

Part B Insider (Multispecialty) Coding Alert

What NOT to Do if the Feds Come Calling

Don't: Stand in the way - either literally or figuratively. "Never attempt to obstruct an investigation," insists attorney **Robert Wanerman** with **Reed Smith** in Washington. That's cause for exclusion from Medicare, he warns. So even if you're ultimately found to be in complete compliance with whatever rule the feds suspected you were breaking, you can still be ousted if you obstructed the investigation.

Don't: Try to cover your tracks. Never try to conceal information, Collins advises. The fact is, "It's all cloak and dagger in the beginning," and you might not know what information the feds already have. That means you could be shredding documents investigators already have copies of - and then you'll be busted swiftly, he notes.

Don't: Skimp on representation. "If there's risk of any audit or investigation maturing into a criminal matter, don't be penny-wise and pound-foolish by not getting competent health care enforcement counsel," urges attorney **Bill Sarraille** with **Arent Fox Kintner Plotkin & Kahn** in Washington.

Don't: Alter documents. Sure, instances will arise that require you to change a document in some way, but you must follow the appropriate process and ensure that "the amendment is true, correct and complete," Sarraille notes. "The proper way to make an amendment is to place a single line through the prior material, add the new information, and sign and date the change," he instructs. And don't even think about back-dating any changes you make to your records.

"Similarly, no one should attempt to create new documents in order to respond to an inquiry or investigation, or to substitute for missing documents," adds Wanerman.

Don't: Try to intimidate employees. You're also not allowed to attempt to influence any testimony they might be called on to give, Sarraille continues.

Don't: Talk to prosecutors or the press. Leave that to your lawyer, Sarraille advises. "Remember that published comments, as the TV shows warn us, 'can and will' be used against you."

Don't: Volunteer information or documents. Give investigators only what they ask for, Collins insists. Don't even volunteer information you think could be helpful, Wanerman agrees.

Don't: Sign anything blindly. Before attaching your John Hancock to anything an investigator has prepared, run it by your attorney, Wanerman instructs.

Don't panic! Freaking out is about the worst thing you can do. "Not infrequently, providers are successfully prosecuted by the government not because of the allegations that formed the original basis of the investigation, but because a provider panics and does something stupid," Sarraille concludes.