

ROUTINE WAIVING OF COPAYS IS DANGEROUS

While the government doesn't mind you having patients having financial difficulties complete a hardship request form, they do have a problem with you routinely using such form and not actually looking at it. Some offices, as a way of circumventing the Anti Kickback Statute will have every patient complete a form asking for the copay or deductible be waived. That is a problem and not a practice that we recommend. If you have a patient having financial difficulty, go ahead and have them complete a form showing their income, expenses and VERIFY it. Ask for something like a tax return or an earnings statement if there is any doubt. If you see the patient carrying a purse you wish you could afford and they pulled up in a Tesla, you probably should ask for an earnings statement or proof that the patient is indeed destitute. Many patients are carrying the newest cell phone and wearing designer clothing and asking for discounts. If your practice is doing any of the following, you probably have a huge problem that will eventually get you into some hefty fines or penalties:

1. *Routinely advertising discounts will be given to Medicare patients,*
2. *Handing everyone a hardship request form.*
3. *Only collecting the coinsurance or deductible when the patient has a secondary or supplemental.*
4. *Charging Medicare patients more than you routinely charge other insurance payers*
5. *Waiving coinsurance or deductibles for patients referred by specific sources*

You may think "we'll get away with it", but don't forget that the majority of times that practices, clinics or hospitals get into trouble for the above practices, the investigation began as a qui tam (whistleblower) case. It may be a patient or a disgruntled employee that turns the clinic in, so don't take chances. If you have doubts about whether you're at risk, give us a call and we'll discuss it. We may end referring you to an attorney, as we are not experts in the matter of law.