

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF FLORIDA
CASE NO. 0:16-cv-62610-BLOOM/Valle

A&M GERBER CHIROPRACTIC, LLC
a/a/o Conor Carruthers on behalf of itself
and all others similarly situated,

Plaintiff,

v.

GEICO GENERAL INSURANCE
COMPANY,

Defendant.

_____ /

DECLARATION OF TODD S. PAYNE

I, Todd S. Payne, pursuant to 28 U.S.C. Sec. 1746, declare as follows:

1. I am lead counsel in the above referenced matter and am intimately involved in all aspects of this case.

2. As part of my research in this case I have had to determine the proper Medicare Part B Fee Schedule amount for certain CPT Codes including 97110 and 97140.

3. Based on my research for the Fort Lauderdale area the 2015 Medicare Part B Fee Schedule CPT code 97110 is \$33.52 and for CPT Code 97140 is \$30.72. Please see printout from CMS.Gov attached hereto as Exhibits 1 and 2.

4. 200% of the Medicare Fee Schedule Amounts is \$67.04 for CPT Code 97110 and \$61.44 for CPT Code 97140.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on this 12th day of May, 2017 in Fort Lauderdale, Florida.

/s/ Todd S. Payne
Todd S. Payne

EXHIBIT 1



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Selected Criteria:

Year:	<input type="text" value="2015A"/>	HCPCS:	<input type="text" value="97110"/>
Type of Info.:	<input type="text" value="Pricing Information"/>	Modifier:	<input type="text" value="Global (Diagnostic Service) OR Physicians Professional Service where Professiona"/>
HCPCS Criteria:	<input type="text" value="Single HCPCS Code"/>	Locality:	<input type="text" value="0910203 Fort Lauderdale, FL"/>
MAC Option:	<input type="text" value="Specific Locality"/>	Update Results	

Single HCPCS Code

Code	Description
97110	Therapeutic exercises

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MODIFIER	PROC STAT	MAC LOCALITY	NON-FACILITY PRICE	FACILITY PRICE	NON-FACILITY LIMITING CHARGE	FACILITY LIMITING CHARGE	CONV FACT	NA FLAG FOR TRANS NON-FAC PE RVU	NA FLG FOR FULLY IMP NON-FAC PE RVU	NA FLAG FOR FULLY IMP FAC PE RVU	NA FLAG FOR FULLY IMP FAC PE RVU
	A	0910203	\$33.52	\$33.52	\$36.62	NA	35.7547			NA	

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¹Section 5102(b) of the Deficit Reduction Act of 2005 requires a payment cap on the technical component (TC) of certain diagnostic imaging procedures and the TC portions of the global diagnostic imaging services. This cap is based on the Outpatient Prospective Payment System (OPPS) payment. To implement this provision, the physician fee schedule amount is compared to the OPPS payment amount and the lower amount is used for payment.

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Selected Criteria:

Year:	<input type="text" value="2015A"/>	HCPCS:	<input type="text" value="97140"/>
Type of Info.:	<input type="text" value="Pricing Information"/>	Modifier:	<input type="text" value="Global (Diagnostic Service) OR Physicians Professional Service where Professiona"/>
HCPCS Criteria:	<input type="text" value="Single HCPCS Code"/>	Locality:	<input type="text" value="0910203 Fort Lauderdale, FL"/>
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Single HCPCS Code

Code	Description
97140	Manual therapy 1/> regions

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	A	0910203	\$30.72	\$30.72	\$33.56	NA	35.7547			NA	

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¹Section 5102(b) of the Deficit Reduction Act of 2005 requires a payment cap on the technical component (TC) of certain diagnostic imaging procedures and the TC portions of the global diagnostic imaging services. This cap is based on the Outpatient Prospective Payment System (OPPS) payment. To implement this provision, the physician fee schedule amount is compared to the OPPS payment amount and the lower amount is used for payment.

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