

Ambulance Service Related Advisory Opinion Released.
G. Christopher Kelly

In an advisory opinion, number 03-11, the Office of Inspector General (“OIG”) has concluded that it would not impose penalties against an ambulance service for_____. The OIG is the office of the federal government that, among other duties, serves as the watch dog for violations of the Anti Kick-Back Act. The advisory opinion was requested by.

The Anti Kick-Back Act (“AKA”) makes it a criminal offense to intentionally give or receive anything of value in exchange for the referral of Medicare patient business. Violation of the statute is a criminal felony punishable by a fine of up to \$25,000 and/or imprisonment of up to five years. A conviction of an AKA crime can also lead to exclusion from the Medicare and Medicaid programs, meaning that the provider can no longer bill these insurance programs. There can further be civil liabilities under the AKA through the False Claims Act or other similar laws which would require all funds received as part of the illegal activity to be returned to the government, along with additional heavy penalties.

As with any advisory opinion, the OIG stated that the opinion was based on the information given to it by the requesting municipality, and therefore was dependent on its full and truthful disclosure of facts. The opinion can not and should not be relied upon by parties other than the one specifically requesting the opinion. The OIG and the federal government are not bound by this opinion and reserve the right to change their position in the future. Specific facts often lead to very different results (for example the difference between a municipality and a private company contracting with a municipality), therefore, you should consult an attorney before beginning any course of action that you have questions about. For the same reasons, nothing in this article is intended by the author to be construed as legal advice.

The opinion can be found at
<http://www.oig.hhs.gov/fraud/docs/advisoryopinions/2003/ao0311.pdf>

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