

Part B Insider (Multispecialty) Coding Alert

Physician Notes: Upcoding Ophthalmologist Faces \$460,000 Settlement, Integrity Agreement

Plus: Competitive bidding program for durable medical equipment may still take effect in the future.

Upcoding service levels just bit one physician right in the wallet.

Kentucky-based ophthalmologist **Harry Stephenson, MD**, and his wife **Catherine Stephenson** agreed to pay \$461,893 back to the government after being accused of submitting false claims to Medicare between 2001 and 2006.

According to a September OIG press release, the Stephensons improperly billed Medicare for a higher service level than the documentation supported and used false dates of service to collect more from Medicare than they were entitled to.

In addition to the financial impact, Stephenson entered into a five-year Individual Integrity Agreement with the OIG, allowing the OIG to monitor his day-to-day compliance activities. Stephenson also must retain an independent company to review and audit his billing practices on a regular basis.

Stephenson's wife will be excluded from Medicare, Medicaid, and other Federal health programs for two years.

To read more about the case, visit http://www.usdoj.gov/usao/kyw/press_releases/PR/20080905-1.html.

In other news ...

• **If you thought competitive bidding for DME was a dead issue, think again -- CMS continues to move forward with plans for the program.**

CMS is calling for nominations for the Program Advisory and Oversight Committee (PAOC) on durable medical equipment (DME) bidding.

"Medicare is committed to making sure that beneficiaries and taxpayers get the highest value for their health care dollars, and evidence from pilot projects has proven that competitive bidding for certain types of DMEPOS items and services can be a major tool in achieving that goal," **CMS Acting Administrator Kerry Weems** said in a release.

CMS is ending the current PAOC members' terms because the Medicare Improvements for Patients and Providers Act delayed bidding and extended its implementation timeline, the agency says.