



Michael D. Miscos JD, CPC, CASCC, CUC, CCPC, CPCO, CPMA, CEMA

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CURRICULUM VITAE

Education and Honors:

- 1980 – 1981 **University of Pittsburgh at Johnstown** – General Studies
- 1981 – 1985 **United States Military Academy** - West Point, NY BSEE “Deans List”
- 2004 – 2008 **Concord Law School - JD** - “With Highest Honors”

Professional Credentials/Experience

- **Certified Professional Coder (CPC)** – American Academy of Professional Coders (AAPC) 8/2001
- **Specialty Coding Certification** – American Academy of Professional Coders (AAPC)
 - Certified Ambulatory Surgical Coder (CASCC) 12/2008
 - Certified Urology Coder (CUC) 12/2008
 - Certified Chiropractic Professional Coder (CCPC) 4/2009
 - Certified Professional Compliance Officer (CPCO) 1/2011
 - Certified Professional Medical Auditor (CPMA) 4/2015
 - AAPC Fellow 12/2016
- **Specialty Auditing Certification** – National Association of Medical Auditing Professionals (NAMAS)
 - Certified Evaluation and Management Auditor (CEMA) 6/2017
- **Certified Healthcare Compliance Consultant (CHCC)** – Healthcare Compliance Resources (8/2001). Certification adopted by AAPC and combined with CPCO certification 9/20/2013.
- **Certified Rehabilitation Assistant (CRA)** – Texas College of Chiropractic 6/2002
- **Expert Witness:**
 - Qualified as an Independent Review Organization to perform Department of Health and Human Services (HHS) Office of Inspector General (OIG) audits for providers operating under an Integrity Agreement. 2004/2008/2014.
 - Qualified by Massachusetts Board of Registration to perform provider compliance auditing and corrective action training (8/2002).
 - Qualified by the Chiropractic Physicians Board of Nevada to perform provider compliance auditing and corrective action training (10/2005).
 - Retained by the Department of Justice for the District of North Carolina as a Coding expert (11/2008).
 - Qualified by the New York State Attorney General’s Office to perform provider compliance auditing and corrective action training (6/2017).
 - Accepted in state and federal court and numerous administrative hearings as an expert regarding health care service coding, documentation and compliance, statistical error rate prediction methods and health insurance fraud involving E/M coding, diagnostic testing and physical medicine services on behalf of both healthcare providers and insurance carriers.

- **Attorney at Law:** Admitted to the practice of Law before the Supreme Court of California (CalBar ID 260146), the United States Supreme Court, the United States Third Circuit Court of Appeals, the US District Courts for the Southern District of California and the Western District of Pennsylvania.
- **Lecture/Instruction:**
 - **Educational Seminars:**
 - Conduct compliance related seminars monthly 1996-2007 on the following 5 topics
 - Insurance 101 – Coding Basics
 - Advanced Coding
 - Medical Necessity/Treatment Planning
 - Collection Strategies
 - Billing/Reimbursement & HIPAA Compliance
 - E/M Coding and Decision Making Documentation
 - Auditing Standards
 - Developed 12 hour on-line video training program addressing the definition of Medical Necessity; Proper Documentation Techniques, and Proper CPT Code Selection. <http://learncoding.com>.
 - Developed training program on HIPAA Privacy and Security Standards, Policies and Implementation.
 - **Lorman Education** (<http://lorman.com>)
 - Course Name: Healthcare Compliance
 - Instruction in Self-Audit Methods
 - Date: February 27, 2002
 - **Department of Defense**
 - E/M Coding Training WBAMC Ft. Bliss, Tx. (9/3-6/2002)
 - **Heritage Alliance** (230 Multi-Specialty IPA in NE PA)
 - Contract Chart Auditor/Compliance Consultant (3/2002 – 2004)
 - Training Seminar – E/M Coding 9/2002
 - **Greater Pittsburgh Chapter AAPC**
 - Decision Making and the -25 Modifier (12/2002)
 - **AAPC Regional Conference**
 - Reimbursement Standards (6/29/2007)
 - **AAPC Chapter Presentation, Toms River, NJ**
 - E/M Coding, Post Payment Process, Self-Audit Strategies and Reimbursement Standards (9/2007)
 - **AAPC Chapter Presentation, Sayre, PA**
 - Subsequent Inpatient Hospital E/M Services in the Global Period (3/2008)
 - **AAPC Chapter Presentation, Johnstown, PA**
 - Not Documented – Not Done; Medicare Myth or Rule? (4/2008)
 - **AAPC 2008 National Conference**
 - Best Practices in Medicare Compliance; Ten Future Risk Areas Under the FCA (6/2008)
 - **AAPC Chapter Presentation, Oil City, PA**
 - Not Documented – Not Done; Medicare Myth or Rule (10/2008)
 - **AAPC 2009 National Conference**
 - Advanced Concepts in Physical Medicine Coding (4/2009)
 - **Regence Blue Cross SIU Symposium**
 - Common Errors in Physical Medicine Coding and Payment Vulnerabilities (4/2009)

