

CERT Newsletter

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Affiliated Contractors (ACs) refers to Carriers, DMERCs, and FIs.

and procedures to follow in assessing destruction of medical record documentation to avoid any irregularities or possible fraud in excluding claims from the sample based upon destruction of medical record documentation. See the attached procedures CDC/CRC will follow in assessing the merits of the circumstances where destruction of medical record documentation is indicated and the Attestation Form.

When Medical Records Are Destroyed

The Centers for Medicare and Medicaid Services (CMS) recognizes that there are circumstances where destruction of medical record documentation due to unforeseen events should not count as a "no documentation error." Therefore, CMS has proposed the following CDC/CRC processes and procedures described below to allow provider's to attest under penalty of perjury to the events leading to the legitimate destruction of medical record documentation. Based upon discussions with the Department of Health and Human Services Office of Inspector General, we have added the various processes

CDC Accelerates Contractor Transition Schedule

Timeline for Requesting Records	Affiliated Contractors
September 30, 2004 Contract Award	
March 14, 2005	HGSA PA, Palmetto GBA Region C, Cahaba GBA Iowa
April 4, 2005	All DMERCs
June/July, 2005	All Carriers
August/September, 2005	All FIs

CDC began requesting and receiving medical records from the remaining DMERC providers: Anthem, CIGNA, and Tricenturion on April 4, 2005. CDC will begin requesting and receiving medical records from all Carriers in June 2005. The specific date will be announced later.

The purpose of the CERT Newsletter is to provide an exchange of information among CMS, the CERT Review Contractor (CRC), the CERT Documentation Contractor (CDC), Affiliated Contractors (ACs) and Providers. The Newsletter is not intended to set CMS policy or replace CMS directives. The newsletter is published monthly by CDC. Archived copies will soon be available on the CERT Confidential Website at:

<http://www.cms.hhs.gov/cert/program.asp>

Articles and Questions for publication may be submitted by email to marylou@certcdc.com.

CERT Process for Handling a Providers' Allegation of Record Destruction

The CERT Documentation Contractor (CDC) and CERT Review Contractor (CRC) will use the following steps to corroborate allegations that CERT-requested medical records were destroyed by a disaster. For CERT purposes, a “disaster”, is defined as any natural or man-made catastrophe which causes damages of sufficient severity and magnitude to partially or completely destroy or delay access to medical records and associated documentation. Natural disasters would include hurricanes, tornadoes, earthquakes, volcanic eruptions, fires, mudslides, snowstorms, tsunamis. Man-made disasters would include terrorist attacks, bombings, floods caused by man-made actions, civil disorders, or explosions. A disaster may be widespread or impact multiple structures or be isolated and impact a single site only.

When the CDC/CRC is contacted by a provider indicating that they cannot submit the requested medical records because they were destroyed by a disaster, the CDC/CRC will ask the provider to attest under penalty of perjury to the destruction of medical records. The attestation form (see attached) will be made available to providers on www.certprovider.org . Providers who need to use this form can print and fax the form to CDC who will either retain the form or send it to CRC depending on which contractor sent the initial request letter for medical record documentation to the provider.

The corroboration process is comprised of two steps (qualification and accuracy). In the first step, the CDC/CRC will review the attestation statement to determine if the event qualifies as a disaster. Provider induced disasters and disasters caused by negligence on the part of providers will be counted as no documentation errors. The following are examples of provider induced disasters and disasters caused by negligence on the part of providers that would NOT qualify as a natural or man-made disaster:

- My dog ate the medical record.
- My computer lost or destroyed the medical record.

If the event does not qualify as a disaster defined in paragraph one above, then the claim associated with that medical record is documented as a no documentation error. The following are examples of events that WOULD qualify as a natural or man-made disaster:

- The medical record was destroyed by a flood.
- Office fire consumed the medical record.

If the event does qualify as a disaster, then CDC/CRC will move to the second step in the corroboration process: confirming the accuracy of the attestation. The CRC will use the CDC to perform this work. The CDC will confirm the attestation statement through any/all of the following means:

1. The CDC checks the following database records for evidence of natural, man-made, and/or provider induced disasters:

- Pacer (Civil and Criminal Searches)
- Crimetime.com
- News Searches
- Internet Search
- HHS OIG Sanctioned Providers
- Merlin
- State Record Searches (Courthouse Records, Insurance Carriers or www.insurancefraud.org)
- Choicepoint /Autotrak
- Argyli
- Tracer
- National Crime Insurance Bureau

2. The CDC interviews the provider who reported the destruction of medical records. The CDC determines the events leading up to the destruction of medical records, such as:

- Weather or persons responsible for the destruction
- Were back-up records maintained (electronic or otherwise)
- Identify what else might have been destroyed
- Were fire, police, insurance adjusters called to review the damage
- Identify the magnitude of the destruction to medical records
- Determine if the Affiliated Carrier has copies
- Interview other third parties as necessary
- Time, location, and date
- Were medical records retained elsewhere and how were they maintained

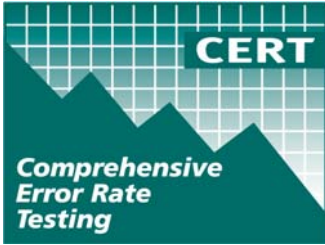
3. The CDC validates additional supporting evidence for the event which may include but not be limited to the following sources:

- Weather related events, such as, rain, floods, hurricanes, tornadoes, etc. can be confirmed by NOAA on a state and county geographical basis.
- Fire can be confirmed by checking with the local Fire Marshall.
- Explosions, such as, natural gas can be confirmed by the local Fire Marshal or local gas company. Explosions, such as, chemical explosions can be confirmed by the local Fire Marshall and the Bureau of Alcohol, Tobacco, and Firearms.
- Local, State, and Federal Investigative Officials can confirm explosions also.
- State Insurance officials can confirm whether doctors, hospitals, and DME suppliers applied for insurance coverage under their insurance policies.
- FEMA can also confirm if doctors, hospitals, and DME suppliers applied for disaster recovery loans.
- Local and State Investigative Agencies may be able to confirm events leading to the destruction of medical records.
- Employees or non employees of doctors, hospitals, and DME suppliers may have contributed to the destruction of medical records and there should be records disclosing charges against that individual(s).

If the event qualifies as a disaster and the attestation statement is found to be accurate, then the CRC will discard the claim associated with that medical record from the sample and

substitute a claim from the over sample. Where the CDC is unable to verify the accuracy of the explanation provided in the attestation statement, the claim will be counted as a no documentation error.

In each case where the provider submits an attestation of medical record destruction, the CDC/CRC will maintain a written report of findings in the IBM content manager system filed in the electronic file folder for that CID number. The CDC and CRC will report suspected fraud to the appropriate Benefit Integrity unit immediately.



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Date

Dear Ms. Combs:

Due to extenuating circumstances beyond my control, I am unable to provide the requested medical documentation in support of my Medicare claim, CID Number _____ (please include number).

I attest that the medical record documentation was:

- completely destroyed on _____ (please include date).
- partially destroyed on _____ (please include date);
however, I am providing any remaining medical record documentation.

The medical record documentation was destroyed by:

- flood
- fire
- hurricane
- other _____ (please specify).

Attached is evidence of the flood/fire/hurricane/other:

- copy of FEMA check
- letter from property insurance company
- other _____.

Under penalties of perjury, I declare to the best of my knowledge and belief, that the information I have provided is true, correct, and complete.

Printed Full Name: _____

Signature: _____

Date of Signature: _____

Address: _____

City, State, Zip Code: _____

Occupation: _____

Phone Number: _____