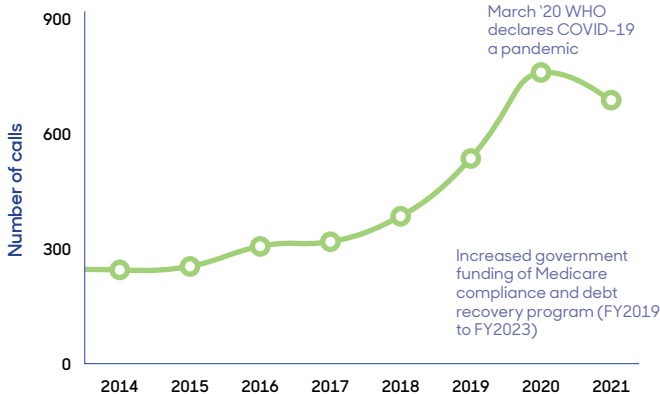


# Claims and medico-legal queries Medicare

## Medico-legal calls

Calls to Avant's Medico-legal Advisory Service (MLAS) about Medicare have increased in the last three years, suggesting a growing concern about Medicare. An analysis of topics discussed in MLAS calls about Medicare from May 2021 to April 2022 indicate that compliance activities and COVID-19 related issues were among the key areas of concern.

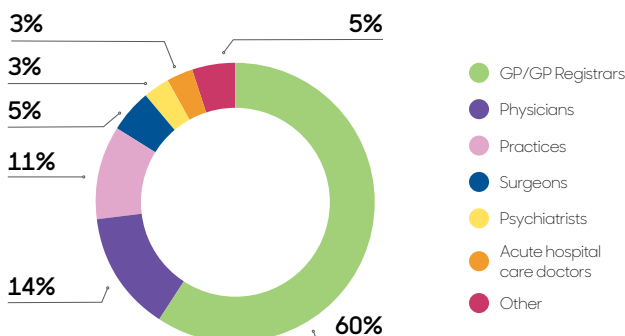


Data source: Avant MLAS calls about Medicare FY2014 to FY2021

## Top 5 issues discussed on MLAS calls:

- 1. Compliance activity** e.g. request for advice or assistance with responding to: a compliance letter, Medicare interview, audit, Professional Services Review
- 2. Provider number** e.g. provider number use for nurse-led vaccination program, delays in receiving a provider number, use of provider number without consent, provider number issues due to relocation
- 3. Billing errors (inadvertent)** e.g. errors in billing organised by practice/hospital staff, practice software/billing software errors, how to repay Medicare after inadvertent billing error
- 4. COVID-19 test or vaccination** e.g. how to bill Medicare for large numbers of immunisations, interstate vaccinations, vaccinations for people ineligible for Medicare, item numbers, consultations before vaccinations
- 5. Telehealth-related** e.g. patient consent to billing for telehealth, telehealth when doctor or patient are overseas, permitted number of billed telehealth consultations in one day.

The source of calls were:



The above review of Medicare call topics and source of calls is based on an analysis of MLAS calls about Medicare from the period 1 May 2021 to 30 April 2022.

## Avant claims related to Medicare

The majority of claims related to Medicare were associated with two main allegations. These were:

**54%** **allegations of inappropriate practice** including types and volumes of MBS items billed (e.g. Medicare services initiated falling outside the standard acceptable to their professional colleagues)

**43%** **allegations of non-compliance** with Medicare billing requirements (e.g. incorrect claiming)

\*Per cent of total Medicare claims shown.

Data source: Avant Medicare claims data closed FY2017 to FY2021

## Repayment

Half of Medicare claims closed from FY2017 to FY2021 involved a repayment of benefits.



## Most common MBS item numbers rendered that did not meet accepted standards or requirements:

### General practitioners

- 723** team care arrangements
- 721** preparation of GP management plan
- 732** review of GP management plan/team care arrangements

### Consultant physicians

- 132** initial assessment, at least 2 morbidities, minimum 45 minutes
- 110** attendance
- 133** subsequent attendance, at least 2 morbidities, minimum 20 minutes

### Specialist surgeons

- 104** initial attendance
- 105** subsequent attendance

The above review is of routinely collected and coded data. Our review is based on 934 Medicare claims closed over the five-year period from July 2016 to June 2021 (FY2017-FY2021).

## Key points

- There has been an increasing number of calls from Avant members about Medicare, with compliance activities and COVID-19 related issues being key areas of concern.
- Avant provided most support and advice about Medicare to GPs and GP registrars.
- The majority of claims related to Medicare arose as a result of allegations of inappropriate practice and alleged non-compliance with billing requirements.
- Half of Medicare claims closed from FY2017 to FY2021 involved a repayment of benefits.

## Glossary

- Claims refers to claims for money, compensation and civil claims.
- Medicare claims include Medicare investigations and audits.

## Resources

If you receive a claim or complaint, contact us ([avant.org.au/MLAS](https://www.avant.org.au/MLAS)) on 1800 128 268 for expert medico-legal advice on how to respond – available 24/7 in emergencies.

For any queries on this analysis, please contact us at [research@avant.org.au](mailto:research@avant.org.au)



You can find additional resources about Medicare, including articles, factsheets, podcasts and webinars in the Avant Learning Centre: <https://www.avant.org.au/Resources/Public/medicare-what-you-need-to-know/>

[avant.org.au](https://www.avant.org.au) | 1800 128 268



IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published [October 2022]. © Avant Mutual Group Limited 2022. MJN-999 09/22 (DT-2758)