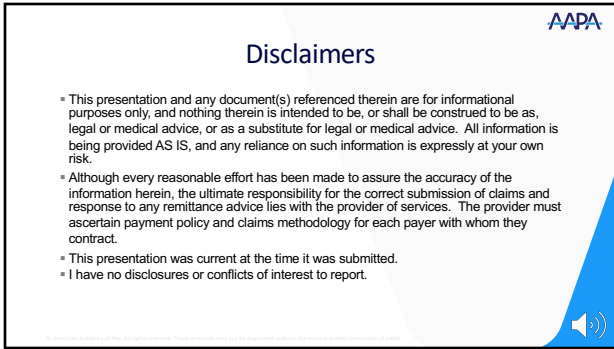
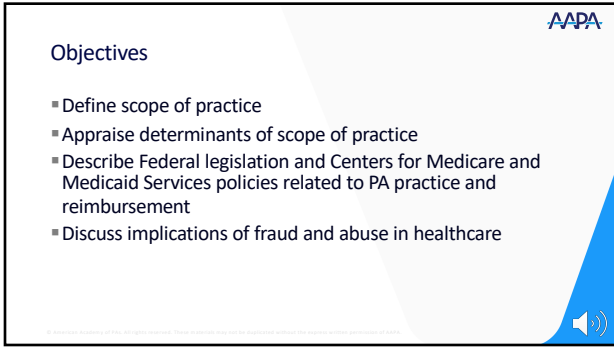


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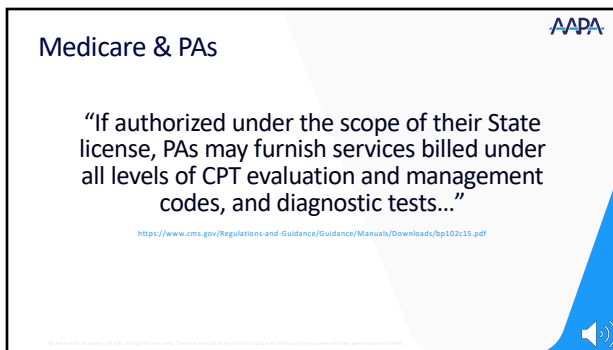
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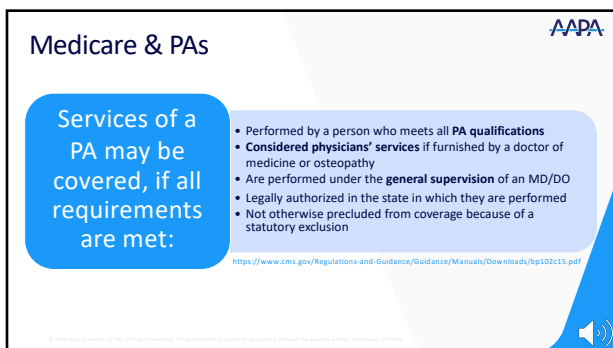
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6

Examples of PA Services

New & Established Outpatient Office Encounters	Initial & Subsequent Hospital Encounters	Observation Services	Discharge Management
Critical Care Services	Emergency Department Services	Minor Surgical Procedures & Assistant-At-Surgery	Fracture Care
Diagnostic Tests	Preventive Services	Chronic Care Management	Telehealth & Telemedicine

Not all-inclusive





7

PA Qualifications

- Graduated from a physician assistant educational program that is accredited by the ARC-PA (or its predecessor agencies)
- Passed the national certification examination that is administered by NCCPA
- Be licensed by the State to practice as a PA

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Download/bp102c15.pdf>





8

PAs and “Supervision”

- All supervision or collaboration requirements in state laws and regulations must be followed
- Social Security Act requires physician “supervision” of PAs as a condition of Medicare payment.
- However, in states that do not require supervision, any mention of “collaboration” or working relationships between PAs and physicians in state law meets statutory “supervision” requirement
- In the absence of state laws requiring any relationship between a physician and PA, there must be documentation at the practice level of a PAs
 - Scope of practice
 - Working relationships with physician(s)

