

## The Nuts and Bolts of the Surveillance Utilization Review Section (SURS)









## What is SURS?

Surveillance Utilization Review Section (SURS) is a federally mandated program [42 CFR, Part 456.3]

The program maintains a strong commitment to assure that the right provider is receiving the right payment for the right services at the right time. We identify potential fraud, waste and abuse to ensure that State and Federal monies are spent appropriately.



We accomplish this by:

performing retrospective reviews

educating providers

 recovering overpayments if indicated





## The Medicaid Processing System

 Claims processing system includes numerous edits

- To identify most billing errors
- It doesn't detect all errors

REJECTED



- Some claims are paid in error
  - due to incorrect billing
  - system complications
- ALL paid claims are subject to retrospective review
  - this includes prior authorized claims





Overpayment Recovery

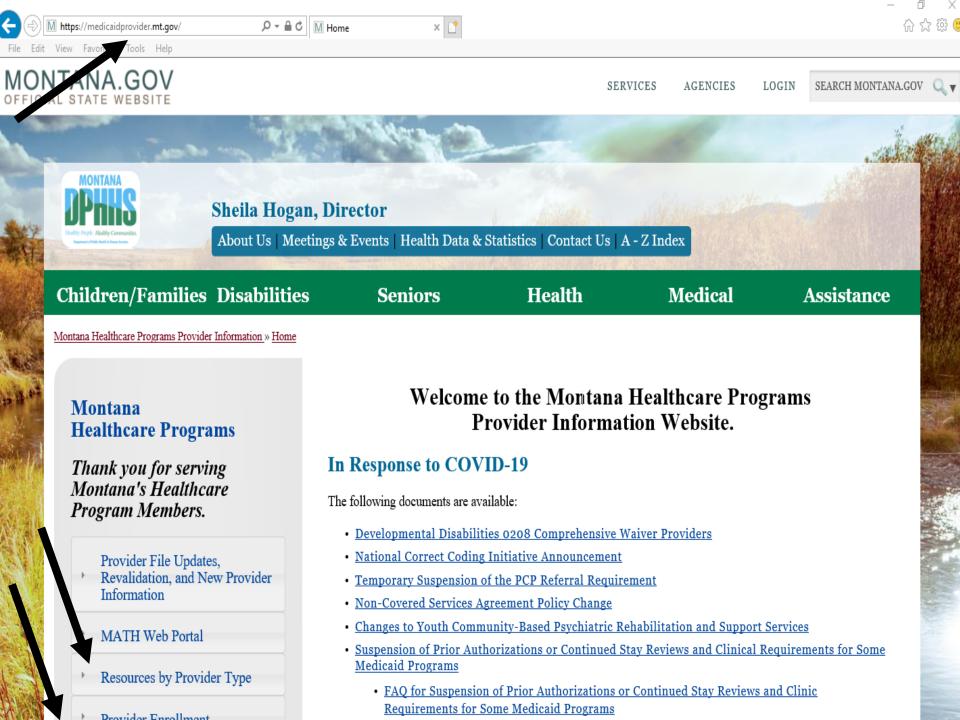
SURS can recover if it discovers that the provider was not entitled to payment for any reason.
 [ARM 37.85.406 (9) & (10)]





## Montana Medicaid Website

https://medicaidprovider.mt.gov/



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For access to previous Training PowerPoints, please visit the Training page at https://medicaidprovider.mt.gov/training.

#### **Reminder: New MATH Web Portal Link**

The MATH web portal has a new link.

The new link is https://mtaccesstohealth.portal.conduent.com/mt/general/home.do

The link to the portal that contained "ACS" has been disabled and if you attempt to use it you will get a security warning.

If you are unable to locate a resource you need, please contact Provider Relations at 1 (800) 624-3958 or (406) 442-1837

