

## **PROFESSIONAL ASSOCIATION COUNCIL**

### **FRAUD AND ABUSE – WHY SHOULD PROFESSIONALS CARE??**

The Professional Association Council (PAC) is committed to minimize fraudulent and abusive behavior in behavioral health care. Why is this important??

#### **Fraud and inappropriate provision of services:**

- harms consumers of service
- jeopardizes the integrity of the system
- jeopardizes the clinicians working in the system

#### **What is fraud and abuse?**

*Medicaid fraud and abuse is when a person knowingly cheats or is dishonest. The dishonesty results in a benefit such as payment or coverage.*

Examples of Medicaid fraud and abuse (by provider):

- A provider's credentials are not accurate.
- A provider bills for services which were not rendered.
- A provider performs and bills for services not medically necessary.

#### **What can you do?**

- Read the material attached to know the facts
- Support adherence to professional guidelines, rules and regulations
- Report fraud and abuse to the appropriate agencies as outlined in the attached document

## **FRAUD AND ABUSE – WHY SHOULD PROFESSIONALS CARE??**

The Professional Association Council (PAC) is committed to partnering with the Department of Health and Human Services in the ongoing mental health reform process. One way we can actively work towards improving mental health services in North Carolina is through a concerted effort to minimize fraudulent and abusive behavior in behavioral health care. While fraud and inappropriate provision of services not only has the potential to harm consumers of service, it also jeopardizes the integrity of the system and the clinicians working within it.

PAC encourages and supports practitioners working in a mental health capacity to adhere to professional guidelines dictated by their respective licensing boards and professional associations. We encourage all individuals suspecting fraud or system abuse to contact the appropriate regulatory body. The following includes details on how fraud/abuse is defined (per the Division of Medical Assistance), examples of fraud and inappropriate service provision by a provider, and a variety of direct contacts for reporting suspected fraud and/or inappropriate service provision.

### **According to the Division of Medical Assistance, Medicaid fraud is defined as follows:**

*Medicaid fraud and abuse is when a person knowingly cheats or is dishonest. The dishonesty results in a benefit such as payment or coverage\*.*

Examples of Medicaid fraud and abuse (by provider)\*:

- A provider's credentials are not accurate.
- A provider bills for services which were not rendered.
- A provider performs and bills for services not medically necessary.

### **Reporting provider fraud or abuse (guidelines provided by DMA)**

If you want to report fraud or abuse, you can remain anonymous; however, sometimes in order to conduct an effective investigation, DMA staff may need to contact you. Your name will not be shared with anyone investigated. (In rare cases involving legal proceedings, DMA investigators may have to reveal who you are.)

*See attached contact list for specific options/contacts for reporting suspected fraud, abuse or inappropriate service provision.*

*Examples of inappropriate provision of Medicaid covered behavioral health care services:*

- Inaccurately/inappropriately diagnosing a recipient with a mental illness solely for purpose of service enrollment; or recommending a service for which a consumer did not meet eligibility requirements, per Medicaid Clinical Coverage Policy for the service provided and billed to Medicaid.

- Lack of monitoring progress in treatment to determine ongoing service eligibility (i.e. the comprehensive clinical assessment does not support or was not updated to support medical necessity for the service provided and billed to Medicaid; maintaining a recipient in a service for a protracted period of time without measuring progress).
- Failure to fully inform recipients of changes in service provision (i.e., state-mandated changes such as reduction in number of hours provided by a service; treatment recommendations for step-up and or step-down in service provision).
- Billing and being paid for more units of service than what was documented in the service record.
- Transferring recipients *en masse* from one service to another within same provider agency due to CABHA ineligibility and without regard for clinical appropriateness.
- Lack of interagency collaboration (by CABHA's only) among the systems that share responsibility for adults and children with emotional problems, such as child welfare, education, juvenile justice, primary care, mental health, and substance abuse.

*Additional examples/areas that may constitute inappropriate provision of service that are more administrative and documentation-oriented have are as follows:*

- no valid authorization for service by a Medicaid vendor
- no valid service order attesting to medical necessity for services provided
- No valid person-centered plan or service plan ( not signed by the person to whom the plan belongs or the legally responsible person, or not signed by the person who wrote the plan (all on or before the date of service).
- Person-centered plans/service plans are not individualized per person (i.e., “cookie cutter” plans)

*Errors in service documentation that reflect inappropriate service provision:*

- Service documentation must be written and signed by the person who provided the service
- Content of the note must relate to a goal in the plan
- Service documentation must reflect the requirements of the service definition
- Service documentation must reflect treatment for the duration of service billed to Medicaid.
- Service documentation must reflect the required elements: purpose, intervention and assessment of progress toward goals.
- Service documentation must be individualized (“cookie cutter” notes are unacceptable and reflect poor practice)

*Additional points of interest:*

- All staff providing services billed must meet the education, experience, training and supervision requirements per rule and service definition.
- Background checks (for providers of licensed services), or disclosure of criminal conviction for periodic service providers, and Health Care Personnel Registry checks must be in place.

