

Health Information Compliance Alert

Kickbacks: Take A Fresh Look At Your Beneficiary Gift-Giving

Goodwill could land you in hot water.

You may feel compelled to help needy patients or their families during the holiday season, but go about it in the wrong way and you could find yourself with a hefty fine.

"Agencies need to be cautious about what they give to needy patients and their families," Burtonsville, MD-based health care attorney **Elizabeth Hogue**.

Background: The Health Insurance Portability and Accountability Act of 1996 (HIPAA) amended the Social Security Act to prohibit any person from "offering Medicare or Medicaid beneficiaries remuneration that might influence them to order or receive from a particular provider, practitioner, or supplier items or services payable by Medicare or Medicaid."

That means a civil money penalty of up to \$10,000 may be waiting for anyone who offers payment or a gift of monetary value to a beneficiary.

The risk lies in giving a gift that a person could take as an effort "to influence such individual to order or receive from a particular provider, practitioner, or supplier any item or service for which Medicare or Medicaid would pay," according to the HHS **Office of Inspector General**.

Play it safe: The OIG prohibits gifts to beneficiaries that exceed \$10 at a time and \$50 per year, instructs Hogue.

As the OIG instructs, "agencies should work through local charities to help meet basic needs of patients such as food and clothing," she coaches.