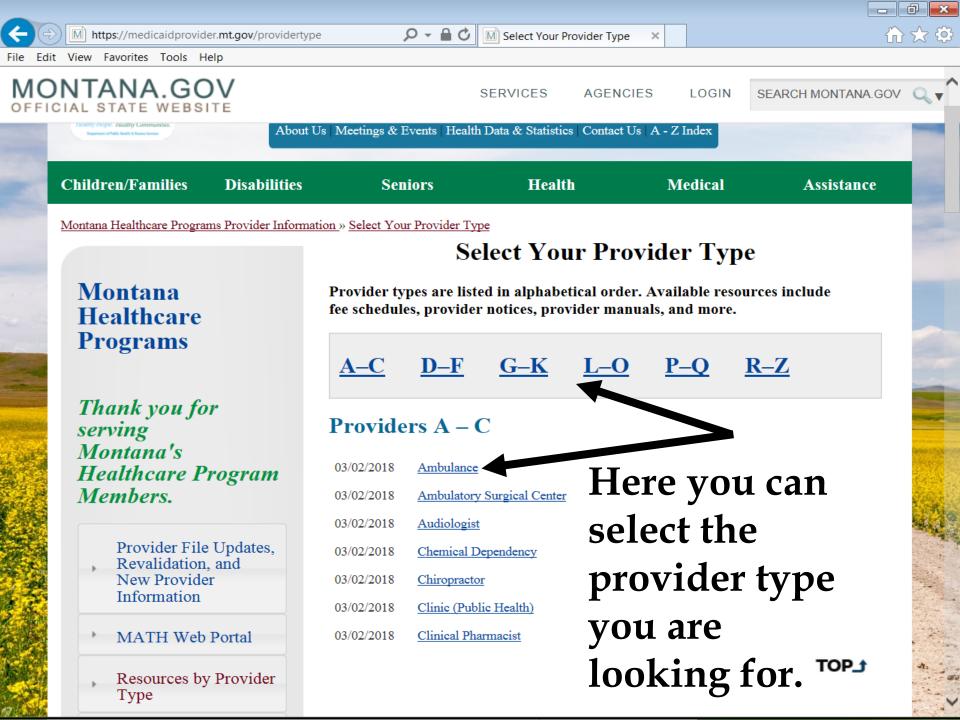


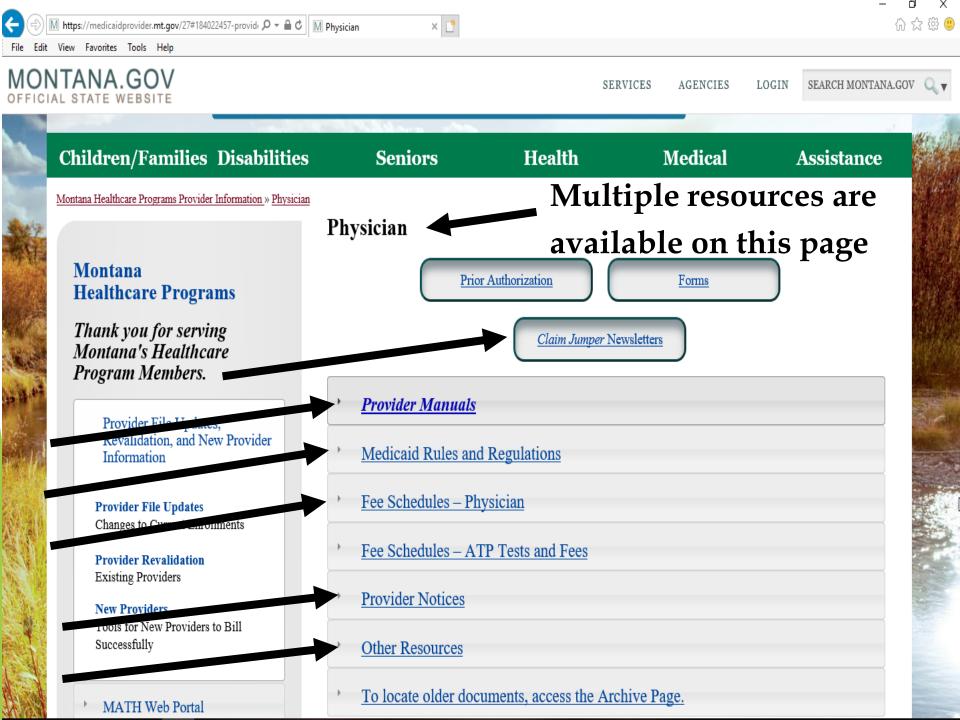
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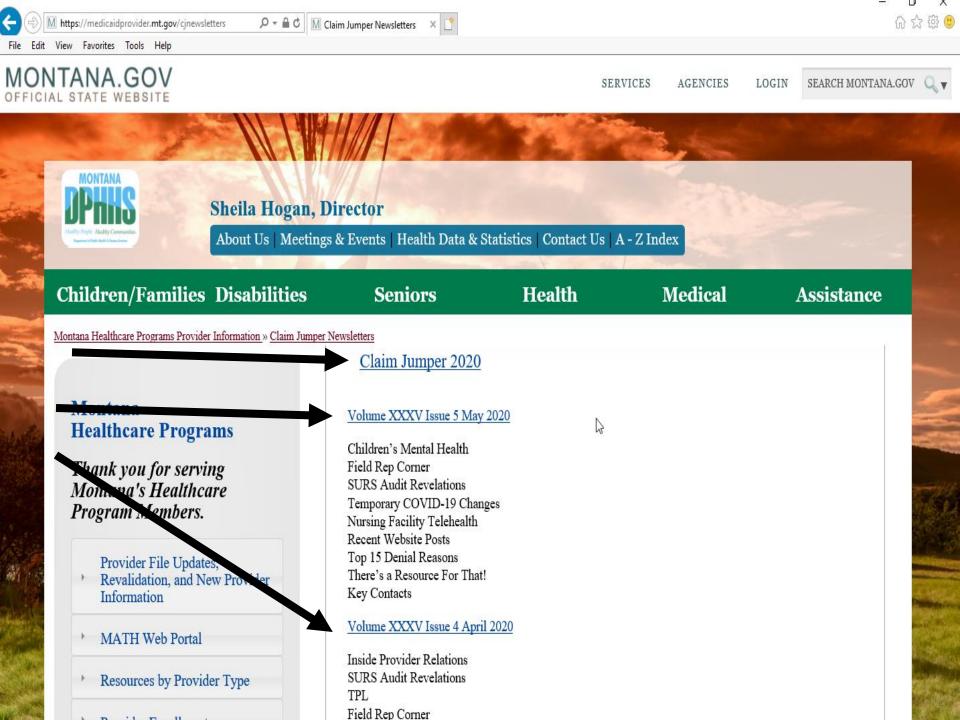
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Contact Webmaster

