

## Eli's Hospice Insider

### Medical Review: You Should Be Seeing A Medical Review Pause For COVID-19

**OIG says it will be 'reasonable,' too.**

You may be getting slammed with many things under pandemic, but ADRs shouldn't be among them.

**Why?** The **Centers for Medicare & Medicaid Services** has announced the cessation of almost all types of medical review in late March. "CMS has suspended most Medicare Fee-For-Service (FFS) medical review during the emergency period due to the COVID-19 pandemic," CMS says in a Frequently Asked Question set on the topic. "This includes pre-payment medical reviews conducted by Medicare Administrative Contractors (MACs) under the Targeted Probe and Educate program, and postpayment reviews conducted by the MACs, Supplemental Medical Review Contractor (SMRC) reviews and Recovery Audit Contractor (RAC)," the agency says. "No additional documentation requests will be issued for the duration of the PHE for the COVID-19 pandemic." TPE reviews that are in process will be suspended and claims will be released and paid, CMS says. Current postpay MAC, SMRC, and RAC reviews will be suspended and released from review.

**Oversight?** "I don't see Unified Program Integrity activity mentioned," points out **Joe Osentoski** with **Gateway Home Health Coding & Consulting** in Madison Heights, Michigan.

Perhaps UPIC review falls under an exception CMS carves out for fraud. "CMS may conduct medical reviews during or after the PHE if there is an indication of potential fraud," the FAQs say.

**Watch out:** After the PHE ends, "any post-payment review activity could possibly encompass this time of relaxed requirements," Osentoski cautions. While he's "not saying they will ... nothing at present says they won't."

**Looking ahead:** It's unclear exactly when medical review will resume, notes HHH Medicare Administrative Contractor **National Government Services** says in a recent message to providers. "At this time, we are unable to provide additional clarity on when or how TPE reviews will resume," NGS says. "But we will share information as it's made available."

Medical review from non-Medicare sources may ease as well. The **HHS Office of Inspector General** "knows that health care organizations and the dedicated professionals providing care to patients are facing extraordinary challenges in managing the coronavirus pandemic," says **Christi Grimm**, Principal Deputy Inspector General. "To the extent possible, we are trying to minimize burdens on providers and be flexible where we can," Grimm says in a statement issued March 30.

**Do this:** "Health care organizations that need extensions of OIG deadlines, such as to produce data for an OIG review or to comply with a Corporate Integrity

Agreement, are encouraged to ask their OIG contact," Grimm continues. "OIG will work with organizations on a reasonable solution."

Industry members wonder whether providers' and the OIG's definitions of "reasonable" will match, but the sentiment is encouraging.

"OIG will carefully consider the context and intent of the parties when assessing whether to proceed with any

enforcement action,” the OIG adds.

Note: The FAQs are at [www.cms.gov/files/document/provider-burden-relief-faqs.pdf](https://www.cms.gov/files/document/provider-burden-relief-faqs.pdf).