

THE MARTIN LAW FIRM

A PROFESSIONAL CORPORATION

JASON B. MARTIN
Admitted in Pennsylvania
and New Jersey

725 Skippack Pike Suite 337
Blue Bell, Pennsylvania 19422
(215) 646-3980
Fax: (215) 646-3987
www.jbmartinlaw.com
Email: jbmartin@jbmartinlaw.com

September 28, 2006

IS THE INSURANCE INDUSTRY WRONGLY DENYING YOUR CLAIMS AND IMPROPERLY RECOUPING FROM YOU? *AN OPEN LETTER FROM THE MARTIN LAW FIRM*

As a health care attorney, I am consistently seeing an increasing number of denials, audits, recoupment requests and compliance actions from the insurance industry. Providing solutions to these issues has become the forefront of my business-consulting practice. For example, the following represents just a few of the issues that have come up recently:

- **“ACROSS-THE-BOARD” DELEGATION OF SERVICE DENIALS AND RECOUPMENT.** Recently, Highmark, Inc., stated in a public letter that, *“Highmark is not required to pay for services provided by unlicensed personnel, under the supervision of an eligible provider.”* The company’s statement does not appear to be limited to massage therapy, but appears to apply to ALL delegated services. Contrasted with this, my firm recently participated in a research project with ProviderPRO.net (www.providerpro.net) which, based on multiple legal arguments, strongly supports an opposite conclusion. I intend to use the results of this study to provide a defense to any audit / recoupment demand. I also will be using this information in my compliance plan package for health care providers who want to proactively “head off” this issue in their practices.
- **MANUAL THERAPY / CMT.** My firm also recently participated with ProviderPRO.net in a very exciting study on CMT and manual therapy. The results of this study provides overwhelming evidence that carriers are required to pay for manual therapy even when it is performed **in the same generalized “region” as the CMT.** The key to getting paid is having an understanding of the rules and then documenting accordingly. My firm, with the assistance of certified coders, can help you reverse the denial patterns on this issue.
- **THE “12-MONTH” RECOUPMENT BILL.** Currently, House Bill 2178 is being considered by the State Senate for approval. Despite what you may have heard, there is a likelihood that carriers will attempt to argue that the bill, if signed into law as currently written, *will enable payers to go back more than 12 months for simple coding and documentation errors, irrespective of whether the provider knowingly committed the errors or not.* At the end of June, the bill was passed in the PA House of Representatives by a near-unanimous vote. Informal conversations with authorities on the subject expect the bill to lead to an *increase* in recoupment activity, not less. If you bill insurance, it is strongly recommended that you have

an internal review / audit conducted by a trusted coding expert as soon as possible. An important strategy is to have the attorney use the consultant for this review so that the results of the review can be kept secret from insurers and other third parties. This will also facilitate the ability for the expert to render a true opinion, identifying the risks without fear of those risks being discovered. Then, the coding expert and the attorney can easily assist you with correcting those mistakes.

These are not the only examples of insurance issues that have come up recently.

My office, with the assistance of David Klein, CPC, CHC (www.dkcoding.com) and ProviderPRO.net, has dedicated itself to providing information to you and implementing practical solutions to help you with your reimbursement while mitigating your risk exposure. We are constantly identifying issues and providing solutions through proactive legal research projects, thereby significantly reducing costs. Armed with this knowledge, we have successfully defended audits on the basis of this cutting-edge research. And, more importantly, our research has led to increased provider reimbursement.

I invite you to contact me today for a free consultation to discuss your practice's needs, including what an effective Compliance Program can do for you. [In addition, I welcome you to join me at a series of educational seminars which will be held in November.](#) The seminars represent a joint initiative between the Martin Law Firm and ProviderPRO.net and will focus on these and other reimbursement issues. The details of these conferences are posted on my website at www.jbmartinlaw.com.

I look forward to speaking with you very soon.

Sincerely,

Jason B. Martin

Please note -- a copy of this letter is located on my web site (www.jbmartinlaw.com) and has also been posted in the section titled "What's New?" at www.ProviderPRO.net.