

Date: February 16, 2015

To: House Committee on Health and Human Services

From: Kevin J. Robertson, CAE
Executive Director

RE: Testimony in Support of HB 2202

Chairman Hawkins and members of the Committee thank you for the opportunity to address you today, I am Kevin Robertson, Executive Director of the Kansas Dental Association (KDA) representing approximately 75% of the 1,518 licensed dentists practicing in Kansas. Today I am here to support HB 2202 which would provide some guidance with regard to Medicaid audits and the recoupment of fees from Medicaid providers.

Specifically, HB 2202:

- prohibits the use of extrapolation when determining the recoupment of fees except when estimated to be over \$150,000;
- requires a like-provider to be consulted with during the audit and appeals process;
- requires training to be provided to providers and staff regarding the proper filing of claims;
- prohibits the paying of a third party auditor on a commission of recouped fees; and
- prohibits the presumption that a provider who has made a clerical error on a claim has willfully committed Medicaid fraud.

Dentists are focused on caring for patients. However, dentists are facing more audits of payment claims which subject their practices to additional administrative burden and costly payment denials. Third party Medicaid auditors are often paid on a commission of fees recouped. This can and does create a situation where auditors will search for any means necessary to deny a Medicaid provider a claim for a service.

The KDA believes HB 2202 will create a sane approach to Medicaid provider audits and ease a significant concern many providers have regarding Medicaid fee recoupment. I am periodically contacted by dentist Medicaid providers who have made simple clerical errors including the name of the patient on every chart page, or a page that is not signed; or perhaps a front desk review indicated a patient was eligible for a procedure to find out later it was not. These somewhat benign errors can result in \$10,000's of dollars in recouped Medicaid fees from dentists after "extrapolation" is used to a dentists entire Medicaid patient base. These providers become so frustrated they stop accepting Medicaid and then retell their "horror" story to other dentists over and over and over. Let me remind the Committee, that dental Medicaid fees have not been increased since 2001.

With me today is Dr. John Fales. Dr. Fales is a pediatric dentist in Olathe who treats a large number of Medicaid children and he will discuss his personal experiences as a Medicaid provider.

Thanks you for your time