



Baylor Scott & White Health

A Texas Medicaid Provider

Results in Brief

Why OIG Conducted This Audit

The Texas Health and Human Services (HHS) Office of Inspector General (OIG) Audit and Inspections Division (OIG Audit) conducted an audit of teleservices provided by Baylor Scott & White Health (BSW). During the audit scope, which covered the period from June 1, 2021, through December 31, 2021, BSW was paid \$144,800 for 1,887 Texas Medicaid managed care claims for evaluation and management, psychiatry, psychotherapy, and facility fees provided via teleservices.

OIG Audit initiated this audit of BSW due to the increased risk associated with teleservices claims for evaluation and management, psychiatry, and psychotherapy services caused by the increase in teleservices provided during the COVID-19 public health emergency.

Summary of Review

The audit objective was to determine whether (a) teleservices provided by BSW were billed accurately and in accordance with applicable requirements and (b) related internal controls over teleservices were designed and operating effectively.

The audit scope included Texas Medicaid managed care teleservices claims paid for evaluation and management, psychiatry, and psychotherapy services for the period from June 1, 2021, through December 31, 2021.

Conclusion

Baylor Scott & White Health (BSW) provided behavioral health services to its patients via teleservices; however, BSW (a) double billed for some behavioral health teleservices, (b) billed facility fees for services it did not provide, and (c) incorrectly billed for some psychotherapy services. As a result, BSW was overpaid and should repay a total of \$45,412.50 to the state of Texas. Additionally, for 3 of 88 cases, BSW did not provide its patients with written or electronic privacy practice notifications prior to evaluation or treatment as required.

Key Results

BSW's physicians, physician assistants, and advanced practice nurses—who were all licensed to provide medical services in Texas—provided behavioral health services through a teleservices model. For each sample item tested, BSW retained medical records to support that a behavioral health teleservice was provided to the patient. However, BSW incorrectly billed for some behavioral health teleservices. Specifically, BSW incorrectly billed RightCare from Scott & White Health Plan by:

- Double billing for 470 behavioral health teleservices, totaling \$30,239.33.
- Billing 183 facility fees for services, totaling \$13,628.92.

Additionally, BSW did not always bill the appropriate Current Procedural Terminology (CPT) codes based on time duration for psychotherapy teleservices. BSW received an overpayment of \$1,544.25 for 30 of 95 behavioral health teleservices tested. For the services in question, psychotherapy was not consistently delivered within the time parameters for patients with a variety of mental illnesses and emotional difficulties.

Background

The COVID-19 public health emergency prompted an increased use of teleservices to connect providers with their patients. Between state fiscal years 2019 and 2021, the number of Texas Medicaid teleservices increased from 1.1 million in 2019 to 7.2 million in 2021. The state of Texas adopted waivers and changes to ease technology restrictions and expand the number of Medicaid services available through teleservices in response to the public health emergency.

Telemedicine and telehealth services are health care services that are (a) delivered by a physician or a health care professional licensed, certified, or otherwise eligible to practice in Texas, (b) provided to a patient at a different physical location than the physician or health care professional, and (c) provided using telecommunications or information technology.

Management Response

OIG Audit presented preliminary audit results, issues, and recommendations to BSW in a draft report dated October 13, 2023. BSW agreed with the audit recommendations and indicated corrective actions would be implemented by June 2024. Management responses from BSW are included in the report following each recommendation.

Further, BSW did not separately identify evaluation and management and add-on psychotherapy services for 28 of 79 behavioral health teleservices tested. In its medical records for these services, BSW either recorded the service times as the total time it spent on both evaluation and management and add-on psychotherapy combined or did not record any time spent with the patient. As a result, BSW's medical records did not distinctly identify the amount of time it spent providing add-on psychotherapy services to its patients.

In addition, BSW was unable to demonstrate it provided required privacy practice notification to 3 of 88 patients included in audit testing. As a result, BSW's patients may be unaware of risks to unauthorized access of their sensitive and confidential information.

Recommendations

BSW should:

- Implement processes to (a) align its billing processes with Texas Medicaid rules and (b) limit billing to allowable services that it provided to Texas Medicaid patients.
- Implement processes to ensure that (a) claims for services billed as time-based CPT codes are based on the actual length of services provided, (b) medical records include documentation to support the CPT codes billed, and (c) medical records separately identify services provided.
- Provide its patients with written or electronic notification of its privacy practices prior to evaluation or treatment via telemedicine services and document the notification was provided.

Additionally, BSW was overpaid and should repay \$45,412.50 to the state of Texas.