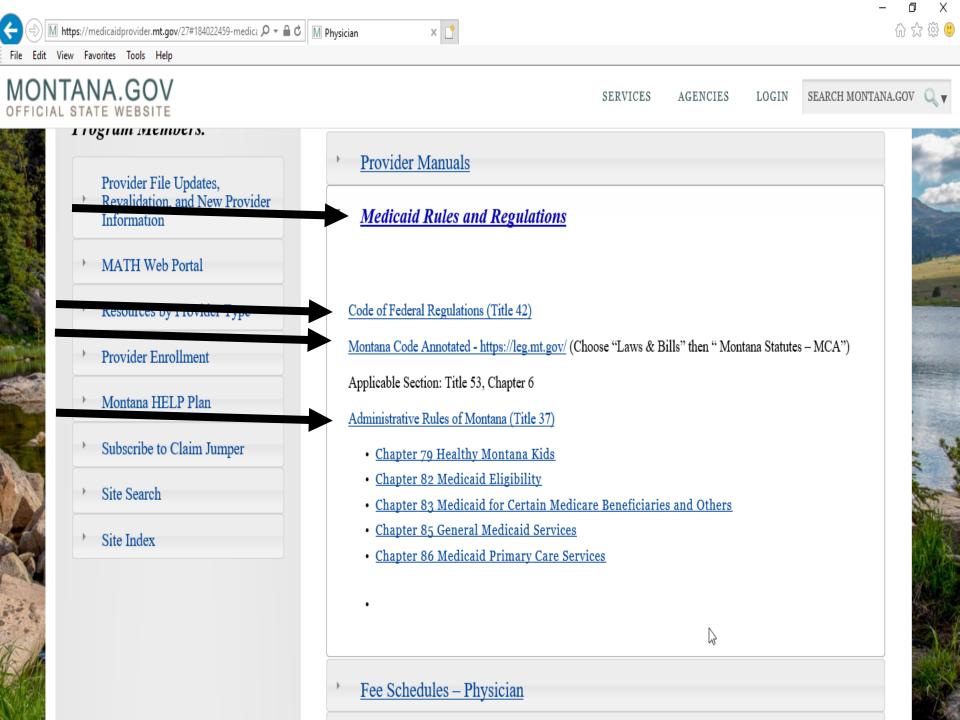
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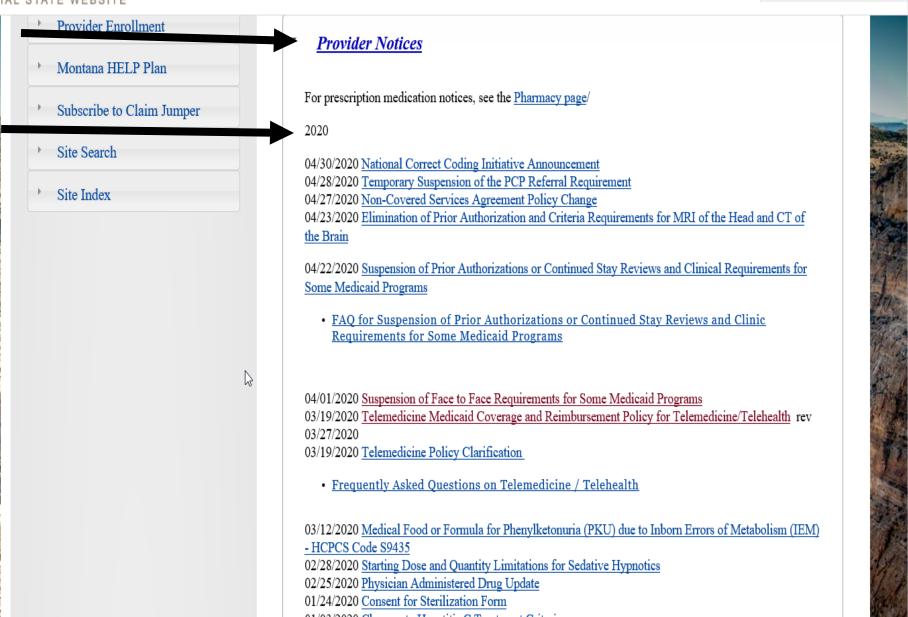
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Prior Authorization Criteria for Specific Services

SURS Provider Internal Self-Review Protocol 10/2023

To locate older documents, access the Archive Page.

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## Rule/Regulation Materials

- Code of Federal Regulations (CFR)
- Montana Code Annotated (MCA)
- Administrative Rules of Montana (ARM)



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#### **Related Resources**

The Code of Federal Regulations (CFR) annual edition is the codification of the general and permanent rules published in the Federal Register by the departments