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Download/bp102c15.pdf>





9

PAAs

- Provide services **under general supervision** of a physician
- May bill under own name/NPI
- Reimbursed at 85%
- May receive direct payment as of January 2022

NPs

- Provide services **in collaboration** with a physician
- May bill under own name/NPI
- Reimbursed at 85%
- May receive direct payment



10





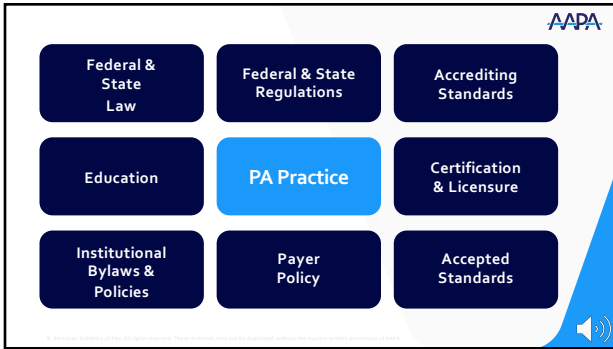
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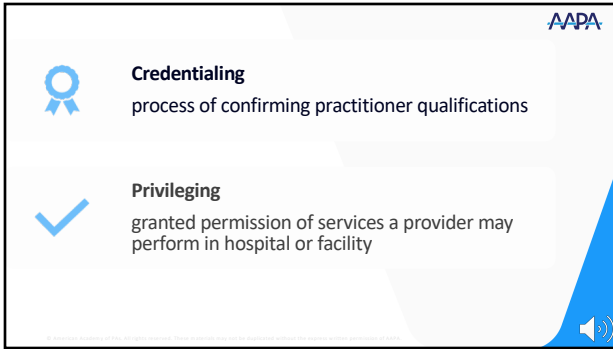
SCOPE OF PRACTICE



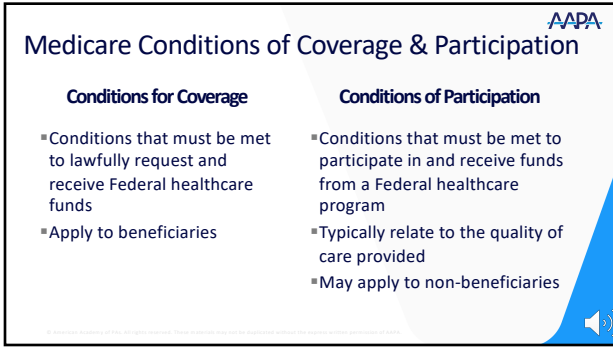
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15

Healthcare organizations must be certified as complying with Conditions of Participation

State agency on behalf of CMS

Accreditation organization with Deemed Status

16

Implied Certification

Submission of claim “certifies” compliance with all conditions of participation and conditions for coverage

If a healthcare provider or organization is out of compliance with a State or Federal statute, CMS regulation, or accreditation standard = basis for false claims

17

The following must be met to submit a claim for Federal reimbursement

Federal Statutes & Regulations

State Statutes & Regulations

Accreditation Standards

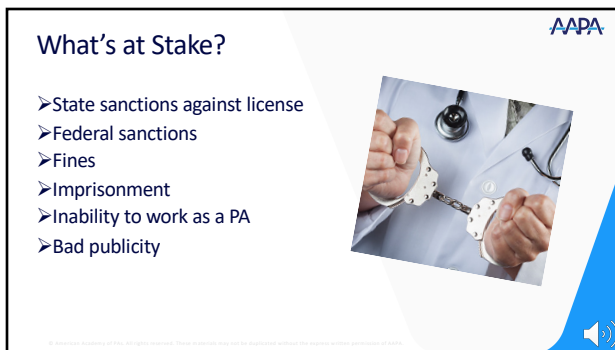
Hospital Policies & Bylaws

Scope of Practice & Privileges

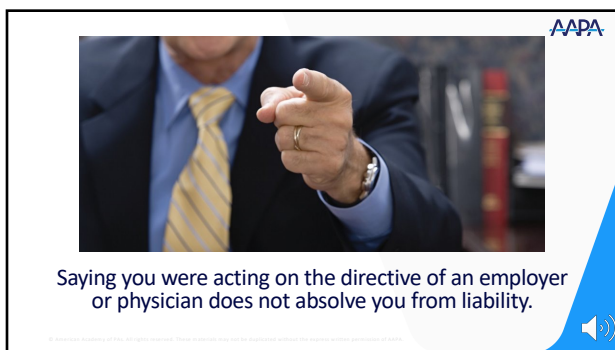
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19



