

Part B Insider (Multispecialty) Coding Alert

PHYSICIAN NOTES: Physician Kickbacks Lead To Record Payout

Doctor prescribed Oxycontin to random patients, gets 150 months

If you didn't think Stark self-referral and anti-kickback claims were serious business, a recent settlement by Clearwater, FL-based **Lincare** should make you think again.

Lincare agreed to repay \$12 million, including \$10 million to the **HHS Office of Inspector General**, to settle several Stark and kickback cases. Lincare didn't admit any wrongdoing. The OIG says this is the largest settlement it's ever achieved. Meanwhile, **Tenet Healthcare** will pay \$21 million to settle allegations that **Alvarado Hospital Medical Center** paid illegal kickbacks to physicians who relocated to the area. Tenet agreed to sell or close Alvarado.

- West Palm Beach pain management doctor **Andrew Weiss** will serve a whopping 150 months in prison after he pled guilty to four counts of prescribing Oxycontin to patients who didn't need it, or who weren't even his patients, the **U.S. Attorney for the Southern District of Florida** announced.
- Hyannis, MA cardiologist **Philip Chiotellis** will repay \$1.9 million to settle claims he submitted fraudulent bills to the Medicare program. He allegedly billed for cardiovascular stress tests when he only performed lower-paying cardiac rehabilitation services. He only billed the codes that Medicare reps recommended, his attorney, **Thomas Crane**, told the Cape Cod Times. "He always had his staff check with Medicare, and now they say this is the wrong code," said **Crane**.
- **Watch out:** Your physician may see more denials for high-cost procedures and high-level visits for chronic patients in the future, as policymakers search for ways to bring down spending in higher-cost locations. Medicare pays three times as much to treat chronically ill patients in one hospital as it pays in another nearby hospital, according to the newest publication from the **Dartmouth Atlas Project** at **Dartmouth Medical School**. And the extra spending doesn't mean patients live longer or stay healthier, Dartmouth says.
- The House of Representatives passed a 2007 budget resolution that didn't include any Medicare cuts, following the Senate's lead. But the budget also didn't include any money to rescue physicians from next year's 4.6 percent cut.
- It only took 273 days to develop a new National Coverage Determination under the new process, which took effect in 2004, according to a report to Congress by the **Centers for Medicare & Medicaid Services**. Before that, it took 370 days for NCDs in 2004, and 460 days for NCDs in 2003.