#### **Electronic Code of Federal Regulations**

#### e-CFR data is current as of May 8, 2018

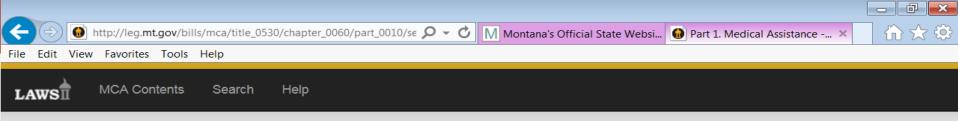
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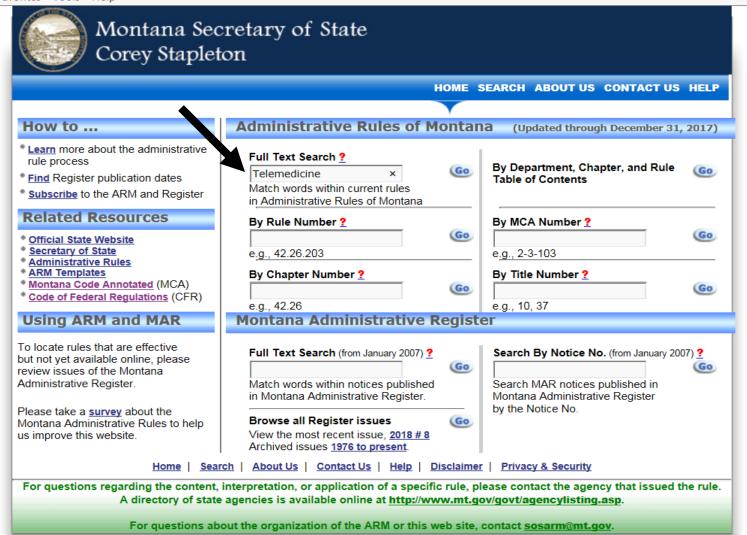
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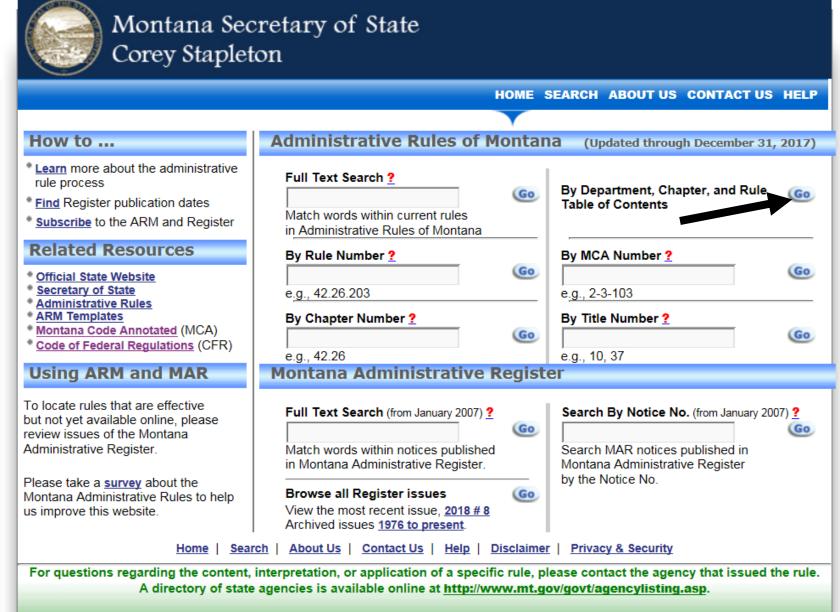
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<u>8.28.1909</u>	Effect of Denial of Application for Telemedicine Certificate		
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	37.	.85.204	MEMBER REQUIREMENTS, COST SHARING		1/1/2018			
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#### 37.85.414 MAINTENANCE OF RECORDS AND AUDITING

(1) All providers of service must maintain records which fully demonstrate the extent, nature and medical necessity of services and items provided to Montana Medicaid recipients. The records must support the fee charged or payment sought for the services and items and demonstrate compliance with all applicable requirements.

(a) All records which support a claim for a service or item must be complete within 90 days after the date on which the claim was submitted to Medicaid for reimbursement. A record that is required to be signed and dated, including but not limited to an order, prescription, certificate of medical necessity, referral or progress note, is not complete until it has been signed and dated.

(b) When reimbursement is based on the length of time spent in providing the service, the records must specify the time spent or the time treatment began and ended for each procedure billed to the nearest minute. Total time billed using one or multiple procedure codes may not exceed the total actual time spent with the Medicaid client.

(c) These records must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later.

(d) In maintaining financial records, providers shall employ generally accepted accounting methods. Generally accepted accounting methods are those approved by the National Association of Certified Public Accountants.

(e) The department shall have access to all records so maintained and retained regardless of a provider's continued participation in the program.

(f) In the event of a change of ownership, the original owner must retain all required records unless an alternative method of providing for the retention of records has been established in writing and approved by the department

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of service the provider furnishes, which may be more restrictive than the minimum requirements of this rule.

(2) In addition to the recipient's medical records, any Medicaid information regarding a recipient or applicant is confidential and shall be used solely for purposes related to the administration of the Montana Medicaid program. This information shall not be divulged by the provider or his employees, to any person, group, or organization other than those listed below or a department representative without the written consent of the recipient or applicant. In addition, the provider must comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), 42 USC 1320d et seq., and the Uniform Health Care Information Act, <u>50-16-501</u> et seq., MCA.

(3) The department, the designated review organization, the legislative auditor, the Department of Revenue, the Medicaid fraud control unit, and their legal representatives shall have the right to inspect or evaluate the quality, appropriateness, and timeliness of services performed by providers, and to inspect and audit all records required by this rule.

(a) Upon the department's request for records, the provider shall submit a true and accurate copy of each record of the service or item being reviewed as it existed within 90 days after the date on which the claim was submitted to Medicaid.

(b) Refusal to permit inspection, evaluation or audit of services shall result in the imposition of provider sanctions in accordance with the rules of the department.

(4) The provisions of this rule specifying the length of time for which records must be retained shall not be construed as a limitation on the period in which the department may recover overpayments or impose sanctions.

History: <u>53-6-113</u>, MCA; <u>IMP</u>, <u>53-2-201</u>, <u>53-6-101</u>, <u>53-6-111</u>, <u>53-6-113</u> and <u>53-6-141</u>, MCA; <u>NEW</u>, 1980 MAR p. 1491, Eff. 5/16/80; <u>AMD</u>, 1997 MAR p. 474, Eff. 3/11/97; <u>TRANS</u>, from SRS, 2000 MAR p. 479; <u>AMD</u>, 2005 MAR p. 459, Eff. 4/1/05.

