

## Part B Insider (Multispecialty) Coding Alert

### PART B MYTH BUSTER: The Bell Curve Won't Shield You From Modifier 25 Scrutiny

**Good documentation is the key to surviving an audit**

**Myth:** If you bill mostly 99213s and keep your evaluation & management billing within the -bell curve,- you'll avoid the heat for using the 25 modifier (Significant, separately identifiable evaluation & management by the same physician on the same day of the procedure).

**Truth:** The **HHS Office of Inspector General** and other federal watchdogs are sniffing claims with the 25 modifier, regardless of coding level, says **Devona Slater** with **Auditing for Compliance and Education** in Leawood, KS. Some providers believe that they can slide under the radar by sticking to mid-level E/M codes most of the time, but this practice won't protect you.

-If you're using the modifier 25 and you're billing routinely a lot of E/M services with modifier 25, you're bound to be red flagged at some point regardless of what level of service,- says **Maggie Mac**, consulting manager with **Pershing Yoakley & Associates** in Clearwater, FL.

The 25 modifier is a hot button at the moment, Mac adds. The OIG issued a tough report on the 25 modifier in 2005, and then the **Centers for Medicare & Medicaid Services** (CMS) followed up last May with Transmittal 954 (CR 5025).

In that transmittal, CMS emphasized that you can only use the 25 modifier when the E/M is different from the usual pre- and post- operative work for a surgical procedure. Your doctor must document why the separate E/M was necessary and exactly what he or she did, CMS stressed.

You can't use the 25 modifier unless the E/M is -a separate and distinct service,- Slater stresses. Rather than trying to get most of your darts in the middle of the board, you should try to code correctly, she insists. -You have to understand Medicare's table of risk and the decision-making process.-

**Watch out:** According to the Social Security Act, undercoding is as illegal as overcoding, says **Deborah Churchill** with **Churchill Consulting** in Killingworth, CT.