CMS UPDATE NHA ANNUAL CONVENTION

CMS

CENTERS FOR MEDICARE & MEDICAID SERVICES

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This publication is a general summary that explains certain aspects of the Medicare Program, but is not a legal document. The official Medicare Program provisions are contained in the relevant laws, regulations, and rulings. Medicare policy changes frequently, and links to the source documents have been provided within the document for your reference

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- Update on Patients over Paperwork
- Summary of current CMS action to address feedback
 - Documentation Requirement Simplification
 - Targeted Probe & Educate
 - EHR Interoperability
 - Meaningful Measures Initiative
- Discussion



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Patients Over Paperwork

We're putting patients first by reviewing and streamlining our regulations so we can:

Reduce unnecessary burden

Increase efficiencies

Improve the beneficiary experience



https://www.cms.gov/About-CMS/storypage/patients-over-paperwork.html

PATIENTS OVER PAPERWORK



Initiative Overview

- Through Patients over Paperwork, we are moving the needle to remove regulatory obstacles that get in the way of providers spending time with patients and healthcare consumers.
- CMS is one of the top agencies for promulgating regulations within the federal government. Over the last 5 years, we have published annually, an average of 58 rules per year equating to nearly 11,000 published manuscript pages.
- While some regulations are essential to ensuring patient and provider safety and program integrity, there is a fine line between being helpful and being a hindrance.



Some of CMS' Burden Reduction Initiatives include:

- Quality and Safety Oversight Requirements
 Electronic Health Record (EHR) Projects
 - 3. Documentation Requirements Simplification (DRS) Initiative

https://www.cms.gov/About-CMS/story-page/patients-overpaperwork.html



PATIENTS OVER PAPERWORK

Administrator Verma's Charge:

- Simplify our requirements
- Make them easier to understand
- Get rid of requirements we no longer need
- Seek input from stakeholders
- Challenge the way we have always done things



Provider Feedback

What We Heard from Providers



CMS requirements are excessive Documentation requirements are too hard to find

7



Providers are afraid of audits

CENTER FOR PROGRAM INTEGRITY

PROTECTING THE MEDICARE & MEDICAID PROGRAMS FROM FRAUD, WASTE & ABUSE







RESOURCES FOR STATES



PARTNERS



Working to Reduce Provider Burden

https://go.cms.gov/cpi

WHO WE ARE

At the Center for Program Integrity (CPI), our mission is to detect and combat fraud, waste and abuse of the Medicare and Medicaid programs. We do this by making sure CMS is paying the right provider the right amount for services covered under our programs. We work with providers, states, and other stakeholders to support proper enrollment and accurate billing practices. Our work focuses on protecting patients while also minimizing unnecessary burden on providers.

CHECK OUT WHAT'S NEW

Stay up-to-date with the latest upd





CPI builds systems and manages programs to enroll providers in the Medicare and Medicaid programs.



OUR FOCUS IN 2018

CPI's priorities in 2018 focus on investing in data and analytics to support fraud detection and prevention efforts, reducing burdensome documentation requirements for providers, and improving communication and collaboration with all our partners.



AND ANALYTICS





REDUCING PROVIDER BURDEN



STRENGTHENING COMMUNICATION AND COLLABORATION



ReducingProviderBurden @cms.hhs.gov

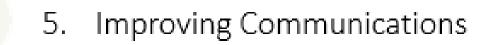
What CMS is Doing to Minimize Burden



- 1. Simplifying Paperwork
- 2. Making Required Paperwork Easier to Find



- 3. Improving the Audit Process
- Making EHRs Interoperable



Simplifying Documentation Requirements



Documentation Requirements Simplification (DRS) Initiative

We are receiving suggestions for improvements from:



http://go.cms.gov/SimplifyingRequirements ReducingProviderBurden@cms.hhs.gov

Documentation Requirements Simplification Examples

Example: Signature Requirements

Before: Our instructions were unclear and claims could be **denied** if part of the supporting medical record was **initialed** by a nurse.

After: We clarified the Program Integrity Manual. Providers ultimately responsible for the beneficiary's care still must sign the medical record. However, now we won't deny claims if a support care provider (such as a nurse documenting chemotherapy) forgets to sign part of the record.

Documentation Requirements Simplification Examples



Example: Inpatient Rehabilitation Facility (IRF) Requirements

- **Before**: Providers said that IRF claims are denied even though patients need and could benefit from an inpatient rehabilitation.
- After: We clarified guidance to CMS contractors, requiring them to use clinical review judgment to determine medical necessity of the intensive rehabilitation therapy program based on the individual facts and circumstances of the case, and not based on any threshold of therapy time.

