

## Optometry Coding & Billing Alert

### HIPAA Help Desk: Avoid HIPAA Scams

#### The tell-tale signs of HIPAA scammers - and how to combat them

From companies offering "certified" HIPAA training to those masquerading as state-contracted HIPAA service providers, scammers are preying on the innocent in order to stuff their wallets full of cash. Knowing how to respond to these solicitations will save you big.

Here's an example: An optometry practice receives a call from an organization claiming to be under contract to a state agency to provide HIPAA training. The caller says the provider is required to attend a HIPAA training seminar, but the recipient isn't familiar with either the solicitor or the state agency the caller claims to represent.

It's not a hypothetical situation - this really happened. "There are a lot of companies out there offering 'HIPAA-certified' training programs or claiming that they'll certify you as HIPAA-compliant, while some will offer to 'certify' trainers to teach HIPAA," says **Gretchen McBeath**, an attorney in the Columbus, Ohio, office of Bricker & Eckler. She warns that any of these solicitations could easily be bogus.

CMS recently caught wind of a scam involving HIPAA and Medicaid. CMS said the company would ask for a person by name, advise that person that a HIPAA seminar was taking place at a certain hotel in or near their area, and would aggressively assert that the doctor must attend the seminar and that attendance was mandatory. The fee was \$200 if the provider paid with a credit-card number on the spot, but increased to \$400 if he paid at the door.

Don't be fooled if this happens to you, and be sure to report this information to your CMS regional office. In addition to CMS' awareness of such schemes, the HHS Office of Inspector General says there have been scores of reported HIPAA and Medicaid scams perpetrated on CEs this year. **Judy Holtz**, a spokeswoman for the OIG, says a group called Doctor's Assistance Corp. uses strong sales tactics and that DAC employees have made misrepresentations by telephone that their seminars are accredited by the Office for Civil Rights.

**Caryn Gordon**, senior counsel at the OIG, says one of DAC's tactics is to call up individuals and say they must attend HIPAA seminars. They also aggressively seek credit-card information over the phone and "they use such tactics as telling you that the fourth and eighth person from your office will attend for free." If you hear about something like this, it's typically DAC's handiwork, Gordon says.

"What I would tell providers is that there is no requirement for any provider to attend any one seminar," Gordon says. Gordon tells Eli that the OIG is inundated with complaints relating to these types of cons.

For HIPAA-related seminars or services, check out the Web site of HHS' Office for Civil Rights. **Sharon Hartsfield**, an attorney in St. Petersburg, Fla., in the office of Holland & Knight, says all of the seminars the OCR has held have been free, and they have additional free training on the phone. However, she says there are third-party companies that contract with state agencies to provide HIPAA services, so don't accuse a company of fraudulent behavior until you obtain all of the facts.