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Productivity and Ethical Considerations Best Practices Guidelines

Ethical Service Delivery

Decisions regarding client/patient care should be made by clinicians in accordance with their clinical judgement. Clinicians are ethically obligated to deliver services they believe are medically necessary and in the client/patient's best interest, based upon their independent clinical reasoning and judgment as well as objective data.

- Deliver services that are medically necessary and in the best interests of the patient/client
- Clinical judgment and expertise is critical to delivery of patient/client care
- Employer internal policies or practices may violate law, standards and/or ethics
- Utilize national guidelines and resources such as your local and national associations

Know the Rules and Regulations

Therapists must use their clinical judgment to provide clients/patients with medically necessary services and to submit proper claims for payment. Practitioners must be aware of applicable policies and regulations to understand federal and payer requirements.

- State licensure laws & regulations www.nvot.org
- Federal health care laws regarding therapy services: ACA, Medicare
- Third-party payer rules; ask your employer - if in doubt use Medicare Model

Evaluation and Treatment

A critical component of the therapy process is to identify, clarify, and plan to meet client/patient needs.

- Comprehensive and clear evaluations are the cornerstone for services
- Determine necessary/appropriate treatment and services for patient's/client's condition including frequency and duration under accepted standards of practice
- Utilize evidence based practices, standardized assessment tools, when available, and include discharge planning

Documentation

The client/patient's treatment record is the responsibility of the practitioner who provides the care.

- Proper documentation supports the practitioner's services and reflects actual treatment
- Records must comply with federal and state regulations, be accurate, corrections noted, and be prepared by the treating clinician
- Signature denotes the accuracy of the document
- Establishes connection between services and goals

- Documentation must demonstrate skilled therapeutic services and billing should be consistent with documentation
- Advocate for sufficient non-clinical time for timely completion of documentation

Clinical Integrity vs. Employer Policies

Respect for the therapist's clinical judgement and expertise is critical to achieving optimum client/patient care. Overriding or ignoring clinical judgement by implementing administrative mandates and policies to maximize employer's financial interests or productivity goals may not support the clinical integrity of services provided.

It is the practitioners' ethical duty to ensure services provided are in accordance with the treatment plan and utilize evidence-based practices to achieve effective outcomes.

- Unacceptable Employer Policies and Practices
 - Putting clients on caseload who do not meet criteria for services
 - Coercing practitioners to continue treatment for clients who no longer need skilled therapy
 - Inappropriate requirements regarding treatment frequency or duration of services
 - Initiating a treatment without patient consent
 - Classifying non-treatment time as treatment for billing purposes
 - Limiting evaluation times based upon payment policy
 - Intentionally coding services inappropriately, based upon policy and/or reimbursement levels
 - Changing coding without assent of treating clinician
 - Falsifying or changing documentation
 - Setting unreasonable productivity expectations for the practice setting

Taking Action – Questionable Practices and Policies

It is the practitioner's ethical obligation to take action when faced with questionable practices and policies.

- If you observe a questionable practice engaged in by a colleague:
 - Discuss your concerns with the colleague - it may be unintentional and easily corrected
 - Discuss your concerns with your supervisor
- When faced with a questionable policy or practice dictated by your employer:
 - Discuss the policy or practice with your supervisor
 - Contact your facility / corporate billing compliance officer
 - Consider the impact of your actions / consequences of compliance
 - Seek knowledgeable legal counsel if appropriate
 - Find other employment
- In all cases of questionable practices that cannot be resolved through informal means:
 - Contact your state licensing board: board@nvot.org
 - Contact your state association
 - Report to your state healthcare regulatory agency, Medicare, Medicaid and/or Insurance
 - Report information to federal OIG or CMS, as appropriate

Resources

American Occupational Therapy Association

AOTA More Detailed Medicare Information:

<https://www.aota.org/practice/practice-essentials/payment-policy>

AOTA Clinical & Documentation Questions: practice@aota.org

AOTA Medicare & Reimbursement Questions: regulatory@aota.org

Medicare and Medicaid Resources

Medicare Benefits Policy Manual:

<http://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/Internet-Only-Manuals-IOMs-Items/CMS012673.html>

Nevada Medicaid Services Manual – Therapy:

<https://dhcftp.nv.gov/Resources/AdminSupport/Manuals/MSM/C1700/Chapter1700/>

Other Resources

Nevada Division of Insurance:

<http://doi.nv.gov/Consumers/>

Medicare Fraud Reporting Information:

<https://www.medicare.gov/basics/reporting-medicare-fraud-and-abuse#>

OIG Fraud Reporting Hotline:

800-HHS-TIPS (1-800-447-8477) or

<https://oig.hhs.gov/fraud/report-fraud/>

Nevada Board of Occupational Therapy

775-746-4101 or Contact Us at <http://nvot.org>