

Report on Medicare Compliance Volume 32, Number 30. August 21, 2023

Most MACs Go Easy on 'Substantive Portion' Notes; Provider Settles Split/Shared CMP Case

By Nina Youngstrom

Documenting the substantive portion of a split/shared visit isn't the heavy lift providers may think it is in terms of meeting most Medicare administrative contractors' (MACs) expectations, with the exception of National Government Services, experts say. Most MACs seem to be OK with a physician signing and dating a nonphysician practitioner's (NPP) notes and CMS itself hasn't set forth documentation requirements for the substantive portion.

"Based on our extended regulatory research, we determined that minimally, a physician's signature and date on a progress note would support the billing of a split/shared visit under the physician," said Georgia Rackley, senior clinical specialist with SunStone Consulting in Harrisburg, Pennsylvania. The MACs are "nonprescriptive" about the extent of the documentation when the substantive portion is based on the exam, history or medical decision-making, she said. And while CMS says the practitioner who bills for the visit must perform that component in its entirety, it doesn't dictate the degree of the documentation.

Crossing whatever documentation threshold exists is something to consider as settlements for alleged noncompliance with split/shared billing requirements start to roll in. The latest: inSite Digestive Health Care, a gastroenterology group in California, agreed to pay \$1.795 million in a settlement with the HHS Office of Inspector General (OIG). The settlement stemmed from a self-disclosure.

According to the civil monetary penalty settlement, which was obtained through the Freedom of Information Act, OIG alleged inSite submitted fraudulent claims to Medicare, Medicaid and Tricare between Jan. 1, 2017, and Dec. 31, 2022. Specifically, OIG alleged inSite billed the payers for services (1) performed by certain NPPs who weren't properly credentialed with the payers; (2) that didn't comply with rules on incident-to billing; and (3) that didn't comply with rules on split/share billing. InSite—which was accepted into the Self-Disclosure Protocol on March 6, 2023—didn't admit liability in the settlement. Its attorney didn't respond to RMC's requests for comment.

This document is only available to subscribers. Please [log in](#) or [purchase access](#).

[Purchase Login](#)