

## Internal Medicine Coding Alert

### Reader Question: Expired Patient Coding

**Question:** One of our patients expired in the hospital before our physician could see him. Our physician legally pronounced the patient dead, completed the death certificate and other paper work and met with the family, but he did not perform any of the E/M requirements of history, exam and medical decision-making. Is there anything that we can bill for this service?

Indiana Subscriber

**Answer:** According to the March 1998 CPT Assistant , you may bill the appropriate discharge code (99238-99239) for this service. According to the AMA, you may use the discharge codes when the physician performs any of the criteria indicated in the guidelines ... under Hospital Discharge Services (e.g., counseling, preparation of discharge records, etc.).

The CPT instructional notes for the discharge codes state, The codes include, as appropriate, final examination of the patient, discussion of the hospital stay, even if the time spent by the physician on that date is not continuous, instructions for continuing care to all relevant caregivers and preparation of discharge records, prescriptions and referral forms. The key to using these codes in your specific set of circumstances is the AMAs directive that performing **any** of the listed services allows a physician to use this code. The fact that in order to legally pronounce a patient dead, the physician must examine the patient and must complete the death certificate (a form of discharge records) qualifies your scenario for the use of this code.

While individual carriers may differ on this issue, the Medicare Coverage Issues Manual, the official listing of covered and non-covered services, lists the pronouncement of death as a service covered by Medicare. The manual states, According to established legal principles, an individual is not considered deceased until there has been an official pronouncement of death. An individual is therefore considered to have expired as of the time he/she is pronounced dead by a person who is legally authorized to make such a pronouncement, usually a physician. Reasonable and necessary medical services rendered up to and including pronouncement of death by a physician are covered diagnostic or therapeutic services.