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(10) In addition to the above, the department will pay:

(a) the lesser of either the actual charge for drugs and other prescribed supplies, or the wholesale price cited, less 15%, plus a dispensing fee on the Medicaid point-of-sale system;

(b) 85% of the cost of durable medical equipment to the appropriate amount when allowing financial assistance, or to the maximum amount set by the program for the federal fiscal year;

(c) 85% of the cost of specialized formula and foods and prescriptive or nonprescriptive medications prescribed by a physician for inborn errors of metabolism; and

(d) 85% of the cost of syringes and disposable medical equipment for the treatment of covered conditions.

(11) A CYSHCN who attends interdisciplinary pediatric specialty clinics, supported by CSHS, is not responsible for copays, deductibles, or coinsurance, nor will they be balance-billed.

History: <u>50-1-202</u>, MCA; <u>IMP</u>, <u>50-1-202</u>, MCA; <u>NEW</u>, 1990 MAR p. 1256, Eff. 6/29/90; <u>AMD</u>, 1992 MAR p. 919, Eff. 5/1/92; <u>AMD</u>, 1994 MAR p. 1836, Eff. 7/8/94; <u>AMD</u>, 1999 MAR p. 2879, Eff. 12/17/99; <u>TRANS</u>, from DHES, 2001 MAR, p. 398; <u>AMD</u>, 2003 MAR p. 1637, Eff. 8/1/03; <u>AMD</u>, 2003 MAR p. 1637, Eff. 8/1/03; <u>AMD</u>, 2012 MAR p. 1672, Eff. 8/24/12; <u>AMD</u>, 2013 MAR p. 1449, Eff. 8/9/13.

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<u>37-</u>	- <u>588</u>	<u>8/24/2012</u>	8/9/2013	History: <u>50-1-202</u> , MCA; <u>IMP</u> , <u>50-1-202</u> , MCA; <u>NEW</u> , 1990 MAR p. 1256, Eff. 6/29/90; <u>AMD</u> , 1992 MAR p. 919, Eff. 5/1/92; <u>AMD</u> , 1994 MAR p. 1836, Eff. 7/8/94; <u>AMD</u> , 1999 MAR p. 2879, Eff. 12/17/99; <u>TRANS</u> , from DHES, 2001 MAR, p. 398; <u>AMD</u> , 2003 MAR p. 1637, Eff. 8/1/03; <u>AMD</u> , 2003 MAR p. 1637, Eff. 8/1/03; <u>AMD</u> , 2012 MAR p. 1672, Eff. 8/24/12.
		<u>8/1/2003</u>	8/24/2012	History: Sec. <b>50-1-202</b> , MCA; <u>IMP</u> , Sec. <b>50-1-202</b> , MCA; <u>NEW</u> , 1990 MAR p. 1256, Eff. 6/29/90; <u>AMD</u> , 1992 MAR p. 919, Eff. 5/1/92; <u>AMD</u> , 1994 MAR p. 1836, Eff. 7/8/94; <u>AMD</u> , 1999 MAR p. 2879, Eff. 12/17/99; <u>TRANS</u> , from DHES, 2001 MAR, p. 398; <u>AMD</u> , 2003 MAR p. 1637, Eff. 8/1/03.
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For questions about the organization of the ARM or this web site, contact sosarm@mt.gov.



## **Coding Reference Materials**

Some coding reference materials

- CPT and CPT Assistant
- HCPCS
- ICD-10 CM
- ICD-10 PCS
- CDT
- DSM



• Publications or training specific to your specialty.

## "If it isn't documented the service can't be substantiated."



# Maintain records which demonstrate the extent, nature and medical necessity of services provided [ARM 37.85.414]



DOCUMENT! DOCUMENT! DOCUMENT! DOCUMENT!



## Record Keeping Tips

Records cannot be altered and must reflect the services provided. If a record needs to be corrected, a provider should...

For Written Documentation:

Cross out with a single line

me Story

- Write correct information
- Date and initial the correction

For Electronic Health Records:

- Add an addendum to the note/ documentation indicating what's incorrect and what's correct
- Date and initial the correction



# **Record Keeping Tips**

- Providers must have a contingency plan to ensure the availability of documentation in the event of a loss of medical records.
   [ARM 37.85.414]
- Providers must obtain written authorization from the Department for any variation from the usual billing practice.

[ARM 37.85.412 and 37.85.413]

# **Provider Responsibility**

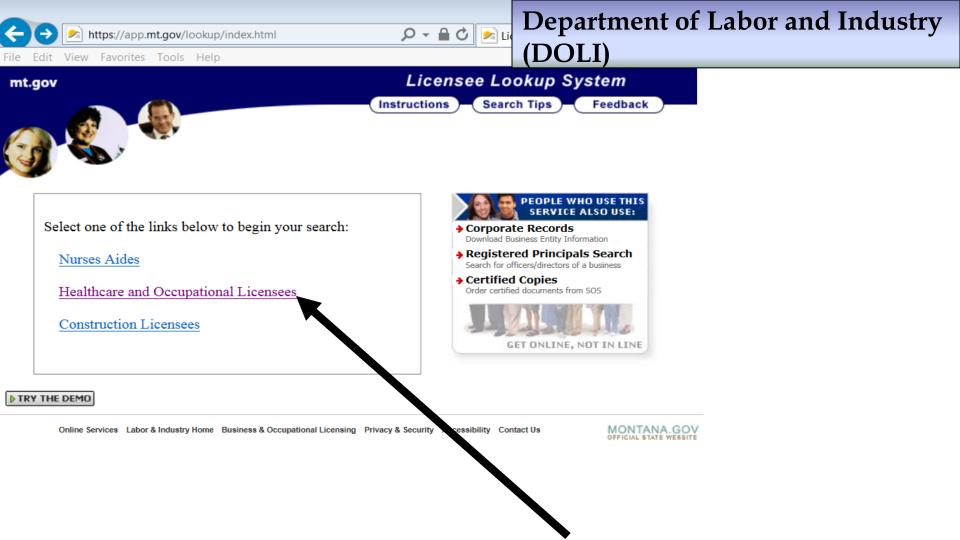
cople. Healthy Communities.