- **AAPC Chapter Presentation, Columbus, OH**
 - What is Fraud? Understanding the Elements under the FCA (8/2009)
- **DOJ – Medicaid Integrity Institute - Strategies and Techniques for Prevention and Detection of Fraud, Waste, and Abuse.**
 - Audit Methodologies to Ensure Accurate and Defensible Results (9/2009)
- **AAPC Regional Conference – October 2009**
 - What is Fraud? Understanding the Meaning of the Often Misused Five Letter "F" Word
- **AAPC 2010 National Conference/Regional Conference**
 - HITECH – HIPAA on Steroids (6/2010, 9/2010)
- **AAPC National Webinar January, 2011**
 - The 2011 OIG Workplan – Risk Areas for Everyone (1/2011)
- **Alaska Chiropractic Society Provider Conference – 2/19/2011**
 - Understanding E/M Coding
 - Compliant Documentation – Treatment Plans, Progress Notes, and Treatment Notes
- **AAPC 2011 National Conference**
 - Legal Advisory Board Panel Presentation (4/3/2011)
 - ARRA, FERA, PPACA and FCA – The Alphabet Soup of Fraud Liability (4/5/2011)
 - OPPS Rules for ASCs – Coding or Reimbursement Rules? (4/6/2011)
- **AAPC National Webinar May 2011**
 - Legal Issues in Coding, What makes a claim “legally false”? (5/2011)
- **AAPC Regional Conference – September 2011**
 - Responding to Investigations – Using HIPAA to your Advantage (9/8/2011)
 - The Connection between Coding and Compliance (9/8/2011)
 - Minimizing Coder Liability under the False Claims Act (9/9/2011)
- **AAPC National Webinar November 2011**
 - Chiropractic Coding (11/2/2011)
- **AAPC National Webinar February 2012**
 - Defending an Adverse E/M Audit: What the E/M Guidelines Really Say (2/15/2012)
- **Alaska Chiropractic Society Provider Conference – 2/25/2012**
 - HIPAA Privacy and Security Training – Understanding your obligations.
- **AAPC National Webinar March 2012**
 - Post Payment Audits – Taking Control of the Audit Process and the Result (3/21/2012)
- **AAPC 2012 National Conference**
 - Legal Advisory Board Panel Presentation (4/1/2012)
 - Responding to Investigations – Using HIPAA to your Advantage (4/2/2012)
- **Tennessee Chiropractic Association – Nashville, TN**
 - Medically Necessary Care – What it is; how to document it; and how to bill it. (5/12/2012)
- **AAPC Chapter Presentation, Grove City, PA**
 - Understanding the Incident-to Rule and Split/Shared E/M Services (5/19/2012)
- **AAPC Chapter Presentation, Johnstown, PA**
 - Defending an Adverse E/M Audit, What the E/M Guidelines Really Say (7/12/2012)
- **AAPC National Webinar August 2012**
 - Common Physical Medicine Coding Errors (8/22/2012)
- **AAPC Chapter Presentation, Lancaster, PA**
 - Legal and Ethical Considerations for Coders (9/2013/2012)
- **Louisiana Union of Chiropractic Physicians, New Orleans, LA**

- Efficiently Documenting the Necessity of Care – Approved by LA Board of Chiropractic Examiners for 6 hours of Continuing Education Credit (9/28/2012)
- **American College of Chiropractic Consultants, Chicago, IL**
 - Legal Issues in Coding; Coding Right and the Risks if You Don't (10/5/2012)
- **AAPC Chapter Presentation, York, PA**
 - Legal Issues in Coding; Legal Falsity and Direct Liability for Coders under the FCA (10/11/2012)
- **Georgia Chiropractic Association Annual Conference, Atlanta, GA**
 - Coding of Physical Medicine and Rehabilitative Services (10/20/2012)
 - EHR Risks and Benefits and Meaningful Use Compliance (10/21/2012)
- **AAPC 2012 Regional Conference**
 - Compliance – Making your Compliance Program Compliant – Breakout Session (10/26/2012)
 - Legal Issues in Coding; Coder Liability under the False Claims Act – General Session (10/27/2012)
- **AAPC Chapter Presentation, Oil City, PA**
 - Legal Issues in Coding; Coder Liability under the False Claims Act (3/23/2013)
- **AAPC 2013 National Conference**
 - AAPCCA Leadership Presentation – Professional Ethics (4/14/2013)
 - ICD-10 Roundtable Presentation – General Session (4/14/2013)
 - Demystifying Incident-to and Split/Shared E/M Billing (4/15/2013)
 - Legal Advisory Board Panel Presentation (4/16/2013)
- **Midwest Claims Conference – Chicago, IL**
 - 100% Defensible Auditing (5/1/2013)
 - Advanced E/M: Standards Review and Common Audit Errors (5/2/2013)
- **WPHIMA Conference – Pittsburgh, PA**
 - ARRA, FERA, PPACA and the FCA – Analysis of Coder Liability (5/3/2013)
- **AAPC Chapter Presentation, Johnstown, PA**
 - Changes to HIPAA Under Final Rules Implementing the HITECH Act (5/9/2013)
- **AAPC Chapter Presentation, Tacoma, WA**
 - Emerging Trends in Health Law, a View from the Trenches (6/29/2013)
- **ICD-10 Bootcamp, Harrisburg, PA**
 - ICD-10 Codeset Training (8/29-30/2013)
- **AAPC Chapter Presentation, Middletown, NY**
 - Legal Issues in Coding (9/14/2013)
- **AAPC Regional Conference, Dallas, Tx**
 - AAPCCA Leadership Presentation – Professional Ethics (9/26/2013)
 - General Session (Panel) – Understanding the Impact of EHRs on E/M Coding (9/27/2013)
 - General Session – Legal Issues in Coding – What's a Coder's Liability? (9/28/2013)
 - Breakout Session – Is Your Compliance Program Compliant? (9/28/2013)
 - General Session (Panel) – ICD-10, Views from the Industry (9/28/2013)
 - Breakout Session – Understanding Incident-To and Split/Shared E/M Reporting (9/28/2013)
- **ICD-10 Bootcamp, Pittsburgh, PA**
 - ICD-10 Codeset Training (11/9-10/2013)
- **ICD-10 Bootcamp, Harrisburg, PA**
 - ICD-10 Codeset Training (11/2015-16/2013)
- **AAPC Regional Conference, Baltimore, MD**
 - AAPCCA Leadership Presentation – Professional Ethics (11/17/2013)
 - General Session (Panel) – Understanding the Impact of EHRs on E/M Coding (11/18/2013)

