

Decision Points related to Disclosures



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Decision Points

- First decision: Does the initial information point to potential fraud or to billing error?
- If it appears to be an error, what type of error?

Types of Errors

- Isolated
 - Is this likely to be a one-time or small number of random errors? Refund of the specific overpayment on the claim(s) found.
- Systematic
 - Is this a system error? Information system design or performance? Error in procedures? Routine error in implementing procedures? Refund overpayments on all incorrectly processed claims.
- Pattern of behavior
 - Is this an error that is repeated with some frequency? Definition of universe and sampling to determine frequency. Extrapolate to overpayment amount.

Potential Violations of Law

- In all cases, the Compliance Officer should be asking:
 - Who knew about the problem?
 - What did they know?
 - Had anything been done previously to address the problem?
 - Who benefited from the problem?
 - Is there evidence of intent?

Other Factor Regarding Errors

- How much is the overpayment, both in dollars and relative to the amount of overall reimbursement?
- Have there been other refunds or government audits or investigations? What is the size and nature of these incidents?
- Is there a potential qui tam relator?

Scenario

- In the course of providing coding training to a physician, the trainer reviews five medical records and finds overcoding in two.
 - Refund on just the two?
 - Sample a larger set of records?
 - What would be the universe?
 - What sampling method would you use?
 - If you extrapolate from a sample, how do you determine overpayment amounts, if not all claims were paid correctly?
 - How do you process refund since you don't know which specific claims were overpaid?