

Legal risks for providing financial assistance to patients

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(HealthDay)—Physicians need to be aware of the ramifications of providing financial assistance to patients, according to an article published July 8 in *Medical Economics*.

Physicians may be tempted to provide required funds for patients or waive cost-sharing obligations in cases where finances prevent a patient from receiving needed medical attention. With this in mind, the author of the article, Michael G. DiFiore, J.D., discusses the potential legal risks of providing such assistance.

According to DiFiore, in some states such as New York it is considered misconduct to give patients money for prescription drugs, medical procedures, or insurance premiums, with provision of such funds

considered an exercise of undue influence. Furthermore, the federal anti-kickback law and civil monetary penalties law prohibit [health care providers](#) from making payments to induce business that is paid for by a federal [health care program](#). The routine waiver of cost-sharing requirements under Medicare and Medicaid is viewed by the U.S. Department of Health and Human Services as fraud.

"It is important to note that one-time gifts, whether in the form of cash or cost-sharing forgiveness, are unlikely to trigger scrutiny by an oversight agency," DiFiore writes. "Importantly, should the physician become subject to scrutiny, adherence to a properly drafted charity care policy likely will be a mitigating factor and can potentially insulate the physician from liability."

More information: [More Information](#)

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