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REVEALED: Vanderbilt transgender clinic investigation sparked by doctor's video, Tennessee AG says

'This is a fraud investigation.' Jonathan Skrmetti says doctor's video describes manipulation of billing codes for transgender care

Posted: 6:41 AM, Aug 02, 2023 Updated: 6:29 PM, Aug 02, 2023



By: Phil Williams

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Tennessee's Attorney General Jonathan Skrmetti defended his investigation of Vanderbilt's transgender clinic and revealed the video that, he says, sparked the entire investigation.



NASHVILLE, Tenn. (WTVF) — Tennessee Attorney General Jonathan Skrmetti, in an exclusive interview, defended his investigation of Vanderbilt University Medical Center's transgender clinic and revealed the video that, he says, sparked the entire investigation.

News of that investigation has triggered fears among some that the attorney general is waging war against the trans community, with one liberal commentator saying Republicans are using "every tool they've got to try to make life miserable for trans people."

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But the investigation, Skrmetti said, was actually triggered by video in which the founder of the VUMC clinic explained how she manipulates billing codes to get paid by insurance companies that do not cover transgender care.

NewsChannel 5 Investigates asked Skrmetti, "Is this a transgender investigation?"

"No," he replied, "this is a fraud investigation."

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WTVF

Phil Williams questions Tennessee Attorney General Jonathan Skrmetti

Court filings recently revealed that Skrmetti opened an investigation last year into VUMC's Clinic for Transgender Health, issuing three separate civil investigative demands ordering the clinic to turn over its records.

It came immediately after conservative forces rallied at the state Capitol against gender-affirming care for minors – and Gov. Bill Lee called for an investigation of the clinic.

NewsChannel 5 wanted to know, "Do you understand why some think your actions look political, that you're doing the governor's bidding?"

"Sure, I understand the optics," Skrmetti answered. "It was very easy, when people said there should be an investigation of Vanderbilt, to say we were going to enforce the state laws because we were already aware of the potential billing issues there at the time."

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Such challenges, Dr. Taylor said, can arise when insurance companies will not pay for transgender care.

"For the patient who gets a big bill because their insurance doesn't cover any transgender-related codes, I usually write 'endocrine disorder – not otherwise specified' to allow me to order the labs that I want," she added.

Skrmetti called that "fraud."

Documentation challenges #2, 3, 4, 5...

- 38yo patient assigned male at birth, discloses some gender dysphoria and ultimate goal would be to transition to female. You document gender dysphoria. Patient is in military and is about to be deployed, asks you to amend medical record to remove gender dysphoria diagnosis
- 36yo transgender woman gets a \$2000 bill from your office because her employer (large chain grocery store) does not cover any services related to transgender care, asks if we can code it differently

Tennessee Attorney General's Office

Video that, AG says, sparked the investigation

"The government is allowed to set limits on what is going to be reimbursed, private companies are allowed to set limits on what's going to be reimbursed," the AG said.

"And if a doctor, in the coding process, uses a code that is not the most accurate code for the explicit purpose of avoiding those limitations, they are trying to get money that t

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"Absolutely," Skrmetti insisted. "We do dozens of investigations a year for medical billing fraud."

A spokesperson for Vanderbilt University Medical Center, John Howser, declined to comment on Skrmetti's allegations.

"We take pride in providing superior clinical care to patients and exercise diligence to bill all claims appropriately," Howser said in an email. "Given that this matter involves an ongoing investigation, we won't be commenting further."

Still, as part of his Vanderbilt investigation, court records show Skrmetti obtained the medical records of 106 patients — all of them, he said, are patients who are covered by state insurance plans.

A recent lawsuit filed on behalf of Vanderbilt patients says one non-profit has "received hundreds of phone calls from families in varying degrees of mental health crisis, including suicide ideation," caused by the release of the records.

"I mean, I think it's probably terrifying right now," Skrmetti said. "They are being told this is for a nefarious purpose. I get it, but there is no political exception to the fraud laws."

The attorney general said it was necessary to get medical records with patient names so they could match them to the medical bills and insurance records.

He continued, "It's not a question of trying to use these names for the purpose of going after individuals. The purpose is to link up the medical records to the billing records to determine whether anything inappropriate happened."

NewsChannel 5 Investigates noted that "there are some who would like to see parents prosecuted for child abuse for seeking gender-affirming care for their children."

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Mike Rose/WTVF

Jonathan Skrmetti, Tennessee Attorney General

"Can you assure parents right now that these records will not be used for that purpose?" we asked.

"Absolutely," Skrmetti answered.

"There's no way?"

"There's no possible way they could be used for that purpose."

As a result of a new law passed this year, gender-affirming care for minors is now illegal in Tennessee — over the objections of families who say those treatments have been life savers.

Skrmetti is now defending that law in the courts, arguing that doctors are over-diagnosing trans issues and actually harming children.

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"Do you accept that there are people who from a very early age feel trapped in bodies they don't recognize?"

"Yes, yes. Some people — a very small portion of the population has been dealing with this for a very long time."

We continued, "If a child has experienced profound gender dysphoria from an early age — and the doctors and the families think treatment is appropriate — what business is it of yours or the state's to say you cannot do that?"

Skrmetti said, "If the issue is way too many people are getting the treatments than need them and that some people are going to be harmed by that in the long run and that, on balance, it's hurting people in the state more than it's helping them, then it's within the police powers of the state legislature to make that determination."

Those police powers, trans advocates argue, have now become a tool for persecuting families in real need of medical help.

"It's hard out there for transgender people, and I don't want to persecute them," Skrmetti said. "I just want to make sure that our laws are enforced in the appropriate constitutional way."

More than a decade ago, when he was a federal prosecutor, he actually prosecuted a Memphis police officer who savagely beat a trans woman.

But his critics note that, since taking office, General Skrmetti has urged the federal government not to include gender identity under the law that protects students from discrimination, and he has defended laws that ban transgender athletes from girls' teams and laws prohibiting the use of tax dollars for gender transition.

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