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OIG Uses Data As 'Starting Point,' But Weighs Other Factors in Cases

By Nina Youngstrom

Through the use of data mining, it came to the attention of the HHS Office of Inspector General (OIG) that a Florida cardiologist billed HCPCS code G0248 (demonstration of the use of home INR monitoring) multiple times for the same Medicare patients on anti-coagulants when he allegedly should have billed G0250 (physician INR test review interpretation management). The cardiologist, Chika E. Okereke, eventually switched to the correct code, but a year and a half later, he hadn't repaid Medicare for the reimbursement difference between the two codes, OIG Senior Counsel Geoffrey Hymans said.

When approached by OIG about the problem, Okereke's attorney responded that "his client made an honest mistake, and we couldn't prove scienter" (knowledge) and therefore had no grounds for a civil monetary penalty (CMP) case, Hymans recalled during a presentation Nov. 16 at the Health Care Compliance Association's virtual Healthcare Enforcement Compliance Conference.[1] "We thought about that, but there's more than one way to skin a cat," he said. Maybe OIG couldn't make a CMP case against Okereke for billing the wrong code, "but from the point in time he switched the billing, he should have returned the overpayments," Hymans said. There's a CMP for failure to pay back Medicare. Okereke and his practice, Cardiovascular Partners P.A., entered into a CMP settlement with OIG for $139,383.

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