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21



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MEDICARE ENROLLMENT APPLICATION

PHYSICIANS AND
NON-PHYSICIAN PRACTITIONERS

"I agree to abide by the Medicare laws, regulations and program instructions that apply to me or to the organization."

"I will not knowingly present or cause to be presented a false or fraudulent claim for payment by Medicare, and will not submit claims with deliberate ignorance or reckless disregard of their truth or falsity."

<https://www.cms.gov/Medicare/CMS-Forms/CMS-Form-Downloads/cms855i.pdf>


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22

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False Claims Act

 Imposes civil liability on “any person who **knowingly** presents, or **causes** to be presented a false or fraudulent claim for payment.”

 *Knowingly* means a person has “actual knowledge of the information,” acts in “**deliberate ignorance**,” or **reckless disregard**” of the truth or falsity.

 “**No proof of specific intent** to defraud is required to violate the civil FCA.”

<https://www.govinfo.gov/content/pkg/USCODE-2010-title31/pdf/USCODE-2010-title31-subtitleII-chap37-subchapIII-sect3729.pdf>

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False Claims Act

In addition to refunding payments and costs to the Federal government for civil action:

- Treble damages (up to 3X amount violator received)
- Civil monetary penalties (up to \$22,363 per false claim)
- Additional fines and/or imprisonment
- Exclusion from Medicare, Medicaid, and all other Federal healthcare programs

<https://www.govinfo.gov/content/pkg/FR-2018-01-08/pdf/2017-28230.pdf>



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24

Anti-Kickback Statute

- Prohibits offering, paying, soliciting or receiving anything of value to induce, or reward referrals that generate Federal health care program business
- False Claims Act liability, criminal fines, civil monetary penalties, prison term (up to 5 years per violation), exclusion from Federal programs

<https://www.cms.gov/RegulationsandGuidance/Guidance/Transmittals/downloads/t172483.pdf>





25

Stark Law

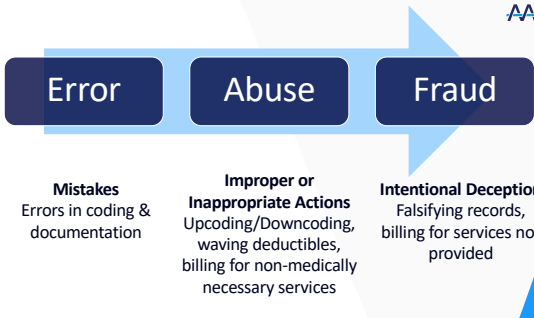
- AKA 'Physician Self-Referral Statute'
- Prohibits a physician from referring Medicare patients for health services to an entity with which the physician (or immediate family member) has a financial relationship
- Prohibits the designated health services entity from submitting claims to Medicare for those services resulting from a prohibited referral
- False Claims Act liability, civil monetary penalties, exclusion from Federal programs

Law specifically applies to physicians; implications for PAs, who are advised to follow law as if it directly applies to them

<https://www.cms.gov/RegulationsandGuidance/Guidance/Transmittals/downloads/t172483.pdf>



26



Error

Mistakes
Errors in coding & documentation



Abuse

Improper or Inappropriate Actions
Upcoding/Downcoding, waving deductibles, billing for non-medically necessary services

Fraud

Intentional Deception
Falsifying records, billing for services not provided

[https://www.aapa.org/advocacy/policy/medicare-reform/medicare-reform-101/medicare-reform-101-2024](#)



27

Upcoding

- Billing a higher level of service than was:
 - ✓ Performed
 - ✓ Documented
 - ✓ Medically Necessary

