

## Part B Insider (Multispecialty) Coding Alert

### Just Say No to Giving Most Gifts to Patients

**It may be better to give than to receive, but keep costs low.**

You'd love to spread some holiday cheer to your patients -- just don't consider doing it with pricey gifts.

The OIG specifically addressed gifts to Medicare and Medicaid beneficiaries in an August 2002 special advisory bulletin, points out attorney **Matthew Biggers** with Mitchell Day in Ridgeland, Miss.

"Congress has broadly prohibited offering remuneration to Medicare and Medicaid beneficiaries," the OIG says in the bulletin. However, small gifts -- \$10 per gift, up to \$50 annually per patient -- are permissible, the watchdog agency allows.

Pitfall: The OIG says cash or cash equivalents are not OK, however, Biggers notes. That means you'll need to cross gift cards off your list.

It's easy to overlook patient gift-giving in your compliance efforts. "Hospices have long understood the potential of violating the anti-kickback provisions in providing something of value to a referral source," notes Madison, Wis. law firm Reinhart Boerner Van Deuren in a white paper about the bulletin. "However, offering valuable gifts directly to beneficiaries is also impermissible."

Remember: Free services also count as gifts, the OIG says in the bulletin.

Note: The OIG special bulletin is at <http://oig.hhs.gov/fraud/docs/alertsandbulletins/SABGiftsandInducements.pdf>.