



**HEALTH LAW SERVICES**

# Physician Audit Consultation



[msms.org](http://msms.org)

## Frequently Asked Questions

If a physician's office performs a self audit and finds there are coding errors, what steps should the physician take to self report?



What appeal rights do physicians have?



What is the difference between an error and fraud?



Does a physician need to obtain an attorney for a health plan audit?



At what point would it be appropriate to obtain an attorney?

Given the increased frequency with which governmental and private health plans audit physicians for overpayments, physicians need access to knowledgeable legal counsel and consultants with expertise in coding, reimbursement and documentation issues more than ever. In response to physicians' growing need, the Michigan State Medical Society has developed the Physician Audit Consultation Service.

### **Who is Eligible**

**Physician Audit Consultation** is available to all Michigan State Medical Society members who seek a legal consultation relative to overpayment audits by governmental or private health plans. Physicians will receive legal services directly from Kerr, Russell and Weber, PLC, legal counsel to the Michigan State Medical Society. The program accommodates physicians seeking advice on the legal aspects of audits—and preventative counseling—before audits occur, as well as physicians undergoing an audit.

## **Audit Consultation Attorney**

Kerr, Russell and Weber, PLC, has an extensive health care law practice spanning the last 50 years. The firm has the expertise necessary to advise physicians on all legal aspects of overpayments audits, ranging from preventive counseling to defending a payor's overpayment demand. The firm's services include educating physicians on their legal rights and responsibilities, review of an audit's procedural rules, assessment of the audit results and the overpayment demand, and representation of physicians in negotiations with payors or challenging the overpayment demand in administrative proceedings or litigation. The firm stresses a team approach in order to advise physicians in a cost efficient manner.

## **Review Services Available**

For a fixed fee, physicians now have direct access to the following services:

- ◆ Initial legal consultation (including preliminary legal assessment and recommendations).
- ◆ Initial legal consultation and preliminary assessment by a consultant with expertise in coding, reimbursement and documentation issues.

Any fixed fees do not include reimbursable expenses, which will be billed separately.

When obtaining services, physicians should be prepared to submit copies of relevant documents, including the health plan's provider agreement (including procedure manual and relevant policies), the audit results and overpayment demand, and representative samples of the underlying billings and clinical documentation.

Fixed fees are payable when services are requested. Contact MSMS or Kerr, Russell and Weber, PLC, for the current fee schedule.

All requests for services are subject to acceptance by Kerr, Russell and Weber, PLC. All services would be provided pursuant to a written engagement letter confirming and requiring pre-payment of the applicable fixed fee(s).

## **Additional Legal and Consultation Services**

Legal and consultation services which are not included among the review services listed above will be provided on an hourly rate basis. Services in this category may include, but are not limited to, communications and direct participation in negotiations with health plans, attendance at meetings, drafting documents, and representation of physicians in litigation or administrative proceedings. Actual charges will vary depending on the attorney and consultation furnishing services.

## **How to Enroll**

The provision of legal and consulting services will be managed directly by Kerr, Russell and Weber, PLC. The Michigan State Medical Society has no responsibility for the provision of the legal and consultation services offered under the program. However, physician satisfaction will be continuously monitored by the Michigan State Medical Society. To obtain services, please contact:

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## **More Information**

To discuss Physician Audit Consultation and other Health Law Services available to MSMS member physicians, please contact:

### **Stacey Hettiger**

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