- General Session – Legal Issues in Coding – What’s a Coder’s Liability? (11/19/2013)
- Breakout Session – Is Your Compliance Program Compliant? (11/19/2013)
- General Session (Panel) – ICD-10, Views from the Industry (11/19/2013)
- Breakout Session – Understanding Incident-To and Split/Shared E/M Reporting (11/19/2013)
- **AAPC National Webinar January 2014**
 - Defending an Adverse E/M Audit: What the E/M Guidelines Really Say (1/8/2014)
- **AAPC Regional Conference, San Francisco, CA**
 - General Session – Legal Issues in Coding – What’s a Coder’s Liability? (1/19/2014)
 - Breakout Session – Is Your Compliance Program Compliant? (1/19/2014)
 - General Session (Panel) – ICD-10, Views from the Industry (1/19/2014)
 - Breakout Session – Understanding Incident-To and Split/Shared E/M Reporting (1/19/2014)
- **AAPC Regional Conference, Seattle, WA**
 - Breakout Session – Understanding Incident-To and Split/Shared E/M Reporting (1/20/2014)
 - General Session (Panel) – ICD-10, Views from the Industry (1/20/2014)
 - General Session – Legal Issues in Coding – What’s a Coder’s Liability? (1/21/2014)
- **AAPC Chapter Presentation, Jefferson City, MO**
 - Legal Issues in Coding (3/19/2014)
- **AAPC National Webinar March 2014**
 - HIPAA – Avoidance of Penalties Following a Breach (3/19/2014)
- **AAPC National Conference, Nashville, TN**
 - AAPCCA Leadership Presentation – Professional Ethics (4/13/2014)
 - Breakout Session – Is Your Compliance Program Compliant? (4/14/2014)
 - General Session (Panel) – ICD-10, Views from the Industry (4/15/2014)
 - Breakout Session – FCA, FERA, and the ACA – Alphabet Soup of Fraud Liability (4/15/2014)
 - General Session (Panel) – Legal Advisory Board Q&A (4/15/2014)
 - Business Expo – Stark/AKB Statutes (4/16/2014)
- **ICD-10 Bootcamp, Colorado Springs, CO**
 - ICD-10 Codeset Training (4/28-29/2014)
- **St Mary’s Hospital – CME Approved Program, Athens, GA**
 - ICD-10 – Physician’s Perspective (5/8/2014)
- **AAPC Chapter Presentation, Athens, GA**
 - E/M Auditing Challenges with Electronic Medical Records – The Role of a Coder (5/8/2014)
- **AAPC Chapter Presentation, Johnstown, PA**
 - Advanced E/M Auditing (5/15/2014)
- **AAPC Chapter Presentation, Tacoma, WA**
 - FERA, ACA and the FCA, the Alphabet Soup of Fraud Liability (6/20/2014)
- **Nationwide SIU Academy, Harrisburg, PA**
 - Common Errors in Physical Medicine Coding (6/27/2014)
- **AAPC Chapter Presentation, Johnstown, PA**
 - ICD-10 Guidelines (7/2010/2014)
- **AAPC National Webinar August 2014**
 - 2014 OIG Workplan (8/6/2014)
- **AAPC Regional Conference, Chicago, IL**
 - Chapter Officer Leadership Training – A Coder’s Ethical Responsibilities (8/28/2014)
 - General Session – Incident-to Reporting – Common Misconceptions and Fraud Risk (8/28/2014)
 - Breakout Session – HIPAA – Responding to a Breach (8/28/2014)

- Breakout Session – Auditing E/M Services in a World of EHRs (8/29/2014)
- Business Expo – Stark/AKB Fundamentals (8/29/2014)
- **AAPC Chapter Presentation, Middletown, NY**
 - Incident-to Reporting – Common Misconceptions and Fraud Risk (9/5/2014)
- **AAPC Chapter Presentation, Allentown, PA**
 - Legal Issues in Coding (9/2012/2014)
- **AAPC Regional Conference, Anaheim, CA**
 - Chapter Officer Leadership Training – A Coder’s Ethical Responsibilities (9/18/2014)
 - General Session – Incident-to Reporting – Common Misconceptions and Fraud Risk (9/18/2014)
 - Breakout Session – HIPAA – Responding to a Breach (9/18/2014)
- **AAPC Chapter Presentation, Greensboro, NC**
 - Coder Liability under the False Claims Act (9/20/2014)
- **AAPC National Webinar November 2014**
 - Common Misconceptions Regarding the Incident-to and Locum Tenens Rules (11/5/2014)
- **AAPC Chapter Presentation, Pittsburgh, PA**
 - Auditing E/M Services in a World of EHRs (12/9/2014)
- **AAPC National Webinar January 2015**
 - 2015 OIG Workplan (1/28/2015)
- **AAPC Chapter Presentation, Oil City, PA**
 - Incident-to, Locum Tenens, Reciprocal Billing – Common Misconceptions and FCA Risk (2/12/2015)
- **AAPC National Conference, Las Vegas, NV**
 - Breakout Session – Legal Liabilities for Coders (3/30/2015)
 - Breakout Session – HIPAA for Practice Managers (3/31/2015)
 - General Session (Panel) – Legal Advisory Board Q&A (3/31/2015)
 - Understanding Fraud, Waste and Abuse Detection and Prosecution (4/1/2015)
- **PHIMA State Conference, Hershey, PA**
 - HIPAA Breaches (5/12/2015)
- **AAPC National Webinar May 2015**
 - The Audit Process (5/20/2015)
- **AAPC National Webinar May 2015**
 - Ethics and Professionalism in Coding (5/27/2015)
- **AAPC National Workshop**
 - Teaching ICD-10 to Your Physician (5/27/2015)
- **AAPC Chapter Presentation, Harrisburg, PA**
 - Ambiguities in E/M Scoring (5/27/2015)
- **ICD-10 Bootcamp – Harrisburg, PA**
 - ICD-10 Codeset Training (5/28-29/2015)
- **AAPC Chapter Presentation, Montpelier, VT**
 - Ambiguities in E/M Scoring (6/12/2015)
 - Incident-to, Locum Tenens, Reciprocal Billing – Common Misconceptions and FCA Risk (6/12/2015)
- **AAPC Regional Conference, Dallas, TX**
 - General Session – Ethics as a Component of Professionalism (8/17/2015)
 - Breakout Session – Incident-to, Locum Tenens, Reciprocal Billing – Common Misconceptions and FCA Risk (8/17/2015)

