

Part B Insider (Multispecialty) Coding Alert

Physician Notes: Radiologist-Hospital JV Clears Anti-Kickback Hurdles

The fact that radiologists don't typically order the tests they perform allowed an otherwise potentially risky business deal between a medical group and a hospital to win the **HHS Office of Inspector General's** blessing.

In its latest advisory opinion (No. 03-12), the OIG says a hospital-radiology group joint venture to operate an open magnetic resonance imaging facility won't be subject to kickback enforcement, despite the fact that it doesn't meet the watchdog agency's small entity investment safe harbor requirements.

The deal - under which a medical center and the six-person [physician practice](#) would own 51 percent and 49 percent, respectively, of the MRI facility - has a number of features that minimize the risk of fraud and abuse, the opinion says.

First and foremost, "Unlike most hospital-physician joint ventures, the physician investors are not referral sources for the Facility or the Medical Center." That's so because, in general, treating physicians, not radiologists themselves, order radiological tests.

Other safeguards that helped win a green light from the OIG include:

1. only a small percentage of the MRI facility's referrals would come from the hospital or its employee physicians;
2. the hospital won't do anything to encourage its doctors to refer to the MRI facility; and
3. return on investment in the MRI facility won't be based on referral volume.

To see the opinion, go to <http://oig.hhs.gov/fraud/docs/advisoryopinions/2003/ao0312.pdf>.

4. Older women taking combination hormone therapy had twice the rate of dementia - including Alzheimer's disease - as women who did not take the medication, a new study suggests .

The research, which appears in the latest Journal of the American Medical Association, notes heightened risk of developing dementia in a study of women 65 and older taking Prempro, a form of estrogen-plus-progestin hormone therapy.

5. Heads up, physicians: Teaching hospitals aren't the only places your role in supervising other healthcare professionals is under scrutiny.

Federal Bureau of Investigation agents on May 1 arrested the medical director of a Houston-area physical therapy clinic based on charges that he signed off on physician's evaluations for patients he never examined. According to U.S. Attorney Michael Shelby's office, Dr. Anant Mauskar allegedly signed off on paperwork prepared by an unlicensed foreign medical student, who also performed the exams.

Mauskar faces up to five years in prison and a \$250,000 fine on each of nine counts of fraud and conspiracy brought against him.