Documentation Requirements Simplification Example

Example: Verifying Medical Student Notes

- Define what verification means regarding medical student documentation.
 - Teaching physicians no longer have to redocument their student's notes of services they (the physician) personally performed or reperformed.
 - The physician can verify the student's notes simply by signing them.

Making Requirements Easier to Find

The Documentation Requirement Lookup Service



Long Term Project:

- 2018:
 - Medicare FFS,
 - Some Medicare Adv plans
 - Some private payers
 - EHR vendors
- Future:
 - More Adv Plans?
 - Medicaid Plans?
 - More IT vendors



Work closely with Standards Development Organizations (SDOs):

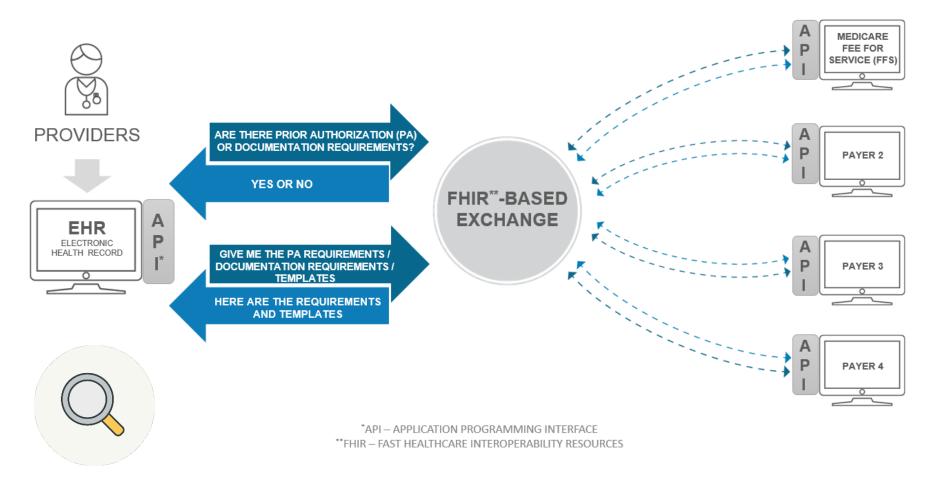
- FHIR-based standards
- Payers build "Rules Libraries"
 - In a common format
 - ✓ With a "API" (to allow easy access)



Allow providers to discover documentation requirements <u>at the time of</u> <u>service:</u>

- Right in the
 - EHR or
 - Practice management system
- Including:
 - Prior Auth required?
 - Template available?

Schematic



https://go.cms.gov/MedicareRequirementsLookup

Documentation: what we've heard



Medical Record Documentation Supports Patient Care

- Clear and concise medical record documentation is critical to providing patients with quality care and is required for physicians and others to receive accurate and timely payment for furnished services.
- Medical records chronologically report the care a patient received and record pertinent facts, findings, and observations about the patient's health history.
- Medical record documentation helps physicians and other health care professionals evaluate and plan the patient's immediate treatment and monitor the patient's health care over time.
- Many complain that notes written to comply with coding requirements do not support patient care and keep doctors away from patients.

The current state



Documenting E/M Requires Choosing the Appropriate Code

- Currently, documentation requirements differ for each level and are based on either the 1995 or 1997 E/M documentation guidelines.
- Billing Medicare for an Evaluation and Management (E/M) visit requires the selection of a Current Procedural Terminology (CPT) code that best represents:
 - · Patient type (new v. established),
 - · Setting of service (e.g. outpatient setting or inpatient setting), and
 - Level of E/M service performed.

CPT codes, descriptions and other data only are copyright 2017 American Medical Association. All rights reserved. CPT is a registered trademark of the American Medical Association (AMA).

E/M Guidelines: why change?



Why Change?

- Stakeholders have said that the 1995 and 1997 Documentation Guidelines for E/M visits are clinically outdated, particularly history and exam, and may not reflect the most clinically meaningful or appropriate differences in patient complexity and care. Furthermore, the guidelines may not be reflective of changes in technology, or in particular, the way that electronic medical records have changed documentation and the patient's medical record.
- According to stakeholders, some aspects of required documentation are redundant
- Additionally, current documentation requirements may not account for changes in care delivery, such as a growing emphasis on team-based care, increases in the number of recognized chronic conditions, or increased emphasis on access to behavioral health care.

Proposed Changes for Documentation

Proposing a minimum documentation standard where, for Medicare PFS payment purposes for an
office/outpatient based E/M visit, practitioners would only need to document the information to
support a level 2 E/M visit (except when using time for documentation).

