

OIG Advisory Opinion Regarding Prepaid Gift Cards to Patients –

No. 23-03

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The [OIG Advisory Opinion](#) 23-03 regarded a “proposal to provide a prepaid card, such as a Visa or Mastercard gift card, of up to \$75 to certain individuals, including Federal health care program beneficiaries, to encourage those individuals to return the sample collection kit associated with” a colorectal cancer screening test. The OIG recognized that though although the Proposed Arrangement would generate prohibited remuneration under the AKS if the requisite intent were present, the OIG would not impose administrative sanctions on Requestors in connection with the Proposed Arrangement. They concluded that the gift cards satisfied the Preventive Care exception to the Beneficiary Inducements CMP, which applies to incentives given to individuals to promote the delivery of preventive care services where the delivery of the services is not tied to the provision of other services reimbursed by federal health care programs. However, the Preventive Care exception also states that the incentive (e.g., the gifts card) cannot be disproportionately large in relationship to the value of the preventive care service. The Proposed Arrangement included the following:

- Gift Cards would be for only those patients who return the Kit by the specified deadline.
- The Gift Card could not be used for items or services provided by Requestors.
- Each patient would be limited to receiving one Gift Card per 36-month period.
- Processes would be implemented to ensure the recipient has not already received one “in the prior 36-month period.”
- No other patient-focused promotion would be used with the patients.
- The Proposed Arrangement to Prescribers would not be advertised, nor would Prescribers be offered or paid any remuneration.

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About the Author

Richard P. Kusserow established Strategic Management Services, LLC, after retiring from being the DHHS Inspector General, and has assisted over 2,000 health care organizations and entities in developing, implementing and assessing compliance programs.