

Report on Medicare Compliance Volume 28, Number 16. April 29, 2019 FQHC Pays \$300K to Put Telehealth Error to Rest; M.D.'s Name Was Not On List of Sites

By Nina Youngstrom

In a case at the intersection of technical compliance and telehealth, a federally qualified health center (FQHC) in southeastern Ohio agreed to pay \$99,683 to settle allegations it violated the Civil Monetary Penalties Law. Ironton-Lawrence County Community Action Organization billed Medicaid and, to a much lesser extent, Medicare for telepsychiatry services from a site of service that wasn't on its "scope of project," as required by the HHS Health Resources and Services Administration (HRSA), according to the settlement. The FQHC, which self-disclosed the lapse to the HHS Office of Inspector General, also repaid \$199,367 to Ohio Medicaid for the same error.

The site of service was the psychiatrist's home, says attorney Daphne Kackloudis, who represented Ironton-Lawrence County Community Action Organization. Although the FQHC already provided psychiatric services in the office setting, it arranged for the psychiatrist to treat patients by telehealth because "there's a general lack of psychiatrists participating in underserved areas," says Kackloudis, with Brennan Manna Diamond. "There probably isn't a psychiatrist who accepts Medicaid in that county."

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