

## Report on Medicare Compliance Volume 28, Number 25. July 15, 2019 In Incident-To Billing Case, Patients Allegedly Did Their Injections

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By Nina Youngstrom

In a new case, incident-to billing allegedly went awry in an unusual way: Medicare was billed for services provided incident to the physician's services when the patient or caregiver performed them at the patient's home.

Atrius Health in Massachusetts has agreed to pay \$222,535 in a civil monetary penalty settlement with the HHS Office of Inspector General over incident-to billing for injections of the drug Neulasta. Atrius Health has 31 medical practices in New England, with 715 physicians and 425 other clinicians, and works closely with its subsidiary, VNA Care, to provide home health and hospice care. According to the settlement, Atrius Health billed Medicare for services that weren't provided as claimed or were fraudulent. Between July 24, 2012, and July 23, 2018, sometimes Neulasta wasn't administered by physicians or auxiliary personnel "but rather was being administered by patients, caregivers, or visiting nurses at the home of the patient," OIG alleged in the settlement.

Atrius Health self-disclosed the problem to OIG and was accepted into its Self-Disclosure Protocol in December 2018. It's unclear how the provider learned about the problem because it declined to comment on the case. In a statement, Marci Sindell, chief strategy officer, said, "At Atrius Health, we are committed to serving our patients with outstanding care that enhances their health and enriches their lives. We are also strongly committed to conducting our business and day-to-day operations ethically, honestly and with the utmost integrity." Atrius didn't admit liability in the settlement.

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