

## Part B Insider (Multispecialty) Coding Alert

### PHYSICIAN NOTES: Respiratory Physician Offered Cigarettes To Patients

#### Doctor, biller each face 10 years for Medicare fraud

Heads up, billers: You're not immune to fraud prosecutions. When Orange County, CA physician **Aziz Awad** was convicted of 24 counts of health care fraud in federal court, he took his biller **Herman Thomas** down with him. Awad and Thomas also were convicted of four counts of money laundering. They each face a maximum 10-year sentence, according to the Associated Press.

Prosecutors alleged Awad and Thomas targeted mentally ill residents at board and care facilities around Southern California, and paid kickbacks to the facilities' owners. They allegedly billed for respiratory treatments for those residents regardless of medical condition, and offered sodas, doughnuts and cigarettes to residents in exchange for undergoing treatments.

In other news:

- Prosecutors may have overreached in seeking criminal charges against Burlington, VT eye surgeon **David Chase**. A federal jury cleared him of 23 Medicare fraud charges and deadlocked on two others. But Chase still faces a civil case claiming he billed Medicare for unnecessary cataract surgeries, and the state is attempting to take away his medical license, according to the Burlington Free Press.
- Good news for physicians performing procedures in ambulatory surgery centers. Health and Human Services Secretary **Mike Leavitt** wrote to Sen. **Mike Crapo** (R-ID) that he intends to require Medicare to cover all services that can be performed in ASCs. The only exceptions are procedures that HHS feels would pose a safety risk in an ASC or require an overnight stay, according to a release from the **Federated Ambulatory Surgery Association**.

Medicare saved \$1.1 billion in 2003 by having procedures performed in ASCs instead of hospital outpatient departments, according to a study performed for FASA.

- Physician house calls rose 40 percent from 1998 to 2004, according to an analysis in the Journal of the American Medical Association. Medicare boosted the amount it pays physicians for house calls by 50 percent in 1998, and the result has been a sharp rise in home visits, according to a Dec. 19 report on **National Public Radio's Morning Edition**.
- Carriers should prepare to accept codes G9050 through G9130 as part of the new oncology demonstration project, which will track clinical management of cancer as part of evaluation and management visits, the **Centers for Medicare & Medicaid Services** said in Transmittal 34, dated Dec. 16.
- CMS detailed a series of new non-paying G codes that physicians can use to report on quality indicators as part of its new physician reporting demonstration project in Transmittal 35, dated Dec. 23.