

EMPLOYEE HEALTH CARE

- 1) Is it alright to waive a co-pay for the physician's own employees when they use a physician at that office for their family's medical care?**

Answer: NO. Routine waiver of co-payments by charge-based providers (and Medicare deductibles) is unlawful because "it results in (1) false claims, (2) violations of the anti-kickback statute, and (3) excessive utilization of items and services paid by Medicare." Id., ¶ 13, 921.30 at 5679-7 and 5679-8. Such a regular practice could be deemed fraudulent.

- 2) Can the co-pay be paid by the practice as an employee benefit?**

Answer: YES. This would be the best way to handle the matter. The amount paid would be taxable to the employee.

- 3) Can you take "insurance only" as payment for services for other than employees?**

Answer: NO. A regular practice of routinely waiving insurance co-pays could be deemed as fraud by the physician as his or her having submitted false data to the insurer as to charges. In other words, if a physician says his/her fee is \$100.00, but also routinely accepts \$80.00 from the insurer and waives the co-pay, his actual charge should be \$80.00, not \$100.00 and to say \$100.00 might be fraud. If the physician is going to routinely accept \$80.00 as full payment, then that is what his/her bill should be to the insurer.