

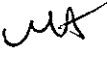
Office of the Vice President for Health Affairs
Dean, College of Medicine - Jacksonville

UF Health Science Center
653-1 West 8th Street
Jacksonville, FL 32209
904-244-3131
904-244-3130 *fax*

January 23, 2017

MEMORANDUM

TO: All Faculty Members, Residents, Fellows, Nonphysician Practitioners
and UFJPI Staff

FROM: Leon L. Haley, Jr., MD, MHSA 
Vice President for Health Affairs & Dean, College of Medicine – Jacksonville

SUBJECT: Remedial and Disciplinary Action for Billing Non-Compliance

The University of Florida College of Medicine – Jacksonville strives to be fully compliant with all of the complex rules and regulations governing the health care industry. Accordingly, the College has established billing compliance policies that are designed to ensure accurate billing and claims submission. Because the College’s billing compliance rules and policies are governed by federal and state laws, it is of crucial importance that the College and the University respond to incidents of non-compliance fairly, firmly and in proportion to the potential risk of harm to the College and the University.

Violations of College billing compliance policies may range from simple errors to deliberate fraud. The University’s existing remedial and disciplinary mechanisms recognize this variability by providing administrators with the flexibility to impose appropriate remedies and sanctions when compliance problems occur with faculty, residents, fellows and allied health professionals (e.g., ARNPs, CRNAs, CNMs, and PAs). This memorandum provides examples of potential violations and probable consequences that exist under current University rules.¹

¹ The remedial and disciplinary mechanisms outlined in this memorandum are intended to generally define the scope of existing rules and policies at the University and the College. This memorandum is not intended to be all inclusive.

1. **Letter of Counseling** – At a minimum, it is anticipated that all instances of billing policy non-compliance (including simple errors) will be documented with a Letter of Counseling to the employee. Such a Letter of Counseling may be no more than a notice to the employee that a billing charge could not be made or had to be refunded, as well as documentation that the employee has been educated as to the applicable rules to prevent future incorrect billing.

In appropriate circumstances, the Letter of Counseling may be more strongly worded and constitute a warning to the employee and a reminder of the employee's obligations to ensure that future bills are submitted correctly. Such a strongly worded warning may occur when the administrator determines that the employee does not take responsibility for the error, the employee does not recognize the seriousness of compliance with billing policies or the employee has failed to make appropriate inquiries when in doubt about a rule.

2. **Letter of Reprimand** – Conduct justifying the issuance of a Letter of Reprimand could include, but is not necessarily limited to:

- (a) Non-compliance with a billing policy after the employee previously has received a Letter of Counseling;
- (b) A single instance of non-compliance when the employee should have known the charge was incorrect; or
- (c) Engaging in billing patterns and practices that the administrator determines the employee should have known were not proper.
- (d) Failure to attend mandatory billing compliance training or educational sessions as required.

3. **Suspension Without Pay**² – Conduct justifying a suspension without pay could include, but is not necessarily limited to:

- (a) Non-compliance with a billing policy after the employee previously has received a Letter of Counseling or a Letter of Reprimand;
- (b) Submitting a bill when a reasonable person would conclude that the employee knew that the charge was not proper; or
- (c) A determination that the employee has engaged in a continuing pattern of violating billing policies.

² The timing of a suspension without pay is discretionary. Suspension without pay could be appropriate, for example, during a time that the employee had previously scheduled to have a vacation so as to cause minimal disruption to clinical schedules.

4. Termination/Dismissal – The most extreme sanction the University may impose is dismissal. Conduct justifying dismissal could include, but is not necessarily limited to:

- (a) Repeating the same type of billing error for which the employee has received a Letter of Reprimand or been suspended without pay;
- (b) Evidencing a disregard for the importance of complying with University billing policies as demonstrated by repeated prior disciplinary actions; or
- (c) Engaging in a single act of deliberate fraud.

Although not necessarily disciplinary in nature, the employee who fails to meet appropriate billing compliance standards may be required to attend substantial educational seminars, be assigned to report on those educational seminars or educate his or her fellow employees on billing compliance issues. Further, should the non-compliant employee hold an administrative position, depending on the severity of the offense, the employee may be removed from their administrative position, with concomitant loss of the salary portion attributed to that administrative position. Failure to adequately comply with the College's billing compliance policies also will be considered in an employee's annual performance evaluation. (Where applicable, an overall negative performance evaluation could result in a decrease in compensation pursuant to the College's Faculty Compensation Plan.)

Everyone must recognize the importance of complying with College billing compliance policies. Those who do not comply will be counseled, disciplined or possibly terminated in appropriate cases. In addition, failure to comply with billing compliance policies may result in the College imposing restrictions or conditions on the ability of the provider to submit charges to third party payors. Lastly, everyone should be aware that federal and state government regulators can impose civil monetary penalties and criminal penalties for violations of federal and state billing rules and regulations.

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If you have any questions or would like further information regarding this issue, please feel free to contact the Office of Physician Billing Compliance at 904-244-2158.