

## Report on Medicare Compliance Volume 28, Number 13. April 08, 2019 Urgent Care Centers Settle FCA Case; Overdocumentation Was Alleged

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By Nina Youngstrom

An urgent care company has agreed to pay \$2 million to settle false claims allegations in a case about corporate pressure on clinicians to do more extensive patient exams and histories than medically necessary. Armed with the additional documentation, Urgent Care Centers of New England Inc., CareWell Urgent Care Centers of MA P.C., and CareWell Urgent Care of Rhode Island P.C. allegedly upcoded evaluation and management (E/M) services, the U.S. Attorney's Office for the District of Boston said March 29.

CareWell was accused of submitting false claims to Medicare and the Medicaid programs of Massachusetts and Rhode Island from March 1, 2013, to Aug. 31, 2018. The complaint was filed by whistleblower Aileen Cartier, a former CareWell nurse practitioner, who alleged the urgent care centers misused the Medicare documentation guidelines.

"Anytime you make anyone uncomfortable asking them to code a higher level of service—such as a level three to a level four—you're [potentially] promoting a whistleblower," says Marion Salwin, director of physician and regulatory compliance at Trinity Health in Livonia, Michigan. "You don't want people to be uncomfortable clicking all the elements in electronic health records so it appears they did a complete review of systems when they didn't."

In a statement, CareWell Urgent Care said it fully cooperated with the investigation. "Our top priority at CareWell is to provide safe and high-quality medical care to our patients. We believe it is crucial to be thorough with each patient's examination in order to provide the best possible care. We remain committed to serving our communities by delivering accessible and affordable care to patients in the most appropriate healthcare setting, as well as working with our hospital partners [to] coordinate care within the community."

According to the complaint, when patients visit a CareWell facility, they go to an examination room, where a nurse or medical assistant takes their history, including a review of systems (e.g., cardiovascular, respiratory, gastrointestinal, musculoskeletal). Then a physician, nurse practitioner (NP) or physician assistant (PA) reviews the information, documents it in CareWell's Athena software, and examines and treats the patient.

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