

Part B Insider (Multispecialty) Coding Alert

Insurance: How To Choose Personal Liability Insurance

Look for coverage that addresses coding and billing problems

What happens if the spotlight doesn't stop with the doctor, but expands to include you? Will you be protected?

If you find yourself backed up against a wall by an investigation or some other legal imbroglio, personal liability insurance will provide you with "at least some way to pay for a defense," says attorney **Wayne Miller** with the **Compliance Law Group** in Los Angeles. He recommends it especially if you're working for multiple groups or doctors.

Even if you're a full-time employee instead of a contractor, you may not find yourself completely protected by your employer's policies, Miller warns. "Sometimes, you're unpleasantly surprised."

There are two types of insurance, says **Georgeann Edford** with **Coding Compliance Solutions** in Birmingham, MI. One covers malpractice and the other covers errors and omissions. She advises coders and managers to obtain the latter kind, which covers any unintentional mistakes you may make.

Your physicians' coverage may address medical malpractice, but not coding or billing mistakes, Miller notes. Or it may not extend to the work the coder, biller or manager does. Getting the coverage to extend to billing and/or coding mistakes "may require a rider or something, but it's worthwhile." You may have to convince physicians to expand the coverage if it doesn't already protect you adequately.

You can obtain coverage that protects you strictly from a lawsuit filed by the doctor you work for, notes Miller. "If the doctor says, 'You messed up and I want you to be responsible,'" this insurance will kick in.

But not all insurance will protect you if there's a third party investigation and you need to defend yourself against the government or a private payor, notes Miller. "These policies typically have that extra coverage, but don't typically have as much coverage" for an investigation as for a strict liability.

"Your first line of defense is probably with the people you work for," concludes Miller, so even some protection from your employers should be worthwhile. But your biggest nightmare would be a federal fraud investigation, and you should definitely try to obtain coverage that protects against both scenarios.