- **AAPC Regional Conference, Chicago, IL**
 - General Session – Ethics as a Component of Professionalism (9/3/2015)
 - Breakout Session – Incident-to, Locum Tenens, Reciprocal Billing – Common Misconceptions and FCA Risk (9/4/2015)
 - Breakout Session – Advanced E/M – Ambiguities in E/M Scoring (co-taught with Jaci Kipreos) (9/4/2015)
 - Breakout Session – Audit Scope, Sampling and Process (co-taught with Jaci Kipreos) (9/4/2015)
 - Breakout Session – Auditing – Risk analysis and Communication (9/5/2015)
- **AAPC Chapter Presentation, Middletown, NY**
 - Ambiguities in E/M Scoring (9/19/2015)
- **AAPC National Workshop – Harrisburg, PA**
 - Medical Decision Making and Medical Necessity (9/23/2015)
- **AAPC Chapter Presentation, Greensboro, NC**
 - Incident-to, Locum Tenens, Reciprocal Billing – Common Misconceptions and FCA Risk (9/26/2015)
- **AAPC Chapter Presentation, Richmond, VA**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (11/13/2015)
- **AAPC Chapter Presentation, St. Louis, MO**
 - Ethics, Professionalism and Coder Liability (11/16/2015)
- **AAPC Chapter Presentation, Pittsburgh East Chapter, Pittsburgh, PA**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (01/12/2016)
- **AAPC National Webinar January 2016**
 - 2016 OIG Workplan (1/13/2016)
- **AAPC Chapter Presentation, Lancaster, PA**
 - Risk Analysis and Communication (02/18/2016)
 - Coder Liability under the False Claims Act (02/18/2016)
- **AAPC Chapter Presentation, Pittsburgh West Chapter, Pittsburgh, PA**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (3/15/2016)
- **AAPC Chapter Presentation, St. Louis, MO**
 - Ethics, Professionalism, and Coder Liability (3/24/2016)
- **AAPC National Conference, Orlando, FL**
 - AAPCCA Leadership Presentation – Professional Ethics (4/9/2016)
 - Breakout Session – Risk Analysis and Communication of Audit Results (4/12/2016)
 - General Session (Panel) – Legal Advisory Board Q&A (4/12/2016)
 - Breakout Session – Common Errors and Fraud Risk in PhysMed Service Reporting (4/13/2016)
 - Breakout Session – Advanced E/M – Ambiguities in E/M Scoring (co-taught with Jaci Kipreos) (4/13/2016)
- **AAPC Chapter Presentation, Toledo, OH**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (4/30/2016)
 - Ethics, Professionalism, and Coder Liability (4/30/2016)
- **AAPC Chapter Presentation, Knoxville, TN**
 - Advanced E/M – Ambiguities in E/M Scoring (5/6/2016)
- **Society of Professional Insurance Investigators - Midwest Medical Fraud Symposium**
 - Keynote Speaker – Tales from the Other Side – Landmines that can Derail your Recovery/Enforcement/Prosecution efforts (6/15/2016)
 - Breakout Session – DME Fraud Waste and Abuse (6/15/2016)
 - Fraud Bullpen – Sorting out the Tough Issues (6/15/2016)

- **AAPC Chapter Presentation, Kansas City, MO**
 - Ethics, Professionalism, and Coder Liability (8/12/2016)
- **AAPC Chapter Presentation, Johnstown, PA**
 - Ethics, Professionalism, and Coder Liability (9/8/2016)
- **AAPC Chapter Presentation, Omaha, NE**
 - Ethics, Professionalism, and Coder Liability – Post Yates (9/10/2016)
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (9/10/2016)
- **AAPC Chapter Presentation, Erie, PA**
 - Forensic Auditing vs Compliance Auditing – Understanding the Difference (9/17/2016)
- **AAPC Regional Conference, Anaheim, CA**
 - Breakout Session – Advanced E/M Panel (9/19/2016)
 - General Session – Ethics, Professionalism and Coder Liability (9/20/2016)
 - Breakout Session – Auditing – Risk Analysis and Communication (9/20/2016)
 - Breakout Session – Common Errors in PhysMed Coding – Modalities and Procedures (9/20/2016)
 - Breakout Session – Common Errors in PhysMed Coding – Time Based Services (9/20/2016)
- **AAPC Chapter Presentation, Anchorage, AK**
 - Ethics and Professionalism (10/1/2016)
 - Advanced E/M – Ambiguities in E/M Scoring (10/1/2016)
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (10/1/2016)
- **AAPC Regional Conference, Atlantic City, NJ**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (10/6/2016)
 - General Session – Ethics and Professionalism (10/7/2016)
 - Breakout Session – Auditing – Risk Analysis and Communication (10/7/2016)
 - Breakout Session – Common Errors in PhysMed Coding – Modalities and Procedures (10/7/2016)
 - Breakout Session – Common Errors in PhysMed Coding – Time Based Services (10/7/2016)
 - Breakout Session – Advanced E/M Panel (10/8/2016)
- **Virginia State Coding Conference – Chesapeake, VA**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (10/20/2016)
- **AAPC Chapter Presentation, Tampa, FL**
 - Coder Liability under the False Claims Act (11/5/2016)
- **AAPC Chapter Presentation, St. Louis, MO**
 - Auditing – Risk Analysis and Communication (11/14/2016)
- **NAMAS Annual Conference, Orlando, FL**
 - FCA, FERA and the ACA – The Alphabet Soup of Fraud Liability (12/8/2016)
 - E/M Auditing Challenges with the Advent of EMR (12/8/2016)
- **AAPC National Webinar January 2017**
 - 2017 OIG Workplan (1/11/2017)
- **AAPC Chapter Presentation, Lancaster, PA**
 - Ethics and Professionalism (2/9/2017)
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (2/9/2017)
- **AAPC Chapter Presentation, Jefferson City, MO**
 - Developing your Skillset – Becoming a Forensic Coding Expert (3/16/2017)

