

## Report on Medicare Compliance Volume 30, Number 15. April 19, 2021 Hospital Settles CMP Case for \$6M Over Payments for Call Coverage, Office Space and Staff

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By Nina Youngstrom

Payments to physicians for being on call to the emergency room has again figured in a hospital settlement with the HHS Office of Inspector General.

Virginia Hospital Center in Arlington has agreed to pay \$6.05 million in a civil monetary penalty settlement about payments to two medical groups, according to the settlement, which was obtained through the Freedom of Information Act. OIG alleged the hospital paid remuneration “in the form of office space, office staff, and services rendered under call coverage arrangements” from June 15, 2012, through Dec. 31, 2018. The conduct allegedly subjects the hospital to civil money penalties under the self-referral law and Anti-Kickback Statute (AKS). Although it isn’t mentioned in the settlement, OIG explained that “one could infer that if the AKS is released and the remuneration was improper, the office space was offered at below market rates and that the call coverage was paid at above market rates.”

The settlement stemmed from the hospital’s self-disclosure to OIG, which accepted it into the Self-Disclosure Protocol in January 2019. The hospital didn’t admit liability in the settlement. A hospital spokesperson and an attorney for the hospital didn’t respond to *RMC*’s request for comment.

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