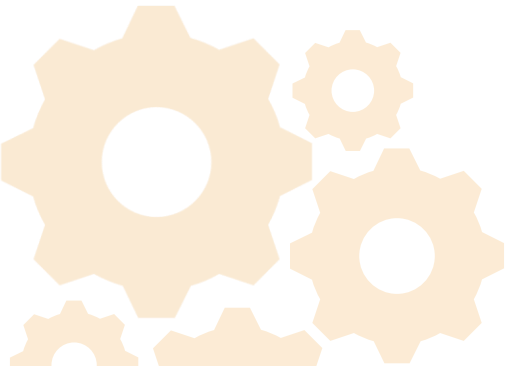




Electronic Health Record

Managing the Risk, Benefit & External Review of YOUR EHR

1



Session Team



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2

Discussion Topics

- EHR Documentation Risks
- Malpractice & Other Risks with EHR Documentation
- Internal Compliance Review
- Questions



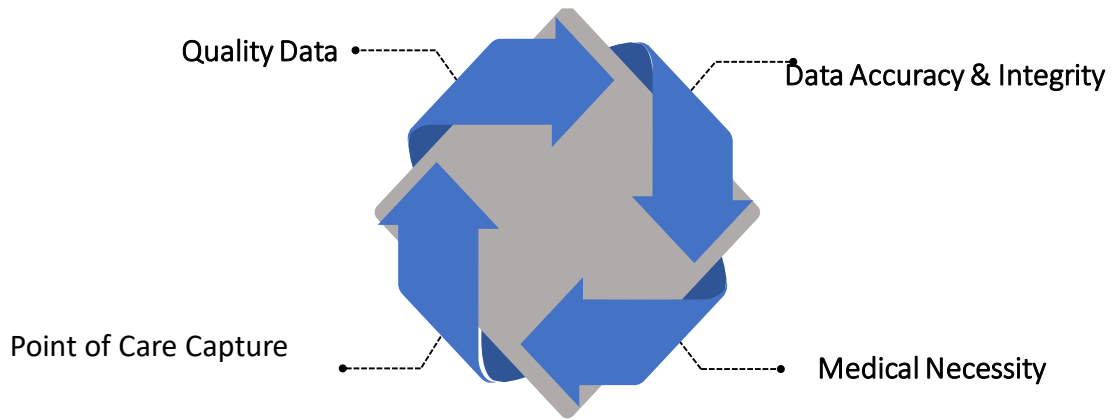
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EHR Documentation Risks

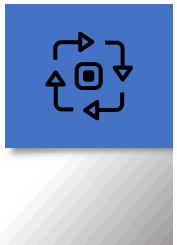
Colleen Dennis



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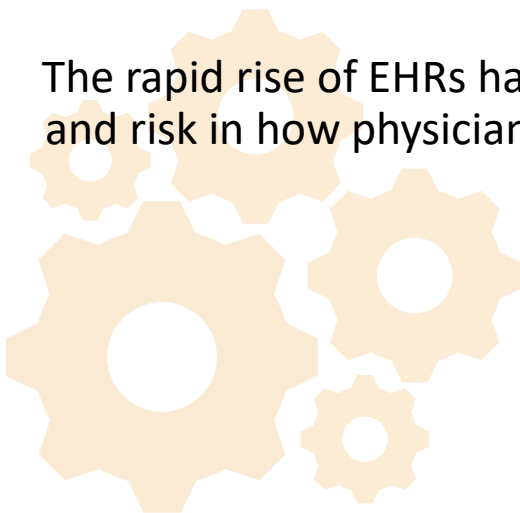
EHR Documentation Risk




5

EHR Documentation Challenges & Risk

The rapid rise of EHRs has brought with it both challenges and risk in how physicians record their patient encounter.



6

	Challenge	Risk	Significance
	<ul style="list-style-type: none"> EHR systems that allow providers or office visit notes to remain open until users "close" or "finalize" the system changes medical entry. 	<ul style="list-style-type: none"> Inappropriate late entries; Lack of timely documentation (not contemporaneous); Manipulation of or changes to medical record entry for purpose of reimbursement 	<ul style="list-style-type: none"> Compromises the integrity of the entire patient encounter. Documentation does not support codes billed.


7

Polling Question

Does your EHR have an automatic "lock out" time frame?




