

Part B Insider (Multispecialty) Coding Alert

Compliance: OIG Asks CMS to Recoup \$91 Million From Practices Who Treated Patients 'Unlawfully Present' in U.S.

Another \$33 million was erroneously paid for prisoners' medical care.

If you sent a claim to Medicare after treating a patient who was unlawfully in the U.S., you probably got paid without a problem—but now CMS may ask you for that money back.

The OIG's recent report, "Medicare Improperly Paid Providers Millions of Dollars for Unlawfully Present Beneficiaries Who Received Services During 2009-2011" notes that Medicare does not cover services rendered to aliens who aren't lawfully present in the U.S. However, the OIG found that the agency paid out \$91.6 million to these patients between 2009 and 2011.

Although CMS didn't initially tell MACs to recoup those payments from medical practices, the OIG has asked CMS to do just that, the report notes. You may be hearing from your MAC about these payments, since CMS did tell the OIG that it is "committed to recovering overpayments," but also acquiesced that it first has to calculate the cost benefit of such recoupments, since it would require manually reopening the claims and battling potential appeals.

In addition, the OIG identified another \$33 million in payments made to doctors who treated incarcerated patients. In reality, prisons are expected to pay for the health care of incarcerated people who are otherwise Medicare-eligible, the OIG said in the report.

The OIG likewise asked CMS to go after that \$33 million and recoup the payments, although CMS did not commit that it would seek those payments, the report indicates.

Resource: To read the report in its entirety, visit <https://oig.hhs.gov/oas/reports/region7/71201113.pdf>.