

Part B Insider (Multispecialty) Coding Alert

CONCIERGE CARE: Concierge Physician Gets Burned for Medical Record Maintenance

Massachusetts levies fine on physician who didn't keep records, wasn't up-front about certification

If you're running a concierge practice, you had better save those records.

A Massachusetts physician who owns a concierge practice was hit with a \$2,500 fine in January for failing to keep a patient's records for seven years. The patient requested her medical records, but the physician was unable to provide them, prompting a charge from the Massachusetts Board of Registration in Medicine that the physician did not follow board regulations in medical records maintenance. In addition, the physician claimed to be board-certified, even though his certification had expired.

How it works: Concierge physicians charge patients an annual fee, and in exchange, the patients enjoy membership perks. -The fee generally goes toward access,- says **Heather Corcoran** with **CGH Billing**. -You have access to the physician wherever you are, no matter what time of day. You can call him, and he'll talk to you or make you an appointment to come in to see him on short notice.-

But concierge physicians aren't exempt from state and federal rules, as the Massachusetts case demonstrates. In addition, Medicare rules still apply to these practices. -Although you can enroll a patient in your concierge care practice, you cannot bill Medicare for the annual concierge fee,- says **Sara Wright, Esq.**, in Nashville. In addition, you can't bill the patient for services that Medicare covers.

For example: Suppose your annual concierge fee includes payment for one annual physical. The patient becomes a Medicare beneficiary while a member of the practice, and you perform the physical. If the -Welcome to Medicare- (WTM) exam benefit would cover that physical, you should reimburse the patient for that portion of his or her concierge fee and bill the WTM charge to Medicare.

-Basically, if you're a concierge practice, you just have to remember to follow all of the rules that every other Medicare provider is subject to,- Wright says.

Keep in mind: The government last commented on concierge care in 2005, when the **Government Accountability Office (GAO)** issued its report, -Concierge Care Characteristics and Considerations for Medicare.- At that point, the GAO found that because relatively few physicians are providing concierge care, the issue was unlikely to cause access problems for Medicare beneficiaries. The agency also noted that concierge care was mostly a bicoastal phenomenon, and physicians charge anywhere from \$60 to \$15,000 per year for the service.

You can read the Massachusetts Board of Registration in Medicine's decision at www.massmedboard.org/public/pdf/goldman_20080220.pdf.