8



Challenge	Risk	Significance
<ul style="list-style-type: none"> • EHR systems that support keyboard & copy paste functions 	<ul style="list-style-type: none"> • Indiscriminate use of copy function damages the clinical trustworthiness and integrity of the health record; • Inconsistent patient information; • Data 	<ul style="list-style-type: none"> • Lack of current patient information in record; • Inaccurate patient information; • Can the information be trusted? • Was the billing correct?

9

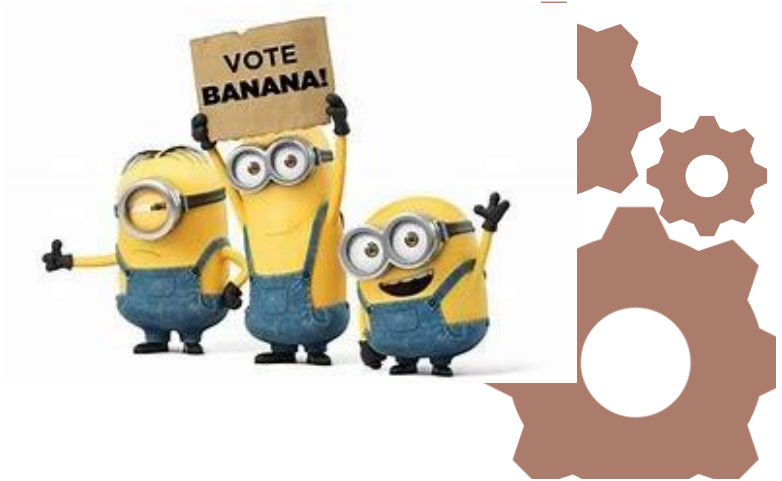


Challenge	Risk	Significance
<ul style="list-style-type: none"> • EHR point & click fields that create bloat. 	<ul style="list-style-type: none"> • Documentation can lack specificity required for coding; • Redundant information can impact documentation integrity; • Does not assist in collaborative patient care among providers. 	<ul style="list-style-type: none"> • Risk Mgmt liability; • Billing risk; • Patient safety and quality of care risk.

10

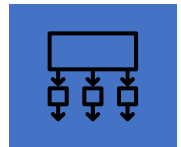
Polling Question

Does your
Compliance Team
review notes for
“Bloat”?



11

EHR Documentation Impacts



- 👍
 - Patient Care
 - Quality
- 🕒
 - Patient Safety
 - Propagation of inaccurate information
- 🔄
 - Unnecessary and redundant notes
 - Omission of new information needed to treat patient
- ⚠️
 - Provider and Enterprise @ Risk

12

How to Change Behavior

1. **Ensure that each patient visit entry is closed, becomes unalterable and is authenticated within a specified timeframe after the patient visit and prior to billing for the encounter.**
2. **Develop written policies and procedures defining standards for the timely sign off and locking of patient visit encounters.**
3. **Define the problem of open encounters and determine how to manage individuals who chronically fail to close encounters.**

13

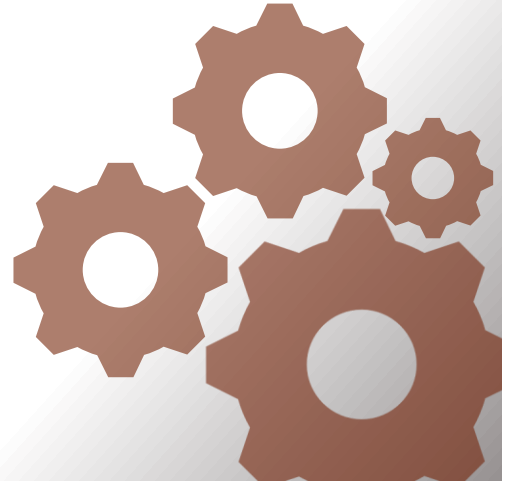
How to Change Behavior

3. **Establish a physician champion to assist compliance with a periodic bloat note review.**
4. **Develop written policies and procedures defining standards for the timely sign off and locking of patient visit encounters.**
5. **Is the information “copied” forward relevant or redundant? Pull inpatient consecutive notes to review for encounters that have been up-coded or may not meet medical necessity.**
6. **Be a provider champion through education and training. Outline the risks that are avoidable, assist with building “compliant” drop down boxes.**

