by the following ICD-10-CM categories shall be denied payment by the Medicaid/NJ FamilyCare Program:

O10	O32	O46.003	O60.14	O76	O98.72
O11	O33	O46.012	O60.20	O77.1	O98.73
O12	O34.212	O46.013	O60.23	O77.8	O99.322
O13	O34.29	O46.022	O62.3	O77.9	O99.323
O14	O34.519	O46.023	O64	O98.12	O99.324
O15	O34.533	O46.092	O66.6	O98.13	O99.325
O16	O35	O46.093	O67.0	O98.112	R03.0
O24	O36	O46.8X2	O67.8	O98.113	
O26.42	O41	O46.8X3	O67.9	O98.212	
O26.43	O42	O46.92	O68	O98.213	
O26.612	O43	O46.93	O69	O98.22	
O26.613	O44	O60.10	O71	O98.23	
O30	O45	O60.12	O75.0	O98.712	
O31	O46.002	O60.13	O75.1	O98.713	
O80.0 can be used with gestational age >= 37 weeks					

Providers denied payment may request that the denial be re-considered for payment based on medical necessity by submitting the attached **Gainwell Technologies, Medicaid Claim Inquiry/Response Form** to the Gainwell Technologies, Correspondence Unit. Please attach a hard-copy claim and supportive medical documentation to justify payment of the claim.

If you have any questions concerning this Newsletter, please contact the Gainwell Technologies Provider Services Unit at 1-800-776-6334.

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