

Module 1 **Legal and Ethical Issues in Audiology Practice; Billing and Coding** Chapter 1 and Chapter 7 (.2 CEUs)

Learner Outcomes

The participant will be able to

- a. Differentiate between licensure requirements and Code of Ethics principles
- b. Identify common areas that apply to both licensure and an audiologist's Code of Ethics
- c. Identify the legal requirements of the Health Insurance Portability and Accountability Act, Stark Laws, and Federal Anti-Kickback Act

Learner Assessment tool

Please circle the correct answer

1. Rules promulgated by licensure boards:
 - a. Apply to the operations of the licensure board, but do not address the audiologist's conduct; only the licensure law has enforceable provisions.
 - b. Are guidelines for audiologists, but have no legal weight, unlike the actual licensure law provisions, which are legally enforceable.
 - c. Must be followed if the rules are a clarification of the licensure law, but otherwise are advisory
 - d. Carry the full weight of law; violations of rules can lead to licensure suspension or revocation
2. Professionalism differs from ethics in that
 - a. Variance from professional norms may isolate one or harm a professional reputation, but are not sanctionable actions
 - b. Professionalism is a higher calling and adherence to its norms is of greater importance than merely being ethical
 - c. There is in essence no difference
3. State laws
 - a. Carry greater weight than the Academy's Code of Ethics
 - b. If in conflict with the Academy's Code of Ethics, are not to be adhered to
 - c. Invariably require adherence to a code of ethics
4. In accordance with the Health Insurance Portability and Accountability Act, protecting patient confidentiality means that information about a patient cannot be released:
 - a. Under any circumstances
 - b. Unless it relates to communication of treatment information, for example, reporting results back to the referring physician
 - c. Unless it relates to payment or operational information, such as communicating a diagnosis to the insurance company
 - d. Both B and C are legally permitted

5. Because of the Health Insurance Portability and Accountability Act:
 - a. There is no legally permitted way to provide case reports in published literature or in presentations at professional conferences
 - b. One must obtain the patient's consent to report on his or her case in published literature or in presentations at professional conferences
 - c. One must fully de-identify a case report before presenting the information at a professional conference or publishing the case report
 - d. Health-care professionals now have a legal safe harbor that permits reporting of results for research. HIPAA has exempted research reporting
6. Federal Stark laws:
 - a. Are civil law and not criminal law
 - b. Are more applicable to audiologists than to physicians
 - c. Are violated when the health care provider has a financial relationship to the entity where the patient has been referred
 - d. And Anti-Kickback statutes should be considered separately since a violation in one may not be a violation in the other
7. The Federal Anti-Kickback Statute
 - a. Applies to receiving incentives when patients are referred for services or receive items that are reimbursable under federal programs
 - b. Prohibits accepting a bribe or kickback
 - c. Prohibits indirect remuneration such as rebates
 - d. All of the above
8. Accepting manufacturer incentives for dispensing a hearing aid:
 - a. Violates Stark laws of receiving remuneration for referring a patient (because Stark interprets recommendation of hearing aids as referring the patient to the manufacturer)
 - b. Violates anti-kickback laws if the hearing aids are a benefit paid for by either that state's Medicaid program or other federal program such as the Veteran's Administration (The Federal Employees Health Benefits Program is, however, exempt from anti-kickback rules.)
 - c. Accepting manufacturer incentives when that manufacturer provided even just one of your patients with a Medicaid-provided hearing aid is a violation of the Anti-Kickback Statute
 - d. Both B and C are true
9. An audiologist enters a business arrangement with a physician where the audiologist pays the physician office rent based upon the number of referrals the physician provides. Some of the patients are Medicare and Medicaid recipients.
 - a. This arrangement is in violation of Stark laws, and the audiologist could be prosecuted
 - b. This arrangement is in violation of the anti-kickback law, and the audiologist could be prosecuted
 - c. This is neither an ethical nor legal issue; there is no restriction on this business practice
 - d. While a violation of the Code of Ethics, this is permitted as a safe harbor within both Stark and anti-kickback laws if the audiologist acted innocently

10. Which correctly describes the legally permitted billing?
- a. An audiologist receives more compensation for billing separately for air- and bone-conduction testing and then for speech recognition testing. If the insurance company set up this reimbursement structure, then the audiologist is legally entitled to unbundled, that is to bill the separate units at the higher price
 - b. An audiologist decides to invoice patients and insurance companies separately for the hearing instruments and for the professional services. She or he unbundles these components rather than charging one fee that encompasses all services
 - c. The patient has little to no prospect of improving with more treatment (e.g., vestibular rehabilitation or tinnitus therapy). The audiologist may continue to bill insurance, but only if the patient specifically requests treatment continuation after having signed an affidavit stating that she or he understands that treatment is unlikely to be effective. In this case it would not be considered insurance fraud, though it would if the patient did not request the service
 - d. All of the above are true
11. A professional is one who
- a. Has a specialized body of knowledge
 - b. Is a member of a group of persons holding similar values, attitudes and behaviors
 - c. Has knowledge of the expected behaviors and practice patterns to practice within one's field of employment
 - d. All of the above