

Report on Medicare Compliance Volume 32, Number 28. August 07, 2023 After Refund, Provider Settles CMP Case Over Medicare, UIP Payments for Virtual Check-Ins

By Nina Youngstrom

After returning overpayments it received from Medicare and the COVID-19 uninsured program (UIP) for virtual check-ins associated with services provided and billed by its staff, Vault Medical Services realized it should also submit a self-disclosure to the HHS Office of Inspector General (OIG).

That has culminated in Vault's civil monetary penalty (CMP) settlement with OIG stemming from its January 2022 acceptance into the Self-Disclosure Protocol (SDP). In total, Vault paid a settlement amount of \$412,923 for its mistake, said its attorney, Judy Waltz with Foley & Lardner LLP in San Francisco. But in connection with the SDP, it paid only \$137,641. The reason: Vault had already refunded \$275,282 of the settlement amount to Medicare and the Health Resources and Services Administration (HRSA), OIG noted in the settlement. OIG generally limits the SDP multiplier to 1.5 times the overpayment amount in exchange for providers coming forward with violations, and did so here, Waltz said.

It's another example of how voluntary refunds and self-disclosures sometimes go hand in hand. "Vault discovered the overpayment and paid it back promptly before it submitted the SDP," she said. "Their refund put it in a good position to do the self-disclosure. They remedied their mistake but recognized their continuing risk that the disclosed conduct might be seen as a violation of the CMP laws, and they wanted to address that risk. OIG expects you to take ownership of the issue, and Vault already had done so by refunding the mistaken claims." Waltz noted, however, that the settlement confirms there's no admission of liability by Vault, nor concession by OIG that its claims aren't well-founded.

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