14

Malpractice & Other EMR Risks

Shelly Denham

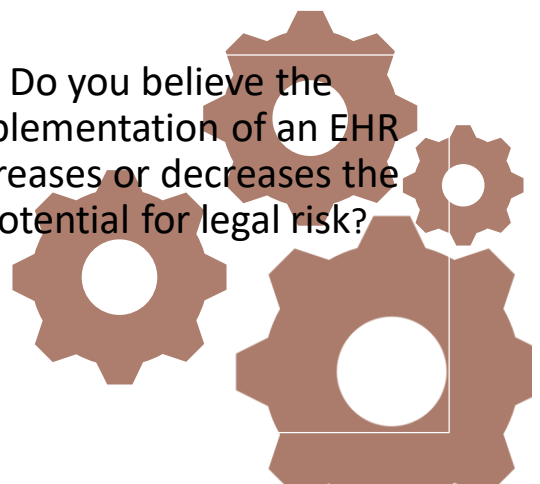


15

Polling Question

- **Electronic Medical Records – our friend or our enemy.....**

Do you believe the implementation of an EHR increases or decreases the potential for legal risk?





16


Risk Management – Electronic Health Records

- **Errors easy to find**
- **Audit trails prove access**
- **Providers touch more data**


17

	System Challenges	Risk	Significance
 <p>Copy and Paste</p>		<ul style="list-style-type: none"> • Erroneous and obsolete data carried forward 	<ul style="list-style-type: none"> • Provider may forget to make the appropriate changes; • Leads to overlooked patient information; • Provider credibility issues


18

	System Challenges	Risk	Significance
Drop Down Menus	<ul style="list-style-type: none"> • Clicking wrong information 	<ul style="list-style-type: none"> • Provider may choose the wrong symptom or order 	
Use of Templates	<ul style="list-style-type: none"> • Auto population of data 	<ul style="list-style-type: none"> • Leads to provider inattentiveness 	


19

	System Challenges	Risk	Significance
Clinical Decision Support Alerts	<ul style="list-style-type: none"> • Ignoring prompts 	<ul style="list-style-type: none"> • Clinically relevant information overlooked called into question in litigation 	
Alert Fatigue	<ul style="list-style-type: none"> • Ignoring the pop-up alert 	<ul style="list-style-type: none"> • A significant problem can be overlooked 	
Task/Order Verification Errors	<ul style="list-style-type: none"> • Tasks not sent or sent to wrong provider 	<ul style="list-style-type: none"> • Provider not notified of a result timely or at all; • Lack of solid process to ensure tasks are completed. Date and time stamped – highlights the delay 	


20

	System Challenges	Risk	Significance
Poorly Designed Interface	<ul style="list-style-type: none"> • Sub-optimal design; • Key stakeholders inclusion in design and implementation 		<ul style="list-style-type: none"> • Difficult to substantiate standard of care was met; • Ripe for legal, risk and compliance issues
Poor design within the EMR	<ul style="list-style-type: none"> • Information in multiple areas 		<ul style="list-style-type: none"> • Easy to overlook important data


21

	System Challenges	Risk	Significance
System Security	<ul style="list-style-type: none"> • Inadequate privacy and security controls 		<ul style="list-style-type: none"> • HIPAA Privacy and Security implications. • Target for hacking due to lack of firewalls and encryption
Certified EHR technology	<ul style="list-style-type: none"> • Use of a non-certified EHR 		<ul style="list-style-type: none"> • Unable to demonstrate the product satisfies ONC/CMS certification criteria

22

	System Challenges	Risk	Significance
Reconciling information from two or more systems	<ul style="list-style-type: none"> • Lack of information necessary for continuity of care 	<ul style="list-style-type: none"> • Ripe for medical errors 	
Provider not documenting or working tasks	<ul style="list-style-type: none"> • Delay in patient care 	<ul style="list-style-type: none"> • Hard to defend in a malpractice case 	

23

	System Challenges	Risk	Significance
Backup System(s)	<ul style="list-style-type: none"> • Lack of solid processes and/or confirmation that backup is working as intended; • Lack of internal process for downtime procedures 	<ul style="list-style-type: none"> • Lack of complete or accurate medical record 	

24

How do we address our Risks?

Risk Assessment: Proactive Mitigation

- outside of the required HIPAA Security RA
- develop PI/CAP plans for high priority risks
- awareness and education on opportunities and vulnerabilities

Collaboration:

- IT, Compliance, Risk, Vendor(s) and Providers all need to be at the table when implementing/changing/upgrading an EHR

25

How do we address our Risks?

