



# FRAUD IMPERSONATION GUIDELINES

## Member Representation by a Provider's Office

Health care fraud is committed when someone intentionally submits, or causes someone else to submit, false or misleading information for use in determining the amount of health care benefits payable. The most common variety of health care fraud is perpetrated through medical identity theft.

Members may be represented, or their Protected Health Information (PHI) may be used by a Provider's office as follows:

- A) A Provider's office or clinic is permitted to use and disclose PHI without a member's permission only under the following circumstances:
  - 1. The information is being sent to the member;
  - 2. Information is being used for Treatment, Payment, and Health Care Operations;
  - 3. If informal permission may be obtained by asking the individual outright, or by circumstances that clearly give the individual the opportunity to agree, acquiesce, or object.;
  - 4. As incident to an otherwise permitted use and disclosure;
  - 5. As required by Public Interest and Benefit Activities; and
  - 6. As part of a Limited Data Set for the purposes of research, public health or health care operations. (45 C.F.R. §§ 164.500-514).
- B) Members may appoint a representative by filling out an Appointment of Representative (Form CMS-1696) or other forms provided by the state.
- C) The provider may make the coverage request on a member's behalf
- D) Staff of a provider's office acting on the physician's behalf may request all types of decisions about coverage (e.g., request is on said physician's letterhead or otherwise indicates staff is working under the direction of the provider).
- E) **Under no circumstances should a provider's office represent a member without their written authorization, consent, and knowledge to complete a health plan, primary care provider, or medical group transfers.**

For additional information regarding Fraud Impersonation, please refer to your provider manual or you may contact the Provider Relations Department.