

Daniel Janik, MD

Colorado Society of Anesthesiologists

Denver, CO

April 23, 2016

Dear Senator Aguilar;

As President of the Colorado Society of Anesthesiologists (CSA) I would like to respond to your request for comment on the article of March 22, 2016 published in the Denver Post titled "8 Anesthesiology Groups in Colorado Hit in Medicaid Fraud Probe." The title and text of the articles implies willful wrongdoing on the part of these groups. The article provides scant details beyond dollar amounts and a reference to double bills. Information obtained by the CSA from the Medicaid Fraud Control Unit reveals a number of details not reported in the story.

First and foremost, the patients received the appropriate care, and that care was delivered using the Anesthesia Care Team model with two providers involved: a physician anesthesiologist and either an anesthesiologist assistant or nurse anesthetist. Efforts were made to identify to the Medicaid authority the necessity to proportionally reduce payment to each of the providers by using a billing code modifier. Unfortunately, the modifier used is for the federal Medicare system and is not recognized by the state Medicaid system. Therefore; the problem was use of an incorrect code which subsequently resulted in double payment – one for each provider involved at the full rate instead of half for each provider.

The Fraud Control Unit further stated to CSA that they recognized no intent of fraud on the part of the caregivers, the resulting refunds were solely civil in nature, no criminal deceitful action took place, and there was no suggestion of criminal activity. This was, in the words of the Fraud Control Unit, "fraud by negligence" since the billing contractors for the health care professionals did not code correctly.

The CSA does not condone fraudulent billing practices, and will use its resources to educate its members using the care team model on proper coding for obstetrical analgesia and anesthesia care under the Medicaid system. The CSA has asked Medicaid to provide the proper code to bill for team care, and we will then immediately alert our members to its use. This is a good example of why a single unified billing form used by all health plans including the government would provide value.

It is truly disappointing that the Denver Post did not perform due diligence and thoroughly investigate and present the circumstances, information readily obtained by CSA from Medicaid, before printing so obviously pejorative of a story. The Denver Post should be more thorough and then report all of the facts of a story so that readers and especially legislators are not misled, intentionally or otherwise.

Sincerely;

A handwritten signature in black ink, appearing to read "Daniel Janik". The signature is fluid and cursive, with the first name "Daniel" and last name "Janik" clearly distinguishable.

Daniel Janik, MD

President, Colorado Society of Anesthesiologists