

Report on Medicare Compliance Volume 29, Number 3. January 27, 2020 After Employee Tells CCO About Free Services, Clinic Self-Discloses, Settles CMP Case

By Nina Youngstrom

After a self-disclosure to the HHS Office of Inspector General (OIG), Rehabilitation Hospital of the Pacific-Hilo Clinic in Hawaii paid \$231,510 in a civil monetary penalty (CMP) settlement over free services and supplies that an employed hand therapist provided to a private physician practice. Emails she wrote helped convince the hospital to enter OIG's Self-Disclosure Protocol.

According to the settlement, the certified hand therapist provided the free services and supplies for a decade—from Sept. 14, 2007, to Sept. 15, 2017.

Rehabilitation Hospital of the Pacific, which is on Oahu, is the largest rehab hospital in Hawaii, and has outpatient clinics on some of the outer islands, including Hilo Clinic. In 2017, an employee asked the compliance officer whether it's appropriate for an employed hand therapist to provide free services to an independent physician, says attorney Bob Wade, who represented the hospital in the settlement. "Someone had their Stark antennae up," he says. The question triggered an internal compliance investigation of the activities of the hand therapist, who worked at the Hilo clinic.

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