Downcoding

- Billing a lower level of service than was:
 - ✓ Performed
 - ✓ Documented

Both are considered inappropriate billing and examples of healthcare abuse

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28

Fraud & Abuse: By the Numbers

3.4 billion
recovered
in FY 2023

651
criminal actions

733
civil actions

2,112
excluded from
participation

<https://oig.hhs.gov/press/2024/02/20240214/health-care-fraud-and-abuse-control-overpayment-report-fiscal-year-2023/>

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29



Office of Inspector General
U.S. Department of Health and Human Services

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30

JUSTICE NEWS

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Tuesday, October 21, 2014

Miami-Area Physician Assistant Sentenced to 15 Years in Prison for \$200 Million Medicare Fraud Scheme

A Miami licensed physician assistant was sentenced today to serve 15 years in prison for participating in a Medicare fraud scheme involving approximately \$200 million in fraudulent billings by American Therapeutic Corporation (ATC), a mental health company that was headquartered in Miami.

Assistant Attorney General Leslie R. Caldwell of the Justice Department's Criminal Division, U.S. Attorney Wifredo A. Ferrer of the Southern District of Florida, Special Agent in Charge George L. Piro of the FBI's Miami Field Office and Special Agent in Charge Derrick Jackson of the Health and Human Services Office of Inspector General's (HHS-OIG) Florida region made the announcement.

<https://www.justice.gov/opa/pr/miami-area-physician-assistant-sentenced-15-years-prison-200-million-medicare-fraud-scheme>

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31

JUSTICE NEWS

Department of Justice
Office of Public Affairs

FOR IMMEDIATE RELEASE

Wednesday, September 18, 2019

Charges Brought Against 34 Individuals for Alleged West Coast Medicare and Medicaid Fraud Schemes Totalling \$258 Million

Assistant Attorney General Brian A. Benckowski of the Justice Department's Criminal Division announced today a health care fraud enforcement action in the state of California, involving charges brought against a total of 36 individuals in the Central District of California for their alleged involvement in Medicare and Medicaid fraud schemes resulting in \$257 million.

Hilda Haroutunian, 59, of Sun Valley, California, Keyvan Amirikhorheh, M.D., 60, of Seal Beach, California, Lorraine Watson, 56, a **physician's assistant**, of Valley Village, California, Noem Sarkisyan, 63, of North Hollywood, California, and Edmond Sarkisyan, 40, a medical assistant, of North Hollywood, California, were charged for their alleged participation in

<https://www.justice.gov/opa/pr/charges-brought-against-34-individuals-alleged-west-coast-medicare-and-medicaid-fraud-schemes>

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32

Department of Justice
U.S. Attorney's Office
Eastern District of Pennsylvania

FOR IMMEDIATE RELEASE

Wednesday, February 6, 2019

Fourteen Individuals Charged for Operating "Pill Mills" and Illegally Prescribing Drugs to Hundreds of Patients in Multiple Locations in the Philadelphia Area

70, of Elkins Park, PA; Dr. Frederick Reichle, 83, of Warrington, PA; Dr. Marcus Rey Williams, 70, of Coatesville, PA; Dr. William Demedio, 58, of Springfield, PA; Dr. Neil Cutler, 77, of Warminster, PA; **Physician's Assistant** Mitchell White, 33, of Philadelphia, PA; **Physician's Assistant** Jason Dillinger, 40, of West Chester, PA; **Physician's Assistant** Debra Carter, 56, of Bristol, PA; **Physician's Assistant** Samantha Hollis, 42, of Wilmington, DE, and Office Manager Joanne Rivers, 35, of Pennsauken, NJ. Each defendant

by indictments charging the controlled substances for medical purpose; fines. These charges and local agencies, U.S.

Attorney McShe Eastern District

"Healthcare providers who ignore their Hippocratic oaths and put illegal prescription drugs on our streets are nothing more than **big doctors in white lab coats**," said Maureen R. Dixon, Special Agent in Charge of the Philadelphia Regional Office of the Inspector General for the Department of Health and Human Services (HHS-OIG). "Medical providers who disregard the law and put greed in front of helping patients can expect criminal repercussions."

