

Physicians Who Reassign Their Right To Bill Medicare May Be Liable For False Claims

Legal Alert

February 21, 2012

The Office of Inspector General (OIG) recently issued an alert notifying physicians who reassign their right to bill the Medicare program and receive Medicare payments that they may be liable for false claims submitted by the entities to which they reassigned their Medicare benefits.

The OIG has reached settlements with eight physicians who violated the Civil Monetary Penalties Law by causing the submission of false claims to Medicare from physical medicine companies. The physicians reassigned their Medicare payments to physical medicine companies in exchange for Medical Directorship positions. As Medical Directors, the physicians did not personally render or directly supervise any services and failed to monitor the services billed using their provider numbers. The physical medicine companies assigned individuals with little medical background to serve as unlicensed physical therapy technicians and to render unsupervised in-home physical therapy services to Medicare and Medicaid beneficiaries. The companies then falsely billed Medicare using the physicians' reassigned provider numbers as if the physicians personally rendered the services or directly supervised the technicians.

The OIG reminds physicians that any physician who reassigns to an entity his or her right to bill the Medicare program and receive Medicare payments has the right to access the entity's billing information concerning the services the physician is alleged to have performed and for which the entity billed Medicare. A physician has unrestricted access to claims submitted by an entity for services that the entity billed using the physician's reassigned provider number to provide added assurances that the services for which the entity billed Medicare were performed as billed.

If you would like more information about the information discussed in this alert, please contact a member of the Healthcare Practice Group at Flaster Greenberg PC.