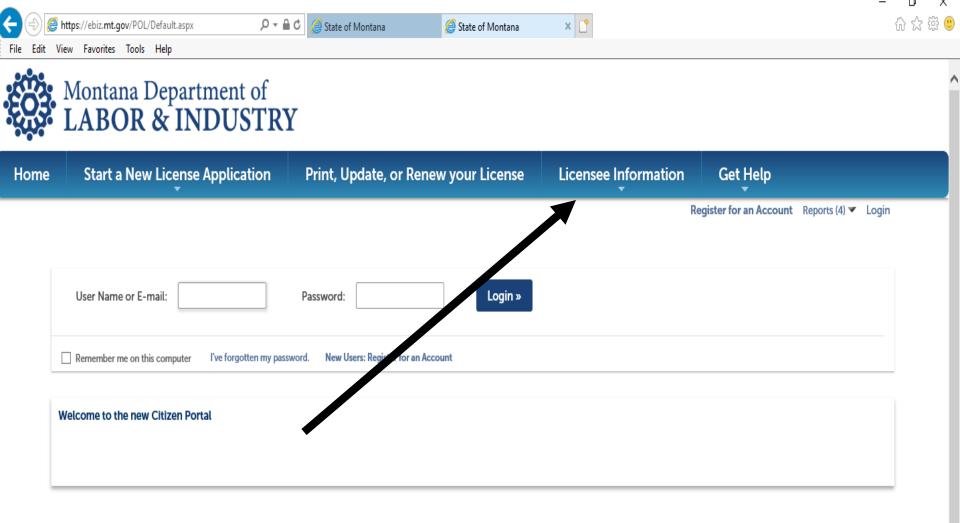
It is the <u>responsibility of the provider</u> to be knowledgeable about sections of the Administrative Rules that relate to their provider type, provider policies and covered services.

In addition, providers are encouraged to ensure their employees are not listed on the federal exclusion databases.

Special Advisory http://oig.hhs.gov/exclusions/advisories.asp

- **DOLI** (http://app.mt.gov/lookup/index.html)
  - LEIE (http://exclusions.oig.hhs.gov/)
    - SAM (https://www.sam.gov)





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## **License Search**

Please be advised that any "license" with REG in the naming convention instead of LIC, is not an actual license, but rather an interstate licensure registration that immediately expires when the state of emergency is no longer in effect.

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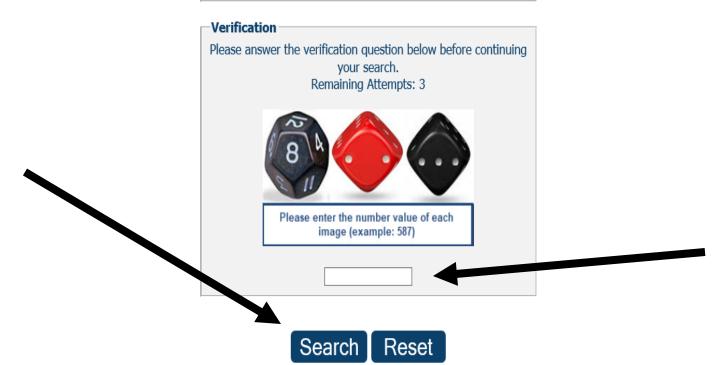
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An official website of the United States government Here's how you know

Official U.S. Government Website 100% Free

### System for Award Management (SAM)

Home Search Data Bank Data Services Help



### The Official U.S. Government System for:

Contract Opportunities (was fbo.gov)

Contract Data (Reports ONLY from fpds.gov)

Wage Determinations (was wdol.gov)

Federal Hierarchy Departments and Subtiers Assistance Listings (was cfda.gov)

Entity Information Entities, Disaster Response Registry, and Exclusions

Entity Reporting SCR and Bio-Preferred Reporting

### NEW Learn More

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### Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

**Get Started** 

**Renew Entity** 

Check Registration Status

### Already know what you want to find?

▼

Select Domain...

e.g. 1606N020Q02

Q



### **Entity Information**

You can search and view entity information, including entity registration records, exclusions, and the Disaster Response Registry from this page. Most entity records are public information, but you must be signed to search and view them.

+ What is an entity?

NEW

### Register Your Entity or Get a Unique Entity ID

Register your entity or get a Unique Entity ID to get started doing business with the federal government.