- **AAPC Chapter Presentation, Nashville, TN**
 - Ambiguities in E/M Scoring (4/22/2017)

- Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (4/22/2017)
- **AAPC National HealthCon Conference, Las Vegas, NV**
 - General Session – Legal Advisory Board Panel Discussion (5/9/17)
 - General Session – Advanced E/M Auditing Panel (5/9/17)
 - Breakout Session – Forensic (Error) vs. Compliance (Risk) Audits – Understanding the Difference (5/9/17)
- **AAPC Chapter Presentation, Las Vegas, NV**
 - Ethics, Professionalism, and Coder Liability – Post Yates (5/9/17)
- **AAPC Chapter Presentation, Indianapolis, IN**
 - Deep Dive into Incident-to Billing – Common Misconceptions and FCA Risk (5/17/17)
- **AAPC Chapter Presentation, DesPlaines, IL**
 - Ethics, Professionalism, and Coder Liability – Post Yates (5/18/17)
- **AAPC Chapter Presentation, Philadelphia, PA**
 - Ethics as a Key Component of Professionalism (5/19/17)
- **AAPC Chapter Presentation, Knoxville, TN**
 - Incident-to and Split/Shared Service Reporting–Common Misconceptions and FCA Risk (5/25/17)
- **AAPC Chapter Presentation, Jefferson City, MO**
 - Advanced E/M Auditing - Ambiguities in E/M Scoring (5/30/2017)
- **Published Articles:**
 - Mastering the Documentation Game; Published November/December 1999 Issue of Today's Chiropractic
 - Documentation: Reasonableness; The First Step to Justifying Medical Necessity: Published September / October 2001 Issue of Today's Chiropractic.
 - Proper Use of the “-59” modifier for Billing of Separate Therapy Procedures in the CMT Comprehensive Code Pairing; Published in the AAPC “Coding Edge,” December 2002.
 - Time Based Coding: Proper Reporting of Time-Based Physical Medicine Procedures; Published Issue 12, 2003 Chiropractic Economics.
 - Joint Dysfunction: An Analysis of the Significance of Joint Dysfunction and Its Impact to the Reporting of Manipulation in Rehabilitative Encounters. Published in the ACA Journal September 2003, Vol. 40, No. 9. (clinical content reviewed by co-author Kim D. Christensen DC, CSCS, DACRB)
 - Contributing Author, Health Care Compliance Association, Monitoring and Auditing Manual, Evaluation and Management Scoring Tutorial and Audit Worksheet.
 - A Structured Approach to Developing an Effective Internal Audit Program; Published in the Health Care Compliance Letter, 8/2007.
 - Time Based Evaluation and Management Service Reporting; Published Jan/Feb 2008 edition of CMA Today
 - Electro-diagnostic Services; Review of Documentation, Billing and Bundling Rules; Published in BC Advantage October, 2007.
 - Beyond the Code: Understanding Coder Liability under the False Claims Act; Published in AAPC Coding Edge 2/2008
 - Reporting Subsequent E/M Services in the Global Period; Published in AAPC Coding Edge – April 2008
 - Not Documented – Not Done; Medicare Myth or Rule? Published in Journal of Medical Practice Management.
 - When the OIG Comes Knocking – Do's and Don'ts; Connecticut Medical Society Journal.

