Bad Mules vs. The Art of Valued Clinical Documentation

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TAHIMA Presentation
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• False Claims Act (1863)
• Department of Justice
• U.S. Attorney
• Healthcare Fraud Taskforce
• Whistleblower or “qui tam”
Affordable Care Act

- Enhanced Data analysis capabilities
- Strike Force
- Trends
  1. Extrapolation
  2. Compensation
  3. Liability
  4. Ticking Clock-60 day
  5. Implied Certification Theory

Federal False Claim Act Judgments: Healthcare

$2.3B  $1.9B  $801M

2014  2015  2016

Bipartisan Budget Act of 2015 (H.R.1314)
• FCA penalty adjustment
• Potential liability even greater

A Roadmap for New Physicians
Fraud & Abuse Laws

The five most important Federal fraud and abuse laws that apply to physicians are the False Claims Act (FCA), the Anti-Kickback Statute (AKS), the Physician Self-Referral Law (Stark law), the Exclusion Authorities, and the Civil Monetary Penalties Law (CMPL). Government agencies, including the Department of Justice, the Department of Health & Human Services Office of Inspector General (OIG), and the Centers for Medicare & Medicaid Services (CMS), are charged with enforcing these laws. As you begin your career, it is crucial to understand these laws not only because following them is the right thing to do, but also because violating them can result in severe consequences.
Compliance and FWA Training

- Contractors with CMS Medicare Advantage (Part C)
  Medicare Prescription Drug Benefit Programs (Part D)
- Compliance Program
- First Tier, Downstream, Or Related Entity (FDR)
- CMS Medicare Learning Network

Charting Guidelines

- Document at time provided
- Document objectively
- Document without reference to staffing
- Use quantifiable data with descriptions
- Record education provided
- Document interventions provided
Copy and Paste Timeline

2013
- AHMIA reports 74-90 notes contain copied text
- OIG recommendations for Fraud Safeguard Ignored or Manipulated

2014
- AHMIA position paper on copy-and-paste functionality

2015
- The Joint Commission Safety Issue Statement
The Joint Commission

Copy and Paste Functionality (CPF)

- Balance benefits with risks
- Develop training and education
- Monitor records for accuracy
- Feedback loop regarding accuracy and redundancy
- Rigorous quality review process where potential misuse or errors are evaluated

Shared Responsibility

Patient Record

Complete

Sequenced

Reimbursable

Succinct

Accessible
Valued Clinical Documentation

Best Defense is Better Care focus:
• Promotion of therapeutic alliance
• Provide care to the patient following an acceptable standard of care
• Adhere to the standard of care
• Proactive awareness of high risk

Accurate → Concise → Complete → Irrefutable
Valued Clinical Documentation

Clinical Documentation Improvement focus:
• Communication across teams
• Recognition of comorbid conditions
• Validation of provided care
• Continuous quality improvement
• Timely feedback
• Timely training
Valued Clinical Documentation

Improved input and output mapping focus:
• Discrete data
• Continued clinical common language
• Interoperability goals
• Agreed upon professional standards
Valued Clinical Documentation

Alternative Visit focus:
• Expansion of service provision
• Core data capture
• Data storage capabilities

HCPCS Q3014 Originating site facility fee
99201-99204 Outpatient codes
99490-Chronic Care management
GT Modifier

Valued Clinical Documentation

Ease of Capture focus:

- Template supports completeness
- Macro supports efficiency
- Structure supports algorithmic development and reporting

Source: https://upload.wikimedia.org/Wikipedia/commons/c/cb/Assessment_and_treatment_algorithm_for_overweight_and_obesity.png
Valued Clinical Documentation

Beyond Chart Wall Tools focus:

• Registries
• Portals
• Home Devices
• Providers/Patient Mobile
• Research
• Other not yet known
Valued Clinical Documentation

Persona focus:
• Clinician’s cognitive process
• Assemblage of seamless story
• Longitudinal care teams
• Patient Access
Valued Clinical Documentation

Principles

Clinician
- Purpose
- Ethics

Patient
- Engagement
- Contributor

AHIMA
- CAPA
- Governance

Vendor
- Usability
- Quality

Web Only References:
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