



Behavioral Health Fraud

Challenges and Issues Confronting
the Mental Health Care Fraud
Investigator



What is Mental Health Care?

- Individual or group care by credentialed or licensed psychiatrists, psychologists, social workers, or other counselors related to the mental health of the patient.

Understanding the Past

- Policy or financial limits on Mental Health Benefits
- Formation of Employee Assistance Program (EAP)
- The Mental Health Stigma
- Lack of network of providers

Financial Limits

- Separate yearly or lifetime maximum
- Subject to fraud and/or abuse
- When maximum met, benefits were not reinstated

Formation of EAP

- 24/7 phone counseling to employees
- Limited no fee face-to-face visits
- Assisted in finding the best provider
- Helped keep costs down

The Mental Health Stigma

- Patients were embarrassed to seek help
 - Felt this was a weakness
 - Vulnerable
 - Ashamed
 - Outcast to society
 - Out of control
 - Shame

The Out of Network Problem

- No fee schedules
- Couldn't control costs
- Procedure codes were abused

The Fraud and Abuse

- Facilities started advertising campaign
- Flying patients around country
- Refusing to release patients
- Maxing out benefits, both in/out patient
- Like or similar diagnosis
- Kickbacks to EAP representatives
- Mental Health care became “sexy”

The Investigations

- Started to match up state of residence to state of facility
- Breaks in confinements
- Average length of stay (LOS)
- Pulled authorizations for admitting DX
- Reviewed in/out patient medical records
- Surveys to patients

The Investigations Continued

- Looked for prior outpatient care
- Individual vs. group therapy charges
- Upcoding of private practice coding
- Unlicensed or uncertified providers
- Providers who billed from in to out patient to enhance reimbursement

Industry Changes

- The Mental Health Parity Act
- Mental Health Payors

The Mental Health Parity Act

- Established 1996. Newly updated 2009
- Federal Law
- Prevents less favorable limits on benefits
- MHPA does NOT require policies to cover Mental Health
- Applies to most groups over 50 employees
- Can impose some restrictions and still comply

Mental Health Payors

- Magellan Health Services
- United Behavioral Health (UBH)
- Internal “behavioral” units
- State controlled or partnered plans
- Behavioral Health Organization

Behavioral Health Fraud Today

- Where have all the behavioral cases gone?
- Is the Mental Health care arena free of fraud?
- What are the roadblocks the investigators face?
- Are those roadblocks preventing investigations?
- Did the challenges outweigh the industry?
- What are we missing?



Mental Health Today

- Spas
- Wilderness Camps/Boot Camps
- Day treatment
- In-patient vs. out-patient
- Family, group and individual therapies
- Certification vs. Licensing
- New treatments
- HIPPA

Roadblocks In Behavioral Health Fraud

- In many cases the medical records or documentation assist the investigator to determine the services rendered compared to the claim submitted
 - Due to new HIPPA regulations MH/SA providers do not want to give medical records
 - Explain you don't need detail
 - Members might feel “violated” if you ask for too much detail



Interviewing for Behavioral Health Fraud

- When you suspect a health care provider or a member of perpetrating fraud, you might want to consider an interview of the suspect or a patient. Medical records can be documented to the claims and codes billed
- The interview can be conducted face-to-face, telephonic as well as questionnaires sent to members.
- Due to HIPPA and privacy laws the investigator should be cautious to the types of questions asked.
- Know the allegation and the reason for the questions. They should fit your case.



Sample Interview Questions

- Did you have to sign in for each visit?
- Did you have group or individual therapy?
- Did the provider offer weekends and evening?
- Did you have to pay your co-pay (or any out of pocket costs) at each visit?
- Were there any therapeutic activities during the visits? (Can be used with children)
- Most importantly, if a member submits the referral, try and interview that member.



Watch Groups in Mental Health

- AACCP – American Association of Community Psychiatrists
- APS – American Psychiatric Association
- MHA – Mental Health America
- State agencies

Summary

- Loss of work costs employers \$105 Billion annually
- Without the benefit many people suffer
- Need control of the industry

Comments and or questions