- Implementing Self-Referral Restrictions in Commercial Carrier Contracts; Published in Self-Insurer Magazine.
- Global Period: Reporting Subsequent Inpatient E/M Services Following Surgery; Published in AAPC Coding Edge, 4/2008.
- Medicare Mark-Up Prohibition on Diagnostic Tests; Navigating Compliance and Coding Implications; Published in the Healthcare Compliance Letter. Co-Authored with Charles I. Artz, Esq.
- Coding Implications of Purchased Diagnostic Test Rules; AAPC Coding Edge.
- Next Round of Stark Rules; HIPPS final rule has many changes in store; start planning now; Imaging Economics, Aug. 2008.
- FCA Ruling Reiterates Importance of Compliance; AAPC Edge Blast, 11/2008.
- Top Ten FCA Risk Areas for Physician Practices; Journal of Medical Practice Management 12/2008.
- Coding Rules – Medicare’s way is not always the right way. AAPC Coding Edge
- 100% Accurate Coding – Reducing Payment Errors and Minimizing Post Payment Liability. A Guide for Physicians, Coders and Auditors. AAPC Q3 Workshop Presentation Manual.
- HITECH Update: HHS Issues Rule Governing Security Breach Notification. AAPC Coding Edge, Nov. 2009.
- Defensible Coding - Glaucoma Today, Winter 2010.
- Legal Edge: Group Practice Liability under the FCA – AAPC Coding Edge, January 2010.
- Legal Edge: Can a Claim be Coded Only from Its Dictation? - AAPC Coding Edge, February 2010.
- HIPAA – The Fundamental Coding Rule. - AAPC Coding Edge, March 2010.
- Pinpoint Common Chiropractic Modality Coding Errors – AAPC Coding Edge, April 2010.
- Legal Edge: Billing Obligations in Light of the HITECH changes to HIPAA – AAPC Coding Edge, June 2010.
- Pinpoint Common Chiropractic Procedure Coding Errors – AAPC Coding Edge, July 2010.
- Best Practices for Responding to Investigations. – HFMA, Revenue Cycle Strategist, September 2010.
- Legal Edge - Know Whether You Can Accept EHR Hospital Donations – Medical Practice Digest, February 2011.
- Legal Forum: How Does HITECH Affect HIPAA? – Medical Practice Digest, April 2011.
- Senate Bill 454 – Time to Rethink Your Participating Status? AAPC Coding Edge, June 2011.
- Legal Forum: With RAC’s, What are my Options? – Medical Practice Digest, August 2011.
- Legal Forum: Handling Outstanding Erroneous Claims and Overpayments – Medical Practice Digest, Nov 2011.
- Legal Forum: What’s Your Repayment Obligation under the FCA? AAPC Coding Edge, September 2012.
- Coding Compass: New POS Rules Get Sticky for 21 and 22 E/M Services. AAPC Coding Edge, February 2013.
- HIPAA Final Rule – Changes to Provisions Implementing the HITECH Act. AAPC Coding Edge, June 2013.
- The Incident-To Rule and Non-Credentialed Physicians. AAPC Coding Edge, November 2013.
- Q&A, *Locum Tenens* Billing, AAPC Medical Practice News November 2013.
- 2014 OIG Fraud and Abuse Workplan, Target Your Risk Areas. AAPC Healthcare Business Monthly, May 2014.
- AAPC Committed to Ethical Standards. AAPC Healthcare Business Monthly, October 2014.

- Transitional Care Management Reporting: The Communication/Interactive Contact Requirement. AAPC Healthcare Business Monthly, October 2014.
- Mixing Clinical and Financial Data in the Patient Portal. AAPC Healthcare Business Monthly, November 2014.
- Group Practice Liability Under the False Claims Act: Minimizing Liability through Implementation of an Effective Compliance Program. 2014 AHLA Compliance Resource Guide (Alicia Schickle, co-author)
- 2015 OIG Workplan – Understanding your Risk Areas. AAPC Healthcare Business Monthly, February 2015.
- Low Cost Medicare Fraud Exposes Doctor to Prison and Hefty Fines. AAPC Healthcare Business Monthly, April 2015
- Orthopedic Office Ethics: From Upcoding to Harassment. AAPC Healthcare Business Monthly, May 2015
- Don't Let Incident-to Turn into "Incident-4" Billing. AAPC Healthcare Business Monthly, June 2015
- When Does the *Locum Tenans* Clock Start? AAPC Healthcare Business Monthly, July 2015
- Let's Clarify - How to Keep Incident-to from Becoming Incident 4, Part 2: Billing services incident-to the supervision of an NP or a PA. AAPC Healthcare Business Monthly, August 2015
- 2016 OIG Workplan – Review of Part A Risk Areas. AAPC Healthcare Business Monthly, February 2016.
- 2016 OIG Workplan – Review of Part B Risk Areas. AAPC Healthcare Business Monthly, March 2016.
- Yates Memo; Liability for Coders, AAPC Healthcare Business Monthly, Scheduled - March 2016.
- A Question of Ethics; What do you do when coding productivity is more important than ethics in your workplace? AAPC Healthcare Business Monthly, March 2016
- Reporting and Returning Part A and Part B Overpayments – Final Rule, AAPC Healthcare Business Monthly, April 2016.
- Submission of an Ethics Complaint, AAPC Healthcare Business Monthly. May 2016
- What Can I Do if Payers Don't Follow CPT Guidelines? AAPC Healthcare Business Monthly, July 2016
- Can Payers Change Code Definitions? AAPC Healthcare Business Monthly, October 2016
- Is Separate Coding of Services Unbundling or Correct Coding? AAPC Healthcare Business Monthly, November 2016
- Under coding Isn't an Audit Avoidance Strategy. AAPC Healthcare Business Monthly, December 2016.
- OIG Annual Work plan – Part A Risk Areas. AAPC Healthcare Business Monthly, January 2017.
- OIG Annual Work plan – Part B Risk Areas. AAPC Healthcare Business Monthly, February 2017.
- If NPPs Not Yet Enrolled in Medicare, do only Incident-To Billing. Contributing author, Part B News, January 23, 2017
- Misuse of Unlisted Codes. The NSPII Informer, March 2017
- Auditing Incident-To Services, NAMAS Weekly Auditing and Compliance Tip, June 16, 2017
- **Member - Editorial Advisory Board**
 - For the Record Magazine (2/2008-Present)
 - Cardiology Coding Advisor (12/2012 – Present)
 - Family Practice Coding Advisor (12/2012 – Present)

- **Professional Memberships**

- American Academy of Professional Coders (AAPC)
- North American Medical Auditing Society (NAMAS)
- Professional Management Consultants Association
- Federal Bar Association
- California Bar Association
- American Health Lawyers Association

Work Experience:

1978 – 1980

Miscoe Clinic, PC

- Billing/Collections Clerk

1979 – 1988

PA Army National Guard / US Army

Basic Non-Commissioned Officer Course (Distinguished Graduate) (1980), US Military Academy (1981-85), Aviation Officer Basic Course (Distinguished Graduate) (1985), US Army Air Assault School (1985), US Army Airborne School (1985), US Army Rotary Wing Aviator Course (Distinguished Graduate) (1985-86), US Army Attack Helicopter Qualification Course (1986), US Air Force Air Load Planner School (1988), Platoon Leader B 5/9Cav (1986-87), Assistant S-4 (1988)

- Current Status – Service Disabled Veteran

1989 – 1991

Texas Instruments – Procurement Quality Assurance Engineer/Manager

- Engineer, Defense Systems Electronics Group - Certified in Performance of MIL-I-45208 and MIL-Q-9858 Quality System Audits
- Developed Statistical Quality Inspection program using statistical sampling methodologies to ensure acceptability of subcontracted parts orders.
- Manager of Procurement Quality, Information Technology Group

1992 – 1994

Practice Plus, Inc. – Director of Program Design.