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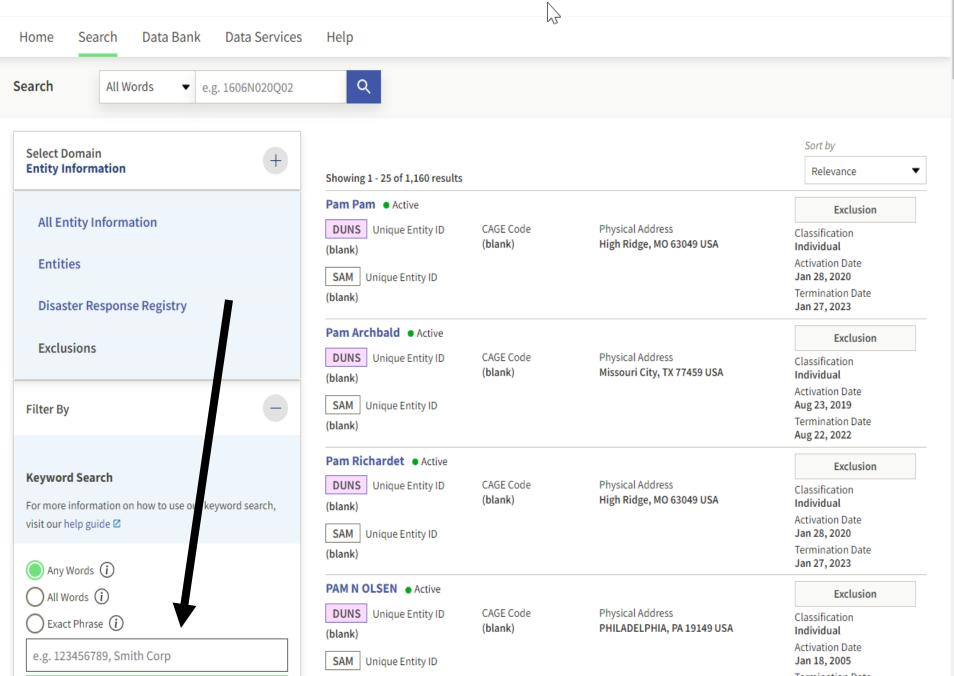
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### Federal users

## SAM.GOV\*

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Keyword Search For more information on how to use our keyword search, visit our help guide ☑	
Any Words (i) All Words (i) Exact Phrase (i) e.g. 123456789, Smith Corp	

## SAM.GOV®



### **Keyword Search**

For more information on how to use our keyword search, visit our help guide 🗹

🔵 Any Words (i) All Words (i) Exact Phrase (i)

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e.g. 123456789, Smith Corp

"Pam Smith"
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SAM Unique Entity ID			Activation Date Jan 28, 2020
(blank)			Termination Date Jan 27, 2023
PAM N OLSEN • Active			Exclusion
DUNS Unique Entity ID (blank)	CAGE Code (blank)	Physical Address PHILADELPHIA, PA 19149 USA	Classification Individual
SAM Unique Entity ID			Activation Date Jan 18, 2005
(Dlank)			Termination Date Indefinite
PAM MARIE NEWPORT • A	octive		Exclusion
DUNS Unique Entity ID (blank)	CAGE Code (blank)	Physical Address SAPULPA, OK 74066 USA	Classification Individual
SAM Unique Entity ID			Activation Date Nov 15, 2004
(blank)			Termination Date Indefinite
Pam W. Walters • Active			Exclusion
DUNS Unique Entity ID	CAGE Code (blank)	Physical Address Tooele, UT 84074 USA	Classification Individual
SAM Unique Entity ID			Activation Date Aug 6, 1999
(blank)			Termination Date Indefinite
STEPHEN ANTHONY PAM	• Active		Exclusion
DUNS Unique Entity ID	CAGE Code (blank)	Physical Address FOLKSTON, GA 31537 USA	Classification Individual



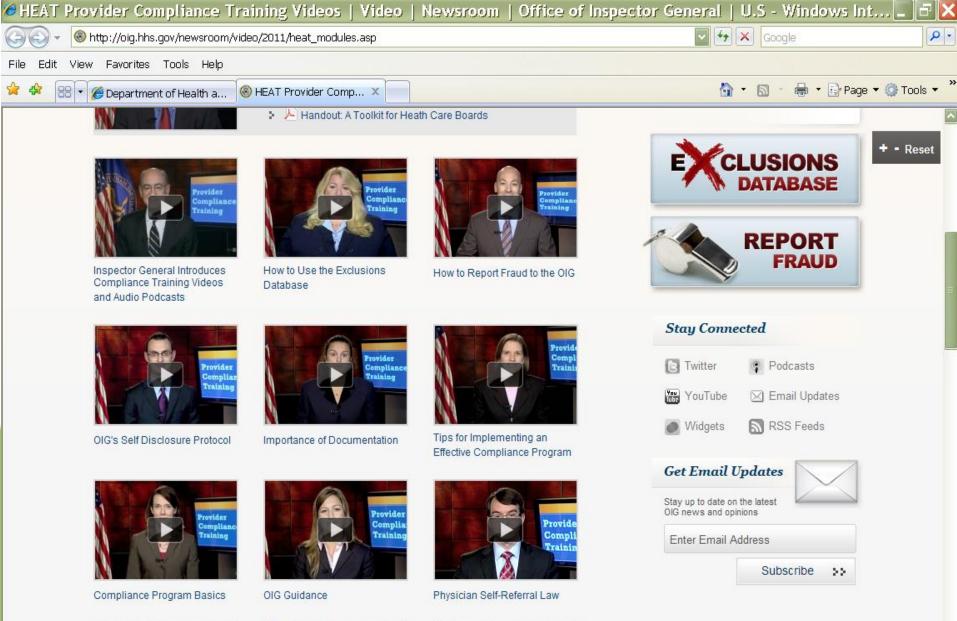
# Health Care Fraud Prevention and Enforcement Action Team (HEAT) Provider Compliance Training

http://oig.hhs.gov/newsroom/video/2011/heat\_modules. asp

- Understanding Program Exclusions
- Importance of Documentation













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The videos are hosted on YouTube.com and embedded on OIG's web pages. If YouTube.com is blocked on your computer, any content embedded on our site will not be accessible. Please contact your IT department to remove the YouTube restriction and view these videos.

