

Pain Management Coding Alert

Reader Question: When Disaster Strikes, Have Modifier CR Ready to Go

Question: I've been reading through the latest CPT® book, and I happened upon modifier CR (Catastrophe/disaster related). Are there specific rules for reporting E/M services with modifier CR, and what qualifies as a catastrophe, for coding purposes?

Texas Subscriber

Answer: When a disaster strikes and you have to treat patients affected by the event, be sure you're coding properly. Modifier CR is for use only in very specific situations, and federal declarations of a disaster must precede any use of modifier CR for your E/M services.

Explanation: Depending on the extent and circumstances surrounding the disaster, it could affect your coding and modifier usage, when reporting services for affected patients. To make claims processing for patients in disaster areas go more smoothly, the Centers for Medicare & Medicaid Services (CMS) created modifier CR.

Remember, however, that the event has to meet some very specific parameters in order to be considered a "disaster." Check out this info on what has to happen before you can start using modifier CR.

The feds must clearly define the catastrophe/disaster before you can use modifier CR.

In disaster/catastrophe situations, Section 1135 of the Social Security Act authorizes the Secretary of the Department of Health and Human Services (HHS) to waive or modify certain Part B Medicare, Medicaid, Children's Medicaid (CHIP), and Health Insurance Portability and Accountability Act (HIPAA) requirements.

Why? HHS allows these waivers in order to better monitor how payers process claims amid the chaos of a disaster.

Before HHS can invoke the 1135 waiver and you can use modifier CR, two events must occur:

1. The President must declare an emergency or disaster under the Stafford Act or the National Emergencies Act.
2. The HHS Secretary must declare a Public Health Emergency (PHE) under the Public Health Service Act.

Some of the most recent declarations to meet the above parameters are:

- Floods in North Dakota (2011)
- Storms and tornadoes in Missouri (2011)
- Tropical Storm Lee in New York (2011)
- Hurricane Sandy in New York and New Jersey (2012)

All of the above scenarios involve weather, although you might use modifier CR modifier for mass shootings, bombings, explosions; anything that would meet the criteria for a Section 1135 waiver. Once the President and Secretary make the Section 1135 waiver official, you should report modifier CR along with any services for patients affected by these catastrophes.

To see the most recent Section 1135 waiver, for Hurricane Sandy, go to: <https://www.cms.gov/About-CMS/Agency-Information/Emergency/Signed-Renewal-of-Determination-January-25-2013.pdf>.

