

Report on Medicare Compliance Volume 28, Number 8. March 04, 2019 Ambulance Provider Settles Case for \$4.5M Over Signatures; It Extrapolated And Disclosed

By Nina Youngstrom

A Texas ambulance provider agreed to pay \$4.526 million to settle allegations that it failed to get beneficiary signatures on billing authorizations, according to the HHS Office of Inspector General. The settlement amount is based on an extrapolation by the ambulance provider, Fort Bend County Emergency Medical Services, which self-disclosed the signature authorization lapses to OIG.

According to the civil monetary penalty (CMP) settlement, OIG alleged that Fort Bend County EMS submitted claims for ambulance transports to Medicare, TRICARE, the Department of Veterans Affairs/CHAMPUS, and the Railroad Retirement Board that were false or fraudulent from Oct. 1, 2009, to Jan. 31, 2016, because they were “without the necessary beneficiary authorizations.” The ambulance provider was accepted into OIG’s Self-Disclosure Protocol in 2017 after it identified the problems during a compliance review, says attorney Daniel Pedersen, who represents Fort Bend County EMS. “They wanted to do the right thing” and also report the missing patient signatures before anyone else got the chance, he says.

The compliance review was under way as part of Fort Bend County EMS’s compliance program. “They were in the midst of doing a probe audit and the signature issue was detected,” says Pedersen, with Page, Wolfberg & Wirth in Mechanicsburg, Pennsylvania. “They realized there was a flaw in the way they collected signatures.” Because there were upwards of 20,000 ambulance transports during the six years subject to Medicare’s 60-day overpayment refund rule, Fort Bend County EMS used a statistically valid random sample for extrapolation purposes to “calculate the overpayment, assuming the error rate would be the same over the entire universe of a six-year payment period,” he says. “It wasn’t feasible” to review 20,000 to 30,000 transports for compliance with beneficiary signature requirements.

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