



# THE FLORIDA HEALTHCARE LAW FIRM

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## ROUTINE WAIVER OF COPY AND DEDUCTIBLE STILL ILLEGAL

By:  
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Most physicians have known for years that the routine waiver of copayments and deductibles is illegal under State and Federal law. What physicians may not know, however, is that State law makes the activity a felony. Additionally, physicians may delight in the fact that attorneys who propagate such arrangements or knowingly participate in such arrangements are also criminally liable.

Physicians must take great care in waiving even one patient's copay and deductible, given the regulatory consequences. Specific case-by-case exceptions can be made, but appropriate disclosure is required to the payor in all circumstances where the provider knows that a copay or deductible is to be waived prior to or contemporaneous to the provision of medical services. Moreover, it would be especially pertinent for physicians to ensure that they have an appropriate policy in place which ensures regulatory compliance and which is understood by staff.

*Mr. Cohen is the founder of the Delray Beach law firm of The Florida Healthcare Law Firm, which specializes in representing physicians and other clients in healthcare business/corporate matters. He is also founder of Maverick Medical Claims Solutions, which gets clients paid by managed care. He is Board Certified by the Florida Bar as a specialist in Health Care Law and routinely represents doctors in health care business matters. Mr. Cohen may be reached by calling (888) 455-7702.*