

OASIS Alert

Industry Notes: Documentation, Background Checks On OIG's Hit List For HHAs This Year

The OIG lists no new topics for HHAs in its 2014 Work Plan, but the watchdog agency does continue to list two ongoing areas of investigation: "Home health prospective payment system requirements" and "Employment of individuals with criminal convictions."

The PPS topic looks into documentation supporting claims, the **HHS Office of Inspector General** Work Plan notes. "Since 2010, nearly \$1 billion in improper Medicare payments and fraud has been identified relating to the home health benefit."

With the MACs' crackdown on face-to-face documentation — particularly the physician narrative — that stat is bound to climb steeply, observers expect.

The criminal background check topic follows on the heels of an OIG report that found 92 percent of nursing homes employed at least one individual with at least one criminal conviction.

Timeline: The OIG plans to issue the PPS report this year and the background check report in 2015, it says in the Work Plan.

Note: The Work Plan is online at <http://go.usa.gov/Bj4z>.

Beware HIPAA Exposure With Common Software

You may have heard that **Microsoft** announced it will stop supporting Windows XP on April 8, but it's possible that the news didn't particularly resonate with you since your XP system is running quite well. However, the news could have significant reverberations from a HIPAA standpoint.

As you're probably aware, your computer system (whether it's XP, Vista, or another operating system) periodically updates its security protocols to ensure that hackers cannot access your private files. But if Microsoft stops issuing security updates for XP, that means your system is vulnerable to breaches, which are the nemesis of HIPAA.

According to the Health Insurance Reform Security Standards Final Rule, you "are required to maintain reasonable and appropriate administrative, physical, and technical safeguards to ensure the integrity and confidentiality of the information and to protect against any reasonably anticipated threats or hazards to the security or integrity of the information and unauthorized use or disclosure of the information."

To be able to prove that you have taken such safeguards, you need to demonstrate that you protected all the information in your computer system, which could be difficult when you're using an un-supported operating system.

Takeaway: If your protected health information is on a Windows XP system, start changing it over now so you're compliant by April 8.

CMS Presses Pause on RAC Reviews

The **Centers for Medicare & Medicaid Services** has removed home health agencies from Recovery Audit Contractor prepayment review edits. But the current impact should be minimal, because RACs' prepay review edits didn't generate any ADRs for HHAs anyway, notes Medicare Administrative Contractor **National Government Services** in a message to providers. CMS first implemented its prepay review program in fall 2012.

In fact, all RAC edits for all providers are on "pause" as of Feb. 28, CMS says on its website. The pause will allow current RACs to finish their reviews before CMS transitions to possible new contractors for the next contract cycle, the agency says.

"In addition, a pause in operations will allow CMS to continue to refine and improve the Medicare Recovery Audit Program," the agency adds. A link to a list of its planned changes is at www.cms.gov/Research-Statistics-Data-and-Systems/Monitoring-Programs/Medicare-FFS-Compliance-Programs/Recovery-Audit-Program/Future-Changes.html in the "Downloads" section.

Plus: CMS also is planning to implement a single, nationwide RAC contractor for home health services for the future, the **National Association for Home Care & Hospice** reports. "It is expected that any new home health RAC will have the authority to review any claims period that takes place during the 'pause' period so HHAs should continue to strive for full compliance," the trade group reminds members.