



Medicaid Fraud in Wisconsin Private Duty Nursing Services

Private Duty Nursing Services

Private Duty Nursing (PDN)* is hands on, direct care that requires the skills of a nurse. A member qualifies for PDN if they need eight or more hours of direct skilled nursing services daily.

*Wis. Admin. Code § DHS 107.12(1)

Wisconsin Medicaid reimburses only for services that are medically necessary and meet the requirements of federal and state statutes, rules, and regulations.

Hours of Care Allowable*

The nurse providing care may provide up to 12 hours per day and 60 hours per week of services. This time includes **all** members and patients under their care. This includes all places of employment, regardless of funding source. The nurse is required to take at least eight (8) continuous and uninterrupted hours off duty in every 24-hour period. Services beyond these limitations are not covered by Medicaid.

Record keeping and travel time are not separately reimbursable. This time is included in the rate for private duty nursing services.

*Wis. Admin. Code §§ DHS 107.12(4)(f), 107.03(17), 107.113(5)(d)1.b.

Services Not Rendered

- Private Duty Nursing services are not covered when the member is in a hospital or nursing home.
- Deliberately billing for services not rendered or knowingly billing for services when a member is in an inpatient setting is **fraud**.

From 2015 to 2019, OIG identified over \$16,500 paid for private duty nursing services not delivered while a member was in an inpatient setting.

Cost of Private Duty Nursing Services

Wisconsin Medicaid reimbursed **\$35,249,359.17** for private duty nursing services in 2020.

Keeping Information Current

Providers are required to notify ForwardHealth of any changes to their information, such as name, address, or licensure. Entering new information on a claim form or prior authorization request is not adequate notice of change. Providers can notify ForwardHealth of changes using the demographic maintenance tool on the portal.

Keeping Records

Per Wis. Admin. Code § DHS 106.02(9)(e)(2), providers must keep records for at least **5 years**, even if they end their enrollment as a Medicaid provider. Nurses are required to keep their own records and not store them only at a member's home. Providers must also keep their contact information current with Medicaid during this 5-year window so they can be reached by the Department of Health Services (DHS).

Accuracy of Claims

Providers are responsible for making sure their billing is complete and accurate, even if using a third party biller.* Providers should verify their billing and payment are correct after each paycheck.

* Wis. Admin. Code § DHS 106.02(9)

Remember, **you** play a vital role in protecting Medicaid funds!



Registered Nurse Sentenced for Defrauding Medicaid

Between March and May of 2012, a Private Duty Nurse submitted false claims for services that were not rendered. The nurse was convicted of Medicaid fraud and sentenced to 3 years in prison and ordered to pay restitution. The Department of Safety and Professional Services (DSPS) also permanently suspended the nurse's license.



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