OIG Advisory Opinion Allows Complementary Transportation Services

Saturday, March 26, 2011

The Office of Inspector General (OIG) has issued a favorable opinion regarding complementary transportation services. **Advisory Opinion 11-02** examined a proposed arrangement to provide complementary transportation of patients to the hospital from physician offices located on, or contiguous to, the hospital campus. The transportation services would be provided by the hospital if physicians on the medical staff determine that a patient is in immediate need of treatment and there are no available private transportation options. The value of this transportation could be more than a nominal value, exceeding $10 per transport or $50 annually.

The OIG noted that the proposed arrangement potentially implicates the Anti-Kickback Statute and the civil monetary penalties law because the transportation could be offered to induce beneficiaries to obtain federally payable items or services from the hospital. However, the OIG determined that it would not impose sanctions based on a combination of factors:

- The proposed arrangement would not be limited to transportation of Federal healthcare program beneficiaries. Instead, eligibility for the transportation services would be determined by physicians according to the hospital’s written policy;
- The type of transportation – a van owned by the hospital and driven by an EMT employed by the hospital – would be reasonable;
- The hospital would only offer transportation services from physicians’ offices located on or contiguous to the hospital’s 108-acre campus, approximately ¼ of a mile;
- The hospital would not advertise the proposed arrangement;
- There is limited access to and availability of local public transportation; and
- The hospital would not claim, directly or indirectly, the cost of transportation on any Federal healthcare program cost report or claim, nor otherwise shift the cost to a Federal healthcare program.


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