#### Webcast Modules

On this page you will find 16 modules from the HEAT Provider Compliance Training Webcast.

For more information and downloadble presentation material, visit the Webcast page.

- Welcome Remarks 4:37
- Overview of OIG 9:56
- Navigating the Fraud and Abuse Laws 26:26
- Compliance Program Basics 17:01
- Operating an Effective Compliance Program 15:59
  - Understanding Program Exclusions 10:26
- Navigating the Government 5:10
- Overview of Centers for Medicare and Medicaid Services 34:24
- Importance of Documentation 17:06

- OIG Subpoenas Audits Surveys and Self Disclosure Protocol 17:42
- Health Care Fraud Enforcement Panel 6:08
- Health Care Fraud Enforcement Panel with CMS Deputy Admin 13:43
- Health Care Fraud Enforcement Panel with Special Agent 15:10
- Health Care Fraud Enforcement Panel with Asst. US Attorney 17:08
- Health Care Fraud Enforcement Panel Fraud Control Unit 11:15
- Adjournment 0:59



**DPHASS** Healthy People. Healthy Communities. Department of Public Health & Human Services

## American Recovery & Reinvestment Act has many changes for HIPAA [45 CFR, Part 160-164]

http://frwebgate.access.gpo.gov/cgibin/getdoc.cgi?dbname=111\_cong\_bills& docid=f:h1enr.pdf

**HIPAA** 

- CMS Website for HIPAA info
  - http://www.cms.gov/HIPAAGenInfo/
- Office for Civil Rights Website
  - http://www.hhs.gov/ocr/privacy/index. html

Theran Fries Privacy Officer HIPAA Program Office of Legal Affairs

1-406-444-9503

PO Box 202960 Helena, MT 59620-2960





# What are we doing?

# Our unit is consistently working on several projects:

- Team Reviews
- Self Reviews
- Individual Reviews
- New Provider Reviews
- Data Reviews
- Active Provider Reviews



- 1. Review idea
- 2. Collection of data
- 3. Initial contact with provider
- 4. Records request letter
- 5. Records review
- 6. Overpayment letter
- 7. Administrative Review
- 8. Additional records or information review

- 9. Administrative Review determination
- 10. Fair Hearing
- 11. Fair Hearing determination
- 12. Board of Public Assistance
- 13. Judicial Court
- 14. Overpayment
   15. Closure



- Incomplete documentation (demonstrating the extent and nature of the service).
- Incomplete or missing orders/prescriptions.
- Missing dates and signatures on notes or DME delivery confirmation.
- Missing time in and out or full amount of time spent on time-based codes.
- Up-coding Evaluation and Management.
- Identifying information on documentation.



# Additional review errors ...

- Billing for services not personally provided.
- Unbundling of services.
- Illegible records.
- Electronic records out of Word.



# **SURS Staff**

# Jennifer Tucker, CPC, CPIP; SURS Supervisor

- 8 Program Integrity Compliance Specialists
  - Licensed Practical Nurse
  - Certified Professional Coders
  - Certified Program Integrity Professionals
  - Subject Matter Experts

assigned to multiple provider types and specialties



# **Contact Information**

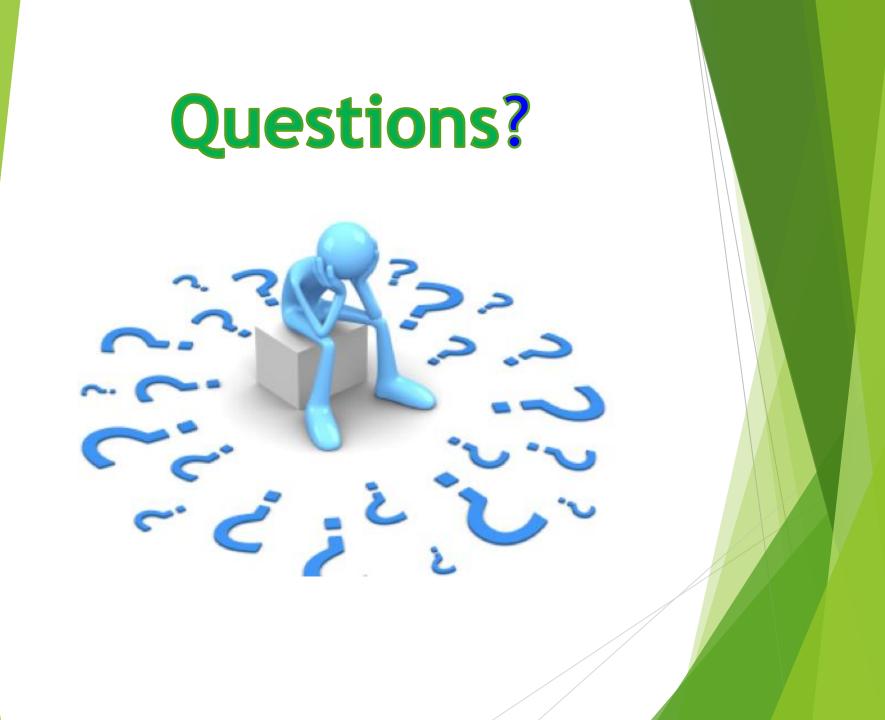
## **SURS Supervisor**

## » Jennifer Tucker, CPC

 DPHHS Office of the Inspector General SURS Unit
 2401 Colonial Drive
 PO Box 202953
 Helena, MT 59620
 jtucker2@mt.gov

406-444-4586





www. Don't Forget To Document