- Developed Part B Billing and Receivables Software Systems and Performed Network Design and Installation Services for Software Clients

1992 – 1998

Miscoe Clinic, PC

- Rehabilitation Assistant
- Certified in Performance of Neurologic Testing (Current Perception Threshold Testing) by Neurotron Inc. November 1994.
- Trained in Performance of Computerized ROM, Muscle and NIOSH Lift Station Testing by Arcon, Inc.
- Supervisor - Billing/Collections Department

1996 – Present

Practice Masters, Inc.

- Developed and instructed first of its kind compliance oriented lecture series and performed thousands of hours of instruction to large and small provider groups nationally.
- Appointed as President of Corporation 1/2000

- Appointed as public member of the American College of Chiropractic Rehabilitation Science 3/2003.
- Developed EMR program. Development effort included analysis of physical examination tests and findings from a number of leading physical examination texts. This information was used to develop an examination and treatment-planning algorithm focused on correlating the complaint to its functional effect, examination methods, and findings to the appropriate diagnosis and accepted protocols for treatment. 2003-2004.
- Appointed as public member of the American Chiropractic Rehabilitation Board 2005
- Selected as Delphi study participant by American Chiropractic Rehabilitation Board. 3/2006.
- Appointed Member of the AAPC National Advisory Board for the 2007-2009 Term.
- Appointed Member of the AAPC Ethics Committee (6/2007).
- Appointed Chair of AAPC Ethics Committee (4/2011-Present).
- Appointed Chair of AAPC Ambulatory Surgical Center Specialty Examination Committee. Certified as Ambulatory Surgical Center Specialty coder (CASCC) 2/2009.
- Appointed Chair of AAPC Urology Specialty Examination Committee. Certified as Urology Specialty coder (CUC) 2/2009.
- Appointed Chair of AAPC Chiropractic Specialty Examination Committee. Certified as Chiropractic Specialty coder (CCPC) 5/2009.
- Appointed Member of AAPC Professional Compliance Officer Certification Committee 8/2010. Certified as Professional Compliance Officer (CPCO) 1/2011.
- Drafted standards analysis and application portion of curriculum for AAPC Certified Professional Medical Auditor curriculum 12/2013.
- Extensive auditing experience performing benchmark and annual compliance audits addressing coding (CPT/HCPCS/ICD) compliance and documentation compliance.
- Qualified as Independent Review Organization by HHS OIG in multiple cases to perform required compliance auditing as required by the respective Integrity Agreements.
- Qualified as an expert on behalf of providers, insurance carriers and the government on issues related to coding, documentation, and reasonableness of fees.
- Qualified as a compliance auditor/monitor on behalf of state licensure boards.
- Elected Education Officer for the 2012 Term, Johnstown Chapter of AAPC.
- Elected President for the 2013 Term, Johnstown Chapter of AAPC.
- Appointed Member of the AAPC National Advisory Board for the 2013-2015 Term.
- Selected as President-Elect of the AAPC National Advisory Board for the 2015-2018 Term.

- 1997– Present **Indian Lake Borough**
- Elected member of Indian Lake Borough Council for three, four-year terms of office from 1997-2009. Served as chair of Zoning, Finance and Act 537 Implementation Committees, Vice President 2005, and President 2006-2009.
 - Elected Mayor of Indian Lake Borough in November 2009, taking office on 1/1/2010; re-elected in November of 2013 and presently serve in this position.
- 2008 – Present **Miscoe Health Law, LLC.**
- Founding partner of law firm providing representation to physicians and other licensed health care providers in individual as well as group practices concerning reimbursement, health care fraud and abuse and HIPAA Privacy and Security compliance issues. Additionally, provide Medicare and commercial carrier post payment audit defense, False Claims Act defense, and defense and corrective action assistance relative to HIPAA OCR complaints.
 - Appointed Member of AAPC Legal Advisory Board (12/2008 - Present).
- 2010 – Present **Shanksville Volunteer Fire Department**
- Member Dive Rescue/Recovery Team
 - PADI Certified Master Scuba Diver, Certified Rescue Diver

