

## Part B Insider (Multispecialty) Coding Alert

### Physician Notes: Consultation Payments May Come With Snares Attached

If you're not 100 percent sure the consultation services you're billing meet all the correct criteria, you may be hit with a cost adjustment from the **HHS Office of Inspector General**.

The OIG has its eye on consultation-related billing snafus, and providers who routinely charge for these should be especially clear on the correct protocol. A Massachusetts doctor who thought she was performing the higher-paying consultations had a rude awakening from investigators.

**Vasant Thacker** was smacked with a false claims suit alleging that 1,800 of the consult visits she billed to Medicare and Medicaid between 1997 and 2002 actually only qualified as regular patient visits. Thacker agreed to settle the charges, and will be repaying the government to the tune of \$203,422, reports U.S. Attorney **Michael Sullivan**. Thacker will also be cuffed to an integrity agreement to ensure future claims adhere to Medicare billing guidelines.

1. Medicare is paying too much for intraocular lenses in ambulatory surgery centers, the OIG insisted in a new inspection report. For the year ended June 2002, the OIG found some 40 percent of Medicare payments for IOLs in ASCs were over the ASCs' cost. In general, lenses cost the ASC \$90.30 each, but Medicare paid \$150 each.

Although costs varied by lens type, the most expensive soft acrylic lens cost only \$125 and the cheapest polymethyl methacrylate lens cost only \$39 on average. The most often used type, the silicone lense, costs around \$69 on average, the OIG insists. So the OIG urges Medicare to take into effect the different types of lenses in setting payment rates. The **Centers for Medicare & Medicaid Services** agreed to take this recommendation into account in developing a revised payment system for ASCs, required by the Medicare reform law no later than Jan. 1, 2008.

2. It wasn't pretty, but it's official. Mark McClellan is the new **Centers for Medicare & Medicaid Services** administrator.

The Senate confirmed McClellan by voice vote March 11, after Sen. **Byron Dorgan** (D-ND) released the hold he had placed on the nomination over McClellan's refusal to testify before the Senate Commerce Committee regarding the reimportation of cheaper **Food & Drug Administration**-approved drugs from abroad without the manufacturer's consent.

McClellan, who had said he would appear in front of Commerce only after being confirmed as CMS administrator, reversed course and testified there in a contentious hearing on the morning of March 11. McClellan said in general terms that he and the administration would work with Congress on ways to give FDA what it needs to police reimportation effectively.