



# Behavioral Health Association of Providers

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# Help Us Help You Get Paid: Ten Things You Can Start Doing Today to Improve Your Commercial Reimbursement Success

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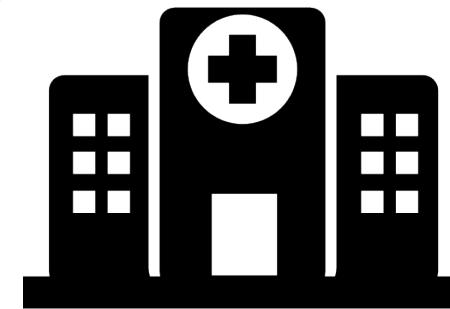
# Payment Disputes & Reimbursement Litigation

***Any litigator can file a lawsuit.*** But at Nelson Hardiman, we bring industry experience and a deep knowledge of federal and state regulatory healthcare law to bear on how we approach highly technical payment disputes and reimbursement litigation.

## What We Do



- In-Network Arbitration
- Out-of-Network Litigation
- “Overpayment” Disputes
- SIU and Audit Intervention
- Medicare & Medi-Cal Administrative Proceedings
- Government Investigations



## Who We Serve

- Physicians
- Medical Groups
- Surgery Centers
- Recovery/Behavioral Health
- Providers
- Hospitals & Health Systems
- Pharmacies



This presentation has been provided for informational purposes only and is not intended and should not be construed to constitute legal advice. Please consult your attorneys in connection with any fact-specific situation under federal, state, and/or local laws that may impose additional obligations on you and your company.

# No. 1:

## Maintain Immaculate Intake Documents



- Verification of Benefits
- Authorizations
- Assignments of Benefits
- Designation of Authorized Representatives
- Among others!!



# No. 2:

## Careful with Financial Hardship & Patient Financial Responsibility

- No “Fee Forgiving”!
- Have Policies, Practices & Procedures – and clear documentation -- for financial hardship
- What if the client doesn't pay?!
- Prompt payment discounts
- Can we pay the clients' premiums for them?



# No. 3:

## Pay Attention To Repricing Agreements



- **Understand what is being agreed to!**
  - Case agreement or Rate agreement?
  - Quasi-network agreement accessible by other plans?
- **Keep records of agreements.**

# No. 4:

## Good Clinical Documentation

*Most common reason for denying claims or alleging overpayments.*

***“If it’s not documented, then it didn’t happen.”***

*It’s better to litigate whether services were necessary rather than whether services were actually rendered.*



# No. 5:

## Carefully Document Billing & Appeals

- *Why do I have to submit records over and over?*
- *How do I keep track of everything I'm submitting to the insurance company?*
- *How do I know when to stop appealing?*



# No. 6: Hire A Good Biller

- **Work with reputable and ethical billers** who know the industry, know the codes, and keep up with the payors' ever-shifting reimbursement policies.
- All too often the issues that have to be litigated involve **cleaning up an inexperienced biller's mess.**



# No. 7:

## Always be Pro-Active!

### Guiding Principle:

Insurance companies are constantly seeing what they can get away with.

Pre-payment review

Overpayment/Recoupment Demands

Unusual Reimbursement Patterns

# No. 8:

## When In Doubt, Send The Appeal Out



- Exhaustion of administrative remedies.
- Appeal in writing with supporting documentation.
- But don't get bogged down in endless appeals while SOL runs out.



# No. 9:

## Don't Sign Insurer-Prepared Affidavits; Be Wary of SIU Interviews

- ❌ **Don't** give insurers free testimony in a disputed matter!
- ❌ **Don't** agree to unannounced visits!
- ⚠️ Cooperation may be appropriate, **but get your counsel involved.**



# **No. 10: Keep Your Friends Close . . . And Your Enemies Closer**



- **Changing Outside Billing Companies**
- **Separating with Key Employees**
- **Handling Business “Divorces”**

# **BONUS!!!**

# **Operate A Compliant Program!**



# QUESTIONS?



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