<https://www.justice.gov/usao-edpa/pr/fourteen-individuals-charged-operating-pill-mills-and-illegally-prescribing-drugs>

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33

Department of Justice
U.S. Attorney's Office
District of Maryland

SHARE

FOR IMMEDIATE RELEASE

Friday, July 12, 2019

Physician Assistant Pleads Guilty To Federal Drug Charge For
Conspiring To Distribute And Dispense Oxycodone, Fentanyl,
Methadone, And Alprazolam At A Pain Management Practice
With Offices In Towson And Owings Mills

Defendant Knew Many Patients Lacked Legitimate Medical Need for Prescriptions,
and Engaged in Sexual Contact with Patients Attempting to Get Prescriptions

Baltimore, Maryland – William Soyke, age 66, of Hanover, Pennsylvania, pleaded guilty today to
conspiracy to distribute and dispense oxycodone, fentanyl, methadone, and alprazolam outside the scope
of professional practice and **not for a legitimate medical purpose**.

<https://www.justice.gov/usao-md/pr/physician-assistant-pleads-guilty-federal-drug-charge-conspiring-distribute-and-dispense>

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34

Department of Justice
U.S. Attorney's Office
Southern District of New York

SHARE

FOR IMMEDIATE RELEASE

Tuesday, December 15, 2015

Staten Island Physician's Assistant Sentenced In Manhattan
Federal Court To 11 Years In Prison For Massive Oxycodone
Distribution Conspiracy

Preet Bharara, the United States Attorney for the Southern District of New York, announced today that
LEONARD MARCHETTA, a physician's assistant, was sentenced in Manhattan federal court to 11 years in
prison for conspiring to distribute large quantities of oxycodone out of his Staten Island-based medical
clinic. MAM for large doses of oxycodone, typically 120-300 milligram tablets. MARCHETTA also received a separate
Judge P. Ke fee of approximately \$500 in cash for each medically unnecessary oxycodone prescription he issued. On a
number of occasions, MARCHETTA **issued prescriptions in the names of fictitious individuals
individuals whom MARCHETTA never saw** in exchange for cash. In total, MARCHETTA wrote medically
unnecessary prescriptions for more than 125,000 30-milligram oxycodone pills during a period of
approximately three years.

<https://www.justice.gov/usao-sdny/pr/staten-island-physician-s-assistant-sentenced-manhattan-federal-court-11-years-prison>

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35

Ryan Haight Online Pharmacy Consumer Protection Act

- Federal law enacted in 2008
- Created to regulate internet prescriptions
- Prohibits providers from prescribing controlled substances to patients they have not examined in person

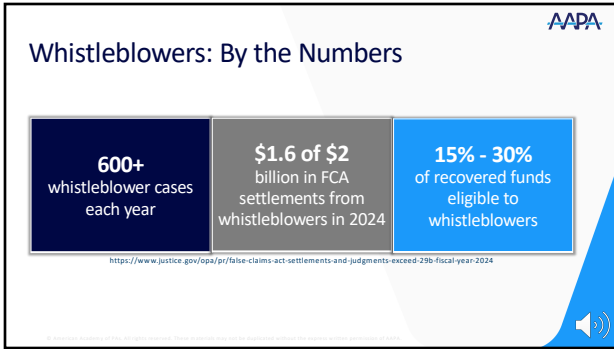


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36



37

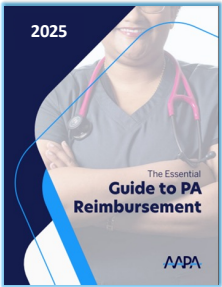


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39

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2025

The Essential
**Guide to PA
Reimbursement**

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Free for members!

<https://www.aapa.org/shop/essential-guide-pa-reimbursement/>

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43



2025

**Guide to PA Regulations,
Compliance, and
Professional Practice**

Essential information
for PAs, Employers and
Healthcare Regulators

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Must have in 2025!

**A definitive guide to PA regulations,
policies, and compliance**

Provides information about:

- Scope of Practice
- Clinical practice considerations
- Credentialing and Privileging
- Competency and Assessment
- Measuring Value & Productivity
- And MORE!!!

Free to AAPA members

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44

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45