Promoting Safety Best Practices

- Encourage the development of a committee that proactively addresses concerns; i.e. Clinical Optimization Steering Committee. Recommend committee meet on a quarterly basis to address provider, quality and patient safety concerns
- Encourage IT representative be a member of the organization's Safety Committee

26

Recent Enforcement or Regulatory Activities

- **eClinical Works lawsuit claim for not meeting meaningful use and ONC certification. Additional lawsuits related to inaccurate patient medical information**
- **2/6/19 – Greenway Health software “Prime Suite” to pay \$57.25 million to settle False Claims Act Allegations – lack of certified EHR caused users to submit False Claims to the government. Additionally caused remuneration to induce the use of the EHR to others, causing an AKS violation**
- **ONC and CMS release NPRM to interoperability rules to increase EHR access**

27

Internal Compliance Reviews; Targeted Probe and Educate (TPE); RAC and other Risks with EHR Documentation

K. Mark Jenkins

28




Internal Compliance Reviews; Targeted Probe and Educate (TPE); RAC and other Risks with EHR Documentation

K. Mark Jenkins

29

Effective Compliance Programs

- 
1. Implementing written policies, procedures and standards of conduct
 2. Designating a compliance officer and compliance committee
 3. Conducting effective training and education
 4. Developing effective lines of communication
 5. Conducting internal monitoring
 6. Enforcing standards through well-publicized disciplinary guidelines
 7. Responding promptly to detected offenses and undertaking corrective action

30

Monitoring & Auditing

- **Internal Monitoring & Auditing**

- **Reasons – required to perform**

- Should be an ongoing/integrated program
- Should have regular reporting to senior leadership/board
- Qualified personnel, focused programs
- Ensure compliance with federal, state and internal policies

31

Monitoring & Auditing

- **Our Environment:**

- **Outpatient Documentation and Coding Reviews**

- Routine
- Focused/adhoc
- Clinician Coded

- **Inpatient Documentation and Coding Reviews**

- Routine
- Focused/adhoc
- Professionally Coded

32

Monitoring & Auditing

- Correct issues discovered
- Educate, Educate, Educate
- When clinicians do not meet the goals set forth, re-review within a reasonable period, to help ensure the education was effective
- Evaluate the risks to the organization and determine areas to be reviewed going forward
- Goal is to know where our issues/risks are and work diligently to fix them

33

CMS Targeted Probe and Educate (TPE)

- Designed to **help** providers and suppliers reduce claims denials and appeals
- Medicare Administrative Contractors (MACs) utilize claims data to identify:
 - Providers and suppliers who have high claim error rates or unusual billing practices, and
 - Items and services that have high national error rates and are a financial risk to Medicare

Our internal auditing and monitoring practices help us gain comfort our documentation supports our bills

34

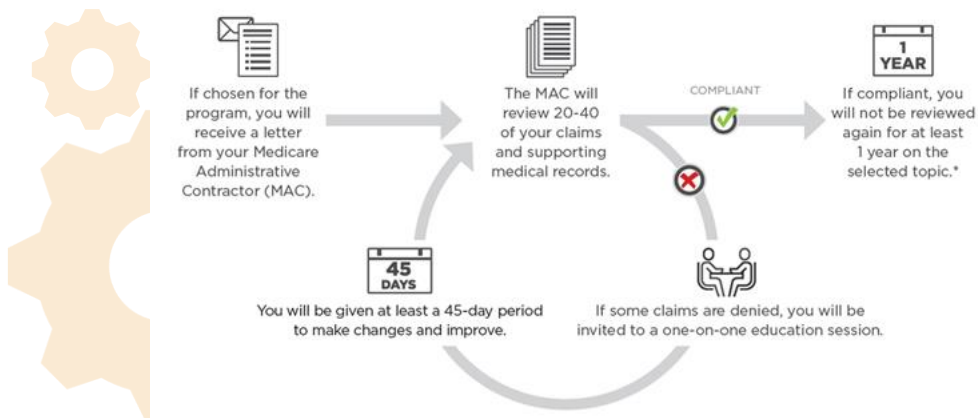
CMS Targeted Probe and Educate (TPE)

- Common claim errors ID by TPE
 - The signature of the certifying physician was not included
 - Encounter notes did not support all elements of eligibility
 - Documentation does not meet medical necessity
 - Missing or incomplete initial certifications or recertification

35

CMS Targeted Probe and Educate (TPE)

- How does TPE work?



