

## Part B Insider (Multispecialty) Coding Alert

### COMPLIANCE: Take a Fresh Look at Your Beneficiary Gift-Giving

#### Regulators could construe goodwill as influence

You may feel compelled to help disadvantaged patients or their families during the holiday season, but go about it in the wrong way and you could find yourself paying up to \$10,000 in fines.

That's according to government regulations, which limit practices from offering these types of incentives to patients. On the other hand, we've got some advice that can help you stay on the straight and narrow this holiday season, while still helping out the truly needy patients.

**Background:** The Health Insurance Portability and Accountability Act of 1996 (**HIPAA**) amended the Social Security Act to prohibit any person from offering Medicare or Medicaid beneficiaries remuneration that might influence them to order or receive from a particular provider, practitioner, or supplier items or services payable by Medicare or Medicaid.

That means a civil money penalty of up to \$10,000 may be waiting for anyone who offers payment or a gift of monetary value to a beneficiary. Even if you are feeling charitable and your patient is in need, handing out cash or other expensive items to beneficiaries is a bad idea.

**Better idea:** Instead, the physician could make a contribution to organizations that provide support for needy patients in the community, advises **Howard L. Sollins, Esq.**, of **Ober Kaler** in Baltimore.

**Keep in mind:** If the patient is truly needy, the physician may want to examine his or her office policies on indigent care.

For example, Sollins suggests, if the patient is uninsured and can demonstrate indigency in a bona fide way, the physician may elect on an ad hoc basis, in a way that is not generally advertised to the public, to discount the physician's bill.

There is available guidance on healthcare indigent care policies that are not considered beneficiary inducements and do not violate prohibitions on billing Medicare for more than the physician's usual or customary charges, Sollins says. Medical practices interested in helping needy patients can, as part of compliance efforts, adopt indigent care policies. This would be a better idea than offering the beneficiaries cash or expensive gift cards.