



Ethics of Medicaid Fraud Q&A

with Dr. Jon Bailey, BCBA-D

October 3, 2018



Special Learning, Inc.
A Global Leader in Digital Autism Solutions

Housekeeping

1. Post questions. One of our moderators will select the questions to present to Dr. Bailey and our panelists. We will not be able to get to all the questions. Send your questions to kchung@special-learning.com. If possible, we will attempt to address them post webinar.
2. If you experience technical issues during the webinar, contact GotoWebinar directly by calling (877) 582-7011.
3. There will be a 5 minute break near the half way point.
4. Complimentary 30-day access to a recorded version of this webinar will be available in 7 to 10 days. You will receive an eMail with login instructions.
5. This is eligible for 2 Ethics or Type II CEUs.
6. Please complete the survey after the webinar to get your CEUs.

Presenter Bio



Jon Bailey, PhD, BCBA-D

Dr. Jon Bailey, PhD, BCAB-D received his PhD from the University of Kansas and is currently Professor Emeritus of Psychology at Florida State University, where he was a member of the graduate faculty for 38-years and produced a record 63 PhDs.

He is currently Director of the FSU Panama City Masters Program in Applied Behavior Analysis. Dr. Bailey is a Board Certified Behavior Analyst. He is Secretary/Treasurer and Media Coordinator of the Florida Association for Behavior Analysis, which he founded in 1980.

Dr. Bailey has published over 100 peer-reviewed research articles, is a past editor of the *Journal of Applied Behavior Analysis*, and is co-author of *Research Methods in Applied Behavior Analysis*, *How Dogs Learn*, *Ethics for Behavior Analysts*, 3rd Edition, *How to Think Like a Behavior Analyst*, and *25 Essential Skills and Strategies for Professional Behavior Analysts*, all co-authored with Dr. Mary Burch.

Presenter Bio



Michele Silcox Founder and CEO ABA Billing and Insurance Services

Michele Silcox, with her 25 year career in Accounting, quickly learned that the basic principles of Accounting apply across all industries. She developed a keen sense of controls, checks, and balances and was able to successfully manage large teams of accounting staff in meeting and exceeding goals for all levels of back office functions. With her experience and desire to help others, she is a seasoned, natural leader and trainer for employees, executives, and colleagues she has worked with.

For the past nine years, Michele has focused her career in ABA Therapy billing and insurance funding sources, supporting the provider just starting out through the large ABA agency flourishing with multiple providers, clients, and funding sources. Additionally, her software background puts her in a position to help providers maximize the use of the practice management software they have chosen.

Michele is furthering these efforts by gaining her Certified Medical Professional Auditor certification which will allow her to provide even more in depth risk assessments for providers to support compliance and profitability of their practice. With tighter regulations on healthcare services, providers need to know when they are at risk for non-compliance and remain out of harm's way of fraudulent activity. Helping providers find that peace of mind is her goal.

What is Ethical Billing Practice?

"Is it an ethical practice for healthcare and other benefits to be contingent on a number of billable hours/month (i.e. full-time status)?" I'm referring to employee benefits. Companies whose healthcare and benefits (401k, IRA, etc.) which are contingent on a BCBA billing a certain number of hours a month - regardless of what clients are being billed to or not.

Is it ethical for employee benefits to be dependent upon full-time status (meeting the required hours/month)? Wouldn't such a practice make individuals more likely to commit Medicaid Fraud under certain "low-hour circumstances" for the month, like holidays or cancellations, etc.?

What is Ethical Billing Practice?

"On the subject of contributions to provider fraud and in relation to "retailer" and "off the wall services" of some private companies, **how should a behavior analyst operate when such a model within the organization they are a part of itself may be somewhat responsible for susceptibility of Medicaid fraud?"**

"Are organizations which primarily focus(es) on behavior reduction any more or less likely to commit Medicaid fraud?"

Safeguarding Against Fraud

"I am a small organization, in my 4th year of operation, I am in the middle of the Medicaid Audit. None of our errors have been intentional or fraudulent. In our file reviews, mistakes with billing have happened with human error. What do we do for the few issues of something that may have been double billed? In addition, some sessions are missed and never billed. The rep I spoke to said don't change anything. I think catching our errors is better practice and shows better competency. What is the ethical answer?"

"... as a BCBA whose hours are billed by a separate billing company, do I or should I have the right to view the hours billed for my services to ensure fraud is not occurring under my name without my knowledge?"

Safeguarding Against Fraud

"How would we know if our credential is being used fraudulently? I never thought of that happening, but I guess if my BCBA number is out there, someone could potentially use it!

"How would you address situations where services are being billed and an RBT is present but actual behavior analytic services aren't occurring? Many cases I've taken over had previously been receiving little to no oversight, training, or parental training. I've received extreme pushback when I take over and set a much higher expectation. Do we shape these behaviors over time, even if it feels like the sessions should require much more?"

How Does the BACB Code Work in Real Life?

"I have a BCBA-D in my city who was falsified billing to Tricare for over \$1 million, ordered to pay back about \$800,000 of it but still has the credential of BCBA-D and is still seeing kids. Why wasn't the BCBA D credential taken away?"

"... when an agency contracts with a funding source, that individual is required to operate under the BACB ethics in addition to the regulations or contract requirements set forth by the funding source. The funding source may have more specific requirements, for example regarding maintaining records, than the BACB may have outlined. I think it is extremely important for an agency to fully understand what the regulations are in the state they are practicing in; more often than not an agency enrolls/contracts with a funding source without understanding what the expectations are which can cause a myriad of problems. Can the panel speak to how the BACB ethics code interplays with external requirements of the funding source?"

How Do You Deal with Consequences?

"How do you think the publicized "whistleblower" of ABA companies and fraud will affect future behavior of RBT's who are essentially at the mercy of employers/supervisors(especially those who are gaining field work hours)."

"What are some steps to take if an employee wants to rectify fraudulent billing (whether it be intentional or unintentional) from an employer without risk of retaliation?"

Downloadable Tools

1. Annotated BACB Ethics Code
2. BACB Notice of Alleged Violation Form

Thank You!

We would like to extend a special thank you to the wonderful Special Learning team members without whom our experience would be greatly diminished (or just plain disorganized!)

- Amanda Fishley, BCBA, Associate Director, Clinical Solutions
- Krystal Larsen, BCaBA, RBT Program Manager
- Lesley de Dios, Director of Operations (Moderator and Technical Support)
- Michelle Capulong (Client Support Manager)
- Sasho Gachev (Creative Director)

- Erica Holding, BCBA-D, BACB ACE Coordinator