36

CMS Targeted Probe and Educate (TPE)

- The TPE areas under review are many and likely focus various by jurisdiction of the MAC.
 - What we found:
 - Old EHR outputs for review were not easily generated by record release vendor; often lacked full LMR; did not adequately reveal authentications; difficult for the reviewer to understand
 - New EHR outputs, not set-up to easily generate full record for release (eventually corrected)
 - How did our internal team help?
 - Established a pre-release review standard
 - Find issues in samples and acknowledge those issues when submitting
 - Log and trend findings and work to correct issues at root cause
 - Encourage transparency throughout the process

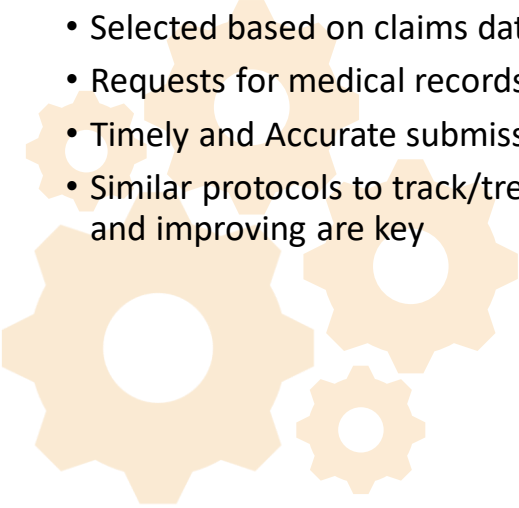
37

RAC and other Reviews

- Recovery Audit Contractors (RAC)
 - Detect and correct past improper payments
 - Provide information to help prevent future improper payments
- Quality Improvement Organizations (QIO)
 - Improve the quality of health care for all Medicare beneficiaries
 - Medicare Short Stay Reviews
- Others.....

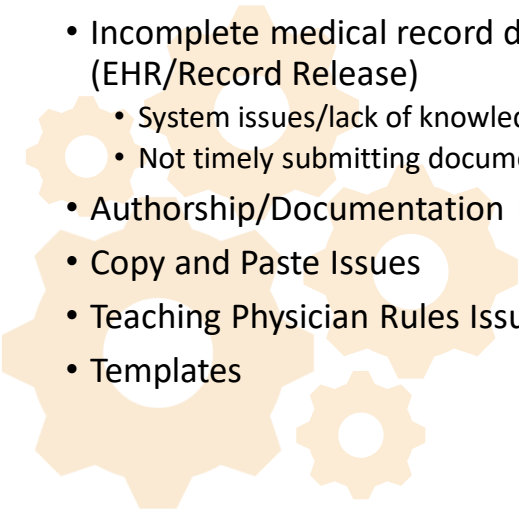
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Similarities with Reviews

- Selected based on claims data
 - Requests for medical records
 - Timely and Accurate submission critical
 - Similar protocols to track/trend to determine root causes – education and improving are key
- 

39

What Have We Learned

- Incomplete medical record documentation being submitted (EHR/Record Release)
 - System issues/lack of knowledge
 - Not timely submitting documentation
 - Authorship/Documentation Integrity Issues
 - Copy and Paste Issues
 - Teaching Physician Rules Issues
 - Templates
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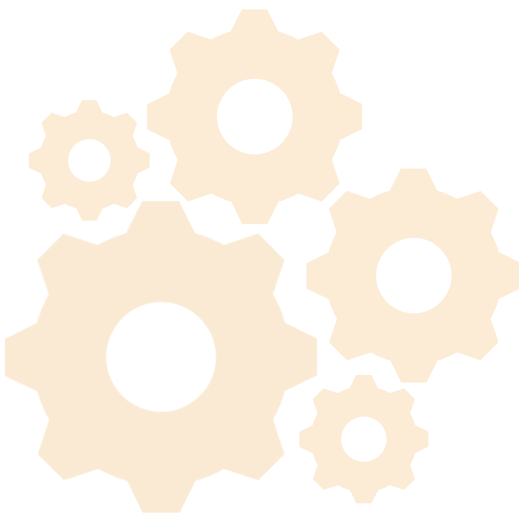
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Education

- In the end, Electronic Health Records (EHRs) are wonderful tools
- There are risks with all documentation tools
- Use internal and external reviews to learn
- Improve quality through education
- Continue to look for opportunities to improve
 - Help ensure documentation in the records provide for superior continuity of care
 - Help ensure paid appropriately
 - Help ensure you keep payments for services

41

Questions?



42