Contact Information

For Reporting Possible Violations of Statutes, Rules, Policy and/or Professional Ethics within the publicly-funded mental health, developmental disabilities, and substance abuse services system.

Contact Person	Agency Responsible	Area of Suspected Violation	Telephone	Email	Mailing Address
Sandee Resnick	NC DMH/DD/SAS, Resource & Regulatory Management, Accountability Team	Billing, Service Provision, Documentation ( NC DMH/DD/SAS )	O: 919-881-2446; C: 910-612-5730	<a href="mailto:Sandee.Resnick@dhhs.nc.gov">Sandee.Resnick@dhhs.nc.gov</a>	3824 Barrett Dr., Suite 304, Raleigh, NC 27609
Patrick Piggott	NC DMA, Behavioral Health Review Section, Program Integrity	Billing, Service Provision, Documentation	O: 1-877-DMA –TIP1 (1-877-362-8471)	<a href="mailto:Patrick.Piggott@dhhs.nc.gov">Patrick.Piggott@dhhs.nc.gov</a>	Alternatively, complete and submit a Medicaid fraud and abuse confidential online complaint form at <a href="http://www.ncdhhs.gov/dma/fraud/reportfraudform.htm">www.ncdhhs.gov/dma/fraud/reportfraudform.htm</a>
Tracy Ginn, Acting Team Leader	NC DMH/DD/SAS, Advocacy & Customer Service / Customer Services & Community Rights	Client Rights	O: 919-715-3197	<a href="mailto:Tracy.Ginn@dhhs.nc.gov">Tracy.Ginn@dhhs.nc.gov</a>	3009 Mail Service Center, Raleigh, NC 27699-3009

The following is a list of additional resources for reporting purposes:

**Physician Complaints (Physicians and Urgent Care Centers)**

N.C. Medical Board (1-800-253-9653)  
<http://www.ncmedboard.org>

**Medicaid Fraud**

N.C. Division of Medical Assistance (919-647-8000)  
<http://www.ncdhhs.gov/dma/medicaid/contacts.htm>

**Labor/Personnel Issues/Complaints**

N.C. Department of Labor (1-800-625-2267)

**Medicare Fraud**

U.S. Office of Inspector General (1-800-447-8477)  
<http://oig.hhs.gov/fraud/hotline/>

**Health Insurance Portability and Accountability Act (HIPAA) Complaints**

<http://www.hhs.gov/ocr/privacy/hipaa/complaints/index.html>

**Discrimination Complaints**

U.S. Office of Civil Rights (1-800-368-1019)  
<http://www.hhs.gov/ocr/civilrights/complaints/index.html>

## North Carolina Professional Licensure Board Contacts for Filing Complaints

### **North Carolina Social Work Certification and Licensure Board**

[www.ncswboard.org](http://www.ncswboard.org)

Email: [swboard@asheboro.com](mailto:swboard@asheboro.com)

Ethics Director: Richard Farris—1-866-397-5263

Main number: 1-800-550-7009 or follow link below and select “to file a complaint” on the left side of the homepage

### **North Carolina Psychology Board**

[www.ncpsychologyboard.org](http://www.ncpsychologyboard.org)

Email: [info@ncpsychologyboard.org](mailto:info@ncpsychologyboard.org)

NCPA Board contact for complaints: Susan Batts

Main number: 828-262-2258 or follow link below to access the NCPB complaint form.

<http://www.ncpsychologyboard.org/filingacomplaint.htm>

### **North Carolina Board of Licensed Professional Counselors**

[www.ncblpc.org](http://www.ncblpc.org)

Email: [ncblpc@mgmt4u.com](mailto:ncblpc@mgmt4u.com)

Main number: 919-661-0820 or follow link below to access the NCBLPC complaint form

[http://www.ncblpc.org/forms/10\\_Complaint\\_Form/Complaint\\_Form.pdf](http://www.ncblpc.org/forms/10_Complaint_Form/Complaint_Form.pdf)

### **North Carolina Marriage and Family Therapy Licensing Board**

[www.ncmft.org](http://www.ncmft.org)

Email: [ncmftlb@nc.rr.com](mailto:ncmftlb@nc.rr.com)

Main number: 919-469-8081 or follow link below to access the NCMFTLB complaint form.

[http://www.ncmft.org/images/uploads/other\\_pdfs/Complaint\\_Form.pdf](http://www.ncmft.org/images/uploads/other_pdfs/Complaint_Form.pdf)

### **North Carolina Substance Abuse Professional Practice Board**

[www.ncsappb.org](http://www.ncsappb.org)

Email: [anna@recanc.com](mailto:anna@recanc.com)

Main number: 919-83200975 or follow link below to access the NCSAPPB complaint form

<http://www.ncsappb.org/complaintssteve/complaints.pdf>

### **North Carolina Board of Nursing**

[www.ncbon.org](http://www.ncbon.org)

Main number: 919-782-3211 or follow link below to access the NCBON complaint form

<http://www.ncbon.org/content.aspx?id=930&linkidentifier=id&itemid=930>