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- ◆ CMS said Nov. 16 that the Medicare fee-for-service improper payment rate dropped to 6.27% in FY 2020 from 7.25% last year, although CMS had to “modify” statistical methodology because it suspended audits for several months because of the COVID-19 pandemic.<sup>[1]</sup>
- ◆ The Department of Justice said Nov. 16 that Kaiser Foundation Health Plan of Washington, formerly known as Group Health Cooperative, agreed to pay \$6.375 million to settle false claims allegations that it submitted invalid diagnoses for Medicare Advantage beneficiaries and received inflated payments.<sup>[2]</sup>
- ◆ The HHS Office of Inspector General posted its Top Management & Performance Challenges Facing HHS report for 2020.<sup>[3]</sup>
- ◆ In the 12<sup>th</sup> settlement under its Right of Access Initiative, the HHS Office for Civil Rights (OCR) said the University of Cincinnati Medical Center LLC (UCMC) agreed to pay \$65,000 to settle a potential HIPAA violation. OCR said it got a complaint in May 2019 alleging UCMC didn’t respond to a patient’s request to send an electronic copy of her medical records to her lawyers. OCR investigated and concluded UCMC allegedly failed to provide the requested medical records in a timely manner to a third party. “As a result of OCR’s investigation and intervention, the complainant received all of the requested medical records in August 2019,” OCR said. UCMC didn’t admit liability in the resolution agreement.<sup>[4]</sup>

<sup>1</sup> CMS, “Trump Administration Announces Medicare Fee-For-Service Estimated Improper Payments Decline by \$15 Billion Since 2016,” news release, November 16, 2020, <https://go.cms.gov/2HiGn5V>.

<sup>2</sup> Department of Justice, “Medicare Advantage Provider to Pay \$6.3 Million to Settle False Claims Act Allegations,” news release, November 16, 2020, <https://bit.ly/3ly0Anf>.

<sup>3</sup> “2020 Top Management & Performance Challenges Facing HHS,” HHS Office of Inspector General, last accessed November 20, 2020, <https://go.usa.gov/x7y4C>.

<sup>4</sup> HHS Office for Civil Rights, “University of Cincinnati Medical Center HIPAA Resolution Agreement and Corrective Action Plan,” resolution agreement, November 12, 2020, <https://bit.ly/38Zxl9k>.

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