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### New Hampshire Health System Pays \$2.1M in CMP Settlement Over Diagnostic Test Orders

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For the third time in about 2 1/2 years, hospitals or other providers that are part of Dartmouth-Hitchcock Health, a large health system in New Hampshire, have settled a case with the HHS Office of Inspector General (OIG) stemming from a self-disclosure. This time around, Dartmouth-Hitchcock Health and several of its provider entities agreed to pay \$2.171 million in a civil monetary penalty (CMP) settlement over outpatient diagnostic tests.

According to the settlement, which was obtained through the Freedom of Information Act, OIG alleged that Dartmouth-Hitchcock Health, Cheshire Medical Center, Mary Hitchcock Memorial Hospital, Dartmouth-Hitchcock Clinic and New London Hospital (collectively, the respondent) billed Medicare, New Hampshire and Vermont Medicaid and TRICARE for items or services they knew were fraudulent. OIG alleged from Oct. 1, 2015, through Dec. 31, 2021, the respondent improperly submitted claims to the federal health care programs “for outpatient diagnostic tests (both imaging and clinical lab) performed at Cheshire Medical Center, Mary Hitchcock Memorial Hospital, Dartmouth-Hitchcock Clinic, and New London Hospital, when those tests were not ordered by treating physicians (or another licensed practitioner operating within the scope of his/her license) as required by 42 C.F.R. § 410.32(a).”

That regulation states that diagnostic tests, including X-rays and lab work, “must be ordered by the physician who is treating the beneficiary, that is, the physician who furnishes a consultation or treats a beneficiary for a specific medical problem and who uses the results in the management of the beneficiary’s specific medical problem. Tests not ordered by the physician who is treating the beneficiary are not reasonable and necessary.”<sup>[1]</sup> The section goes on to say that it applies to nonphysician practitioners (NPPs) operating within the scope of their licenses.

The settlement doesn’t have additional details and attorneys representing Dartmouth-Hitchcock declined to comment, so the specific circumstances are unclear. It didn’t admit liability in the settlement. According to its website, Dartmouth-Hitchcock Health was formally renamed Dartmouth Health in 2022.

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