

## Part B Insider (Multispecialty) Coding Alert

### FEDERAL INVESTIGATIONS: Knee-Jerk Reactions Spell Serious Trouble

How many times did it happen when you were a kid? You faced a weekend's worth of punishment for being 15 minutes late for curfew, and in an effort to exonerate yourself, made up some wild story about why you rolled in late. Suddenly you're grounded for two weeks for lying.

Well, now that you're all grown up, the stakes are much higher. Physicians who try to back-pedal their way out of a federal investigation will likely wind up in vastly more trouble than if they had simply come clean and cooperated.

Just look at **Martha Stewart**. She's in far more trouble for obstructing justice than she is for insider trading, notes consultant **Jim Collins** with **Compliant MD** in Matthews, NC. And that rule certainly extends to the health care arena, he warns.

Case in point: A vascular surgeon in Trenton, NJ, was recently sentenced to prison time - followed by three years of supervised release - for obstructing a Medicare investigation

Dr. **Frederick Nahas** was under investigation for billing for diagnostic tests that might not have been medically necessary, but ultimately got nailed for "obstruct[ing] the investigation by relocating hundreds of patient files to conceal them from investigators," according to a release from U.S. Attorney **Christopher Christie's** office.

Upon receiving a subpoena to produce certain medical records, Nahas began combing said records and stashing those that could be incriminating, Christie says. "Nahas withheld most of the patient records demanded by the subpoena." He hid the records in a hotel room and an airplane hangar, among other places.

Although most physicians certainly wouldn't squirrel their records away in a handy airplane hangar, mistakes during fraud investigations abound. To keep yourself from heading from the frying pan into the fire, you must know the dos and don'ts of handling yourself should you become the target of an investigation.