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## *The RAC Sheet*

*The Health Law Partners, P.C. ("The HLP") is pleased to send you the January issue of [The HLP RAC Sheet](#). This monthly newsletter will provide up-to-date developments regarding the Medicare Recovery Audit Contractor ("RAC") program as it expands nationwide. If you have questions regarding RACs, Medicare audits, Medicaid 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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### **NEW ISSUES APPROVED FOR RAC REVIEWS**

Since publication of the December 2009 issue of [The HLP RAC Sheet](#), the Centers for Medicare and Medicaid Services ("CMS") has approved numerous additional issues for review. Health care providers that may be subject to RAC reviews should regularly monitor the RACs' websites to identify issues CMS has approved for audit and which will be subject to scrutiny. Set forth below are links to the RAC websites, which identify issues approved for RAC review in each [region](#) of the country.

- **Region A** providers, including providers in **Maine, New Hampshire, Vermont, Massachusetts, Rhode Island and New York** - click [here](#) to access the website for the Region A RAC, *Diversified Collection Services, Inc.*
- **Region B** providers, including providers in **Michigan, Indiana and Minnesota** - click [here](#) to access the website for the Region B RAC, *CGI Technologies and Solutions, Inc.*
- **Region C** providers, including providers in **South Carolina, Florida, Colorado and New Mexico** - click [here](#) to access the website for the Region C RAC, *Connolly, Inc.*
- **Region D** providers, including providers in **Montana, Wyoming, North Dakota, South Dakota, Utah and Arizona** - click [here](#) to access the website for the Region D RAC, *HealthDataInsights, Inc.*

### **The HLP's Monthly RAC Tip: Electronic Health Records**

The benefits of providers utilizing electronic health records ("EHR") are widely known. The efficiencies associated with EHR benefit patients, providers and health payment systems. EHR improves patients' access to higher quality care when records can be easily transmitted and shared by health care providers.

However, EHR can create audit risks of which providers must be aware. It is vital that providers properly use EHR systems and understand the impact of how various set-up features impact the records. Oftentimes, EHR programs include documentation templates, which include fields that can be easily carried over from one entry to the next entry (*e.g.*, fields for the patient's medical history, exam, procedure history, etc.). In some instances, these types of templates can create problems. For example, if information is carried over from a previous date of service that is no longer accurate/not addressed (*e.g.*, the components of a physical exam performed on a previous visit date are carried forward to a subsequent visit date, as if the same exam was performed on the subsequent service date, when in fact it was not), this can lead to inaccurate notes. Problems also arise when information from a future date of service populates a field for a date of service occurring in the past (*e.g.*, if a procedure occurring in March 2010 is documented on a record for a date of service in January 2010). We have encountered these types of issues defending Medicare audits. Audit reviewers have taken the position that these types of issues call into question the integrity of the entire visit note. Accordingly, health care providers utilizing EHR should be mindful of any field within the record that self-populates. Great care should be given to ensure that inapplicable/inaccurate information is deleted, and the record for each date of service is customized to the specific date of service and is accurate.

### **UPCOMING EVENTS**

- On Wednesday, January 20, 2010, in a presentation sponsored by National City, part of PNC, Abby Pendleton and Jessica Gustafson presented to office managers and physicians associated with United Physicians, a physician organization of over 2000 physicians practicing in the state of Michigan, on the

topic of RACs and Medicare Appeals.

- On Thursday, February 18, 2010, Abby Pendleton and Jessica Gustafson will present an audio conference sponsored by DecisionHealth, on the topic of RAC Audits.
- On Thursday, February 25, 2010, Abby Pendleton and Jessica Gustafson will be speaking to the Georgia Hospice and Palliative Care Organization ("GHPCO") on the topic of RACs. More information is available from the [GHPCO website](#).
- On August 22-26, 2010, Abby Pendleton and Jessica Gustafson will be presenting to the Association for Medical Imaging Management ("AHRA") on the topic of RACs. Information will be available from the [AHRA website](#).
- On March 24, 2010, Jessica Gustafson will speak at the 2010 Health Care Association of Michigan ("HCAM") Leadership Conference on the topic of "How RAC and MIC Audits Will Affect LTC Facilities."