TESTIMONY HISTORY

- 2/3/2009: Administrative Hearing Testimony before the Highmark Medical Review Committee in the Matter of Dr. David Hoff.
- 6/29/2009: Testimony before Administrative Law Judge, Southern Field Office, Office of Medicare Hearings and Appeals, Michael Heskitt, DC
- 11/17/2009: Deposition: *NuBest a/a/o Clark v. State Farm*, Sargents Court Reporting, Somerset, PA.
- 11/19/2009: Testimony before Administrative Law Judge, Southern Field Office, Office of Medicare Hearings and Appeals, Jeff Smith, DC.
- 1/26/2010: Testimony; Good Faith Administrative Hearing, *BlueCross BlueShield of Alabama v. McClelland*.
- 1/28/2010: Testimony before PA Board of Chiropractic Examiners: *Pennsylvania Board of Chiropractic Examiners v. Steven Straka*.
- 5/19/2010: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Mohammed Aslam, MD
- 5/26/2010: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Jeffrey Conforti, DPT.
- 6/17/2010: Testimony, Administrative Fee Review Hearing, Pa. Bureau of Workers Compensation, *East Coast TMR v. PMA Group*.
- 6/24/2010: Testimony before Administrative Law Judge, Southern Field Office, Office of Medicare Hearings and Appeals, Jerry Gross, DPM
- 6/29/2010: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, John Hancock, DC.
- 2/4/2011: Testimony, *AHCA v. Neuro Network Partners*, (Florida Medicaid Administrative Hearing).
- 3/14/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Ethan Childs, DC.
- 4/7/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Gregory Hamilton, DC.
- 4/26/2011: Testimony, Administrative Fee Review Hearing, Pa. Bureau of Workers Compensation, *East Coast TMR v. PMA Group*.
- 6/1/2011: Testimony, Administrative Fee Review Hearing, Pa. Bureau of Workers Compensation, *East Coast TMR v. PMA Group*.
- 8/17/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, John Hancock, DC.
- 9/22/2011: Deposition, Consolidated Fee Review Hearing, Pa. Bureau of Workers Compensation, *East Coast TMR v. PMA Group*.
- 10/2/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Justin M. Coop, DC.
- 12/7/2011: Testimony; Network Termination Appeal Hearing, *American Specialty Health Networks v. Garland Fischer*, DC.
- 12/20/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Gregory Hamilton, DC.

- 12/20/2011: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Ethan Childs, DC.
- 1/10/2012: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Eugene Jary, DC.
- 5/1/2012: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Ethan Childs, DC.
- 9/20/2012: Testimony before Administrative Law Judge, Mid-Atlantic Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Ethan Childs, DC.
- 9/26/2012: Testimony before Administrative Law Judge, Mid-Atlantic Office, Office of Medicare Hearings and Appeals, Ilan Levinson, MD.
- 10/9/2012: Testimony before Administrative Law Judge, Midwestern Field Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Ethan Childs, DC.
- 6/6/2012: Trial Testimony (Motion to Dismiss Hearing): *People v. Lee*. Circuit Court of Cook County; 11 CR 14147.
- 2/1/2013: Expert Testimony before Administrative Hearing Officer, *Castellanos v. Idaho Dept. of Health and Welfare*, Appeal No. 12-43441.
- 2/15/2013: Deposition, *State Farm Mutual Automobile Insurance Company v. Nu-Best Whiplash Injury Center, Inc. / Nu-Best Whiplash Injury Center, Inc. v. State Farm Mutual Automobile Insurance Company*, Sergeants Court Reporting, Somerset, PA.
- 2/18/2013: Deposition, *Brent Weirnerman, DO v. Liberty Mutual Ins. Co.*; Application for Fee Review 319770, Philadelphia, PA.
- 4/2/2013: Hearing before Workers Compensation Judge; *Sofia Lam MD v. PMA Companies*, Consolidated Fee Review Determination Appeal.
- 5/13/2013: Hearing before Workers Compensation Judge; *WJO Inc. v. PMA Companies*, Consolidated Fee Review Determination Appeal.
- 7/5/2013: Deposition, *WJO, Inc. v. Allstate*; No. 2010-03516 Court of Common Pleas, Bucks County, PA.
- 9/10/2013: Expert Trial Testimony, *State v. Bliss*, 12 CR 4804, Court of Common Pleas, Franklin County Ohio.
- 1/3/2014: Deposition, *Blue Cross Blue Shield of Idaho v. Advanced Health and Physical Therapy Center*; Arbitration
- 8/19/2014: Deposition, *LifeWatch Services, Inc. v. Highmark, Inc.*, Arbitration, File No. 50187T0006013
- 9/22/2014: Testimony, Administrative Fee Review Hearing, Pa. Bureau of Workers Compensation, *Dedicated Doctors v. PMA Group*
- 9/23/2014: Trial Testimony, *State Farm Mutual Automobile Insurance Company v. Nu-Best Whiplash Injury Center, Inc. / Nu-Best Whiplash Injury Center, Inc. v. State Farm Mutual Automobile Insurance Company*, Pinellas County Court, Florida.
- 7/15/2015: Hearing before Fee Review Hearing Officer; *Harburg Medical Sales v. PMA Companies*, Consolidated Fee Review Determination Appeal (testimony continued to 8/24/2015).
- 8/24/2015: Hearing before Fee Review Hearing Officer; *Harburg Medical Sales v. PMA Companies*, Consolidated Fee Review Determination Appeal (testimony continued from 7/2015/2015).

- 9/1/2015: Expert Testimony, *LifeWatch Services, Inc. v. Highmark, Inc.*, Arbitration, File No. 50 187 T 00060 13
- 2/15/2016: Deposition, *Nardone v. The Health Plan of the Upper Ohio Valley, Inc.*, Civil Action No. 13-C-17, Circuit Court of Marshall County, WV.
- 06/13/2016: Deposition, Consolidated Fee Review Hearing, Pa. Bureau of Workers Compensation, *Sophia Lam MD v. PMA Group*.
- 06/29/2016: Deposition, Consolidated Fee Review Hearing, Pa. Bureau of Workers Compensation, *Harburg Medical Sales v. PMA Group*.
- 06/30/2016: Testimony before Administrative Law Judge, Irvine Office, Office of Medicare Hearings and Appeals, Ledges Chiropractic/Muhammad A. Hammad, MD.
- 04/04/2017: Testimony before Administrative Law Judge, Irvine Field Office, Office of Medicare Hearings and Appeals, Linda Weidler, DC.
- 8/25/2017: Deposition, *Alternative Health Care v. Humana*; Arbitration