



ATAM

AUTISM TREATMENT ASSOCIATION
OF MINNESOTA

Paying and Receiving Kickbacks for Medicaid is a State and Federal Crime that Harms Children

The Autism Treatment Association of Minnesota (ATAM) issues this statement in response to findings published today by the Minnesota Office of Legislative Auditor on various findings related to kickbacks given by some providers of Early Intensive Developmental and Behavioral Intervention (EIDBI) services in Medical Assistance.

ATAM strongly condemns the use of kickbacks by anyone. Paying for referrals is a federal and state crime.

ATAM supports strong and effective efforts to prevent fraud, waste, and abuse in public programs. Fraudulent practices have placed Minnesota's entire autism services system in jeopardy and poses serious, potentially permanent health impacts for thousands of children with autism, if they were to lose access to the early intervention that they need.

ATAM represents 23 autism treatment organizations serving more than 2,500 children with autism across Minnesota. Our long-standing members have been providing highly effective and accountable medically necessary autism treatment for over 30 years.

The United States Anti-Kickback Statute "AKS" [42 U.S.C. § 1320a-7b(b)] is a criminal law that prohibits providers from offering remuneration to induce or reward patient referrals or the generation of business. Remuneration includes anything of value and can take many forms besides cash, such as free rent, expensive hotel stays and meals, and excessive compensation for medical services. The recipients of kickbacks – those who solicit or receive remuneration – are also guilty of a federal crime.

Minnesota Statutes section 609.542 creates felony-level criminal penalties and fines for anyone found guilty of intentionally soliciting or receiving money, discounts, credit, waivers, rebate, goods, services, employment or anything else of value in exchange for referrals or services, for which payment may be made under federal health care programs.

The use of kickbacks can harm children and families by causing overutilization, increased program costs, and corruption of medical decision making – all of which can then reduce the opportunity for needy children to receive treatment.

For further information, see the full description of the AKS at <https://oig.hhs.gov/compliance/physician-education/fraud-abuse-laws/>

We're helping people with autism.

Contact: Daniel L. Pollock – dlpollock@locklaw.com – 612-889-4649 – atam.org

ATAM, The Autism Treatment Association of Minnesota: Action Behavior Centers, Anod Inc., Autism Matters, Behavior Frontiers, Behavioral Dimensions, Bridge Autism Clinic, Caravel Autism Health, Foundations Autism Center, Holland Center, JtC AUSM, Kids Discovery Center, Lazarus Project, Lovaas Institute Midwest, Minnesota Autism Center Midwest, Minnesota Behavioral Specialists, Momentum Behavior Services, Nolan's Place, Northway Academy, Partners in Excellence, Solutions Behavioral Healthcare Professionals, The READY Clinic / SWWC, The Rochester Center for Children, and Village Wellness Center