In a recent article, “Addressing the ‘Biggest Threat’ To Physical Therapy,” published in PT in Motion, author Eric Ries emphasized how outstanding compliance can be the key to preventing cuts and reducing the regulatory burden on physical therapy. A focus of the article was to introduce a multifaceted campaign that APTA recently launched to address the issue of fraud and abuse and restore the profession’s hard-earned reputation for excellence. For this article, Ries interviewed three physical therapists, each of whom discussed the relationship between fraud, waste, abuse, and the increasing regulatory burden being placed on physical therapists by third party payers. Each of the therapists interviewed stressed that these issues are related and emphasized that the most effective way to increase payment and decrease red tape is for therapists to meticulously document what they do with their patients, and state why they’re doing it. Steve Levine, PT, DPT, MSHA, one of the therapists interviewed for the article, went on to state that he believes a big reason why PTs and PTAs don’t see fraud and abuse as a significant issue in our profession is that they don’t fully understand what it is. He emphasizes that, “A lot of people in our profession think of fraud and abuse as what happens when people deliberately seek to rip off the health care system. But, in fact, plenty of good therapists don’t realize that they’re inadvertently guilty of abuse and waste when they make billing, coding, and documentation errors that might easily have been prevented.”

He goes on to say that “the definition of abuse is that you knowingly or unknowingly get paid more than you should, based on lack of adherence to professional guidelines and documentation requirements. When you document incorrectly or insufficiently, when you bill Medicare for services the program deems ‘not medically necessary,’ when you code incorrectly, all of that is part of fraud, abuse, and waste.” As a result of these facts, and in response to the question “what do you believe is the biggest threat to physical therapy?” he unequivocally states, “The biggest threat to physical therapy, I really do think sometimes, is physical therapists.”

APTA conceived its current campaign to curb fraud, waste, and abuse, at least in part, as a result of a 2013 survey of 871 physical therapists, including 571 association members and 300 nonmembers from around the country. The therapists who responded to the survey expressed the most concern about payment cuts and increasing regulatory burden, and less concern about fraud and abuse and the Medicare audit process. As a result, APTA deemed that it is imperative that therapists understand the impact of losses to the American health care system due to fraud, waste, and abuse, and take responsibility to understand this effect and curb abuse. Significantly, there are initiatives in the Affordable Care Act that include what the Medicare website states are “powerful steps toward combating health care fraud, waste, and abuse.” These initiatives include enhanced screening and use predictive modeling technology to target suspected offenders. What this Medicare initiative means to therapists is that there is a greater chance than ever of being audited. Therefore, in light of this “Stop Medicare Fraud”
campaign, it is imperative for therapists to fully understand what constitutes fraud, abuse, and waste, and to implement measures to curb any potential violations within their own practices.

The APTA campaign initiative to address concerns about fraud, abuse, and waste was recently launched with a kick-off online continuing education course, “Navigating the Regulatory Environment: Ensuring Compliance While Promoting Professional Integrity.” This course is currently available through APTAs Learning Center and is free to both association members and nonmembers. The campaign will be fully unveiled this fall, and will include initiatives to raise awareness through education and training of not only PTs and PTAs, but also payers, and consumers. It will also include partnering with other organizations, establishing clinical practice guidelines, developing assessment tools, and establishing a registry for collection of quality and outcomes data.

So, what does this emphasis on fraud, abuse, and wasteful have to do with ethics? The Code of Ethics for physical therapists, and companion Standards of Ethical Conduct for the Physical Therapist Assistant are binding on all therapists regardless of Association membership, and are additionally supported by the Pennsylvania State Board of PT Examiners through an ethics/law continuing education requirement for PT license and PTA certification renewal. Within these documents, Principles and Standards provide guidance for ethical practice related to documentation and business practices, including fraud, waste, and abuse. Specifically, there are links in Principles/Standards 7, 8, and 5.

Principle/Standard 7 of the Code and Standards directs therapists to promote and support organizational behaviors and business practices that benefit patient/clients and society. Principle 7B of the Code states that physical therapists shall seek remuneration as is deserved and reasonable for services. Principle 7E guides PTs to be aware of charges and ensure that documentation and coding for services accurately reflect the nature and extent of the services provided, while Standard 7D obligates PTAs to ensure that documentation for interventions accurately reflect the nature and extent of the services provided. Additionally, Principle/Standard 7F states that PTs and PTAs shall refrain from employment arrangements that prevent them from fulfilling professional obligations to patients/clients.2,3

Principle/Standard 8 addresses therapists’ responsibility to participate in efforts to meet the health needs of people locally, nationally, or globally, with 8C specifically directing therapist to be responsible stewards of health care resources. In essence, this Principle/Standard not only obligates therapists to avoid fraud, waste, and abuse, but also supports participation in APTA’s campaign.2,3

Additional guidance that articulates therapists ethical responsibility related to fraud and abuse can be found in Principle/Standard 5, which mandates that therapist fulfill their legal, professional, and ethical obligations. Specifically 5A of both the Code and Standards states that therapist shall comply with applicable local, state, and federal laws and regulations.2,3 Violations of Medicare law and other fraud and abuse statutes, whether knowingly or unknowingly, would be considered a violation of the Code and Standards of ethical conduct.

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Each of these Principles/Standards are linked to the PT Core Values and the PTA Value-Based Behaviors. Specifically, Principle 7 is linked to the core values of integrity and accountability, Principle 8 to social responsibility, and Principle 5 to professional duty and accountability. Standard 7 is linked to the value-based behavior of integrity and duty, Standard 8 to social responsibility, and Standard 5 to duty.4,5

One additional link in the Code/Standards which supports improving knowledge of fraud and abuse is Principle/Standard 6, which requires therapists to enhance their expertise through lifelong acquisition and refinement of knowledge, skills, abilities, and professional behaviors and abilities. In his comments on fraud and abuse, Steve Levine points out that PTs would rather take a course on mobilization than on documentation or a module of fraud and abuse. As a result, he states that many PTs do not have the knowledge to ensure compliance with all the rules and regulations. In essence, they lack knowledge of the basic rules and requirements of billing outlined in the Medicare benefits policy, and may not know that they are making errors.1 Currently, courses on the Affordable Care Act and billing are considered “practice building” and are not eligible for continuing education contact hours in Pennsylvania. In light of Steve Levine’s comments, and related to Principle/Standard 6, I would encourage every therapist to contact the State Board of PT members and request that they petition the legislative powers to allow them to recognize the importance of courses on fraud, abuse and compliance as worthy of awarding CE contact hours, and not just consider these courses as “practice building”. This would encourage therapists to participate in APTAs campaign, and hopefully, go a long way to restoring the reputation of PTs and PTAs as competent, ethical, and responsible stewards of health care resources.

In conclusion, I encourage each of you to read the full article published in PT in Motion. It contains eye-opening comments about the topic that will increase awareness of this essential practice issue.

The PPTA Ethics Committee welcomes inquiries and remarks about ethics, fraud and abuse, and professional integrity. We also encourage members, non-members, and the public to take advantage of the consultative and educational services that the Committee provides. Additionally, we welcome comments on our publications and presentations, and encourage individuals to make recommendations for topics they would like to see addressed in the future.

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