



THE
HEALTH
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The RAC Sheet

The Health Law Partners, P.C. ("The HLP") is pleased to send you the October issue of *The HLP RAC Sheet*. This monthly newsletter will provide you with up-to-date developments regarding the Medicare Recovery Audit Contractor ("RAC") program as it expands nationwide and as RACs begin auditing activities. If you have questions regarding RACs, Medicare audits or other payor audits, please call us at (248) 996-8510 or email [Abby Pendleton, Esq.](#) or [Jessica L. Gustafson, Esq.](#) Please also visit the [RAC page](#) of the [HLP website](#).

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COMPLEX MEDICAL NECESSITY REVIEWS MAY BEGIN AS EARLY AS MARCH 2010

On October 4 through October 6, 2009, The HLP partner Abby Pendleton spoke at the 2009 American Health Lawyers Association ("AHLA") Fraud and Compliance Forum on the topic of "Recovery Audit Contractors and Medicare Audits: Lessons Learned and the Road Ahead." Ms. Pendleton co-presented with attorney Donald Romano and with Connie Leonard, Director of the Centers for Medicare and Medicaid Services ("CMS") Division of Recovery Audit Operations.

As reported in previous issues of *The RAC Sheet*, RAC complex medical reviews involving medical necessity are currently [scheduled](#) to begin in all regions in 2010. By way of the 2009 AHLA Fraud and Compliance Forum presentation, Ms. Leonard noted that providers and suppliers can expect to see medical necessity reviews begin first in [Regions C and D](#) (comprising the Southern and Western states), potentially as early as March 2010. The RAC for Region C is [Connolly Consulting](#), and the RAC for Region D is [HealthDataInsights](#). Medicare providers and suppliers in these regions should regularly consult the RAC websites to identify areas that will be subject to increased claims scrutiny.

Ms. Leonard further reported that, for those states in the process of undergoing a transition from a Fiscal Intermediaries and Carriers to Medicare Contract Administrators ("MACs"), RACs may choose to wait to initiate auditing activity in those States until after the MAC transitions have concluded.

HLP's Monthly RAC Tip: Update Your Entity's Contact Information with Your RAC

During the RAC demonstration program, many providers experienced challenges receiving all communications from the RACs. For example, some of the providers represented by attorneys from The HLP during the RAC demonstration program did not receive certain medical request letters and decision letters, because these communications were either misdirected to an inappropriate address within the provider organization, or were not directed to an appropriate individual within the provider organization.

The RAC websites for Regions A and C currently provide a mechanism for providers to submit the name and contact information (address, telephone number, etc.) of the individual to whom RAC communications should be directed. The RAC website for Region D indicates that this is coming soon to its website as well. Providers should take the opportunity to update their contact information with the RACs to ensure that communications are received.

Contact information for all of the RACs is available by clicking [here](#).

RECENT AND UPCOMING EVENTS

- Abby Pendleton co-spoke at the 2009 American Health Lawyers Association (AHLA) Fraud and Compliance Forum, which took place October 4 through 6, 2009, on the topic of Recovery Audit Contractors and Medicare Audits: Lessons Learned and the Road Ahead. Ms. Pendleton spoke with Donald Romano, attorney, and Connie Leonard, Director, CMS Division of Recovery Audit Operations.
- On Thursday, February 25, 2010, Abby Pendleton will be speaking to the Georgia Hospice and Palliative Care Organization ("GHPCO") on the topic of Recovery Audit Contractors. More information is available from the [GHPCO website](#).