

FRAUD AND ABUSE

While a RPA may greatly enhance the efficiency of the radiology services, the risk of increased liability is present if they are not properly managed and supervised. To reduce this risk the following precautions should be practiced:

1. Check the scope of practice of the RPA and make certain delegated tasks stay within the parameters of the scope and as outlined in the health care facility's credentialing process.
2. Ensure the RPAs educational background has prepared them to perform delegated tasks.
3. Ensure their licensure status and/or certification are up-to-date.
4. Ensure the RPA attends appropriate continuing education courses.
5. Ensure the RPA is properly supervised in accordance with CMS guidelines.
6. Ensure the RPA is trained with respect to the group's compliance plans for fraud or abuse, HIPAA and other issues.
7. Make sure the group's liability insurance covers the RPA and/or the RPA has sufficient malpractice insurance coverage.
8. The RPA must always introduce themselves by their health professional status and not perpetuate any reason for misinterpretation by the patient.²

The clinical privileges and authority of any physician extender varies state by state and by billing insurance carriers. Each practice should verify the rules governing its own jurisdiction.

According to Medicare the definition of fraud or abuse is defined as " the intentional deception or misrepresentation that an individual knows to be false or does not believe to be true and makes, knowing that the deception could result in some unauthorized benefit to himself/herself or to some other person. The most

frequent kind of fraud arises from a false statement or misrepresentation made, or caused to be made, that is material to the entitlement or payment under the Medicare program.”³

Common types of Medicare abuse are: (1) breaches of assignment agreement, (2) excessive charges, (3) collecting more deductible or coinsurance amounts not covered on as assigned claim, (4) billing beneficiaries at a higher fee schedule than non-Medicare patients and (5) services not medically necessary and reasonable.^{2,3}

Clearly, utilizing an RPA as a non-physician extender in radiology services does not constitute fraud or abuse. RPAs have been working as advance practice technologists for over ten years. During that period of time, there has NOT been one complaint filed with any state or federal agency in the 43 states where the RPAs have worked. If utilizing an RPA and allowing them to function under the delegation and supervision of the physician is consider fraud or abuse, then somewhere at some time a complaint would have been filed.

REFERENCES

1. Practice Management, TMA Health Law Articles, Texas Medical Association, 1999-2001, TMA web: www.texmed.org. Accessed March 21, 2004.
2. The Use of Physician Extenders in Radiology, by Robert Portman, J.D., IR News, Legally Speaking Column, Spring, 2003.
3. "Medicare: Fraud and Abuse". Accessed July 25, 2005 www.kansasmedicare.com/policy/fraud.htm