



HAWAII HEALTH SYSTEMS
C O R P O R A T I O N

"Touching Lives Every Day"

COMPLIANCE ALERT 10-16

Submitting a Claim for a Co-pay Not Allowed if the Service is not Covered by Medicare

A reminder.....if a hospital can't bill Medicare for a service, then it can't bill for the co-pay. As reference, 42 USC 1935nn(a)(1)(B) states that ". . . the entity may not present or cause to be presented a claim under this subchapter or bill to any individual, third party payor, or other entity for designated health services furnished pursuant to a referral prohibited under subparagraph (A)" (a reference to the Stark law).

Therefore, if the covered entity collects the copay (or any other amount, from anybody), the entity has violated Stark if it didn't bill Medicare.