Proposed Changes for Reimbursement

 Proposing a single PFS payment rate for E/M visit levels 2-5 (physician and non- physician in office based/outpatient setting for new and established patients).

CMS Proposals to Streamline E/M Documentation



Summary: How to Streamline E/M Payment and Reduce Clinician Burden

- Proposing to provide practitioners choice in documentation for office/outpatient based E/M visits for Medicare PFS payment: 1) 1995 or 1997 documentation guidelines, 2) medical decision-making or 3) time.
- Proposing to expand current policy regarding history and exam, to allow practitioners to focus their documentation on what has changed since the last visit or on pertinent items that have not changed, rather than re-documenting information, provided they review and update the previous information.
- Proposing to allow practitioners to review and verify certain information in the medical record that is entered by ancillary staff or the beneficiary, rather than re-entering it.
- Soliciting comment on how documentation guidelines for medical decision making might be changed in subsequent years.

See the Physician Fee Schedule website at:

https://www.cms.gov/Medicare/Medicare-Fee-for-Service-Payment/PhysicianFeeSched/index.html

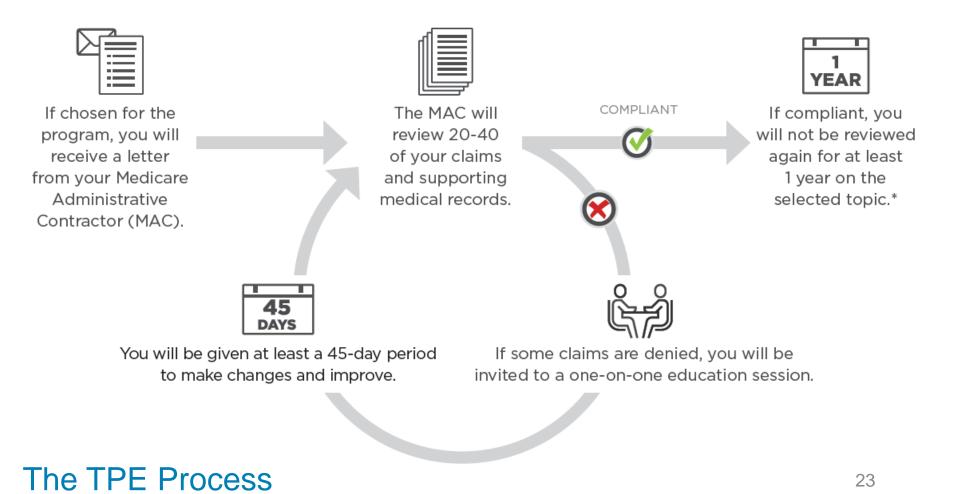
The MACs' New Review Process: "Targeted Probe & Educate (TPE)"



- Pilot began early 2017
- Nationwide began October 2017
- Has been well received by provider community

	Pre-TPE	TPE
# of Medical Records that can be requested	Unlimited	120 Max
1:1 Education	Not required	Required
Length of time a provider can be on MAC Review	Unlimited	3 Rounds (usually less than a year)

http://go.cms.gov/TPE



*MACs may conduct additional review if significant changes in provider billing are detected.

When Medicare claims are submitted accurately, everyone benefits.



CMS's Targeted Probe and Educate (TPE) program helps providers and suppliers:

- reduce claim denials
- reduce appeals

Most providers will never need TPE.

The process is only used with those who have high denial rates or unusual billing practices.

If you are chosen for the TPE program, the goal is to help you quickly improve.

Often, simple errors – such as a missing physician's signature – are to blame.



What are some common claim errors?



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

https://www.cms.gov/About-CMS/Components/CPI/Reducing-Burden.html

What if accuracy still doesn't improve?

- Most providers that have participated in the TPE process increased the accuracy of their claims.
- Any providers who fail to improve after 3 rounds of TPE will be referred to CMS for next steps.

Making EHRs More Interoperable





By improving Provider-to-<u>Payer</u> Medical Record Exchange

Done:

 Revised the Electronic Submission of Medical Documentation (esMD) system to accept structured medical records (CCDA)

Doing:

- Pilot testing Electronic Medical Documentation Requests
- Planning to release the "Attachment Reg" (NPRM due out in 2018)
- Exploring whether Fast Healthcare Interoperability Resources (FHIR) could be helpful

By improving Provider-to-<u>Provider</u> Medical Record Exchange

Done:

- Asked public for ideas to promote interoperability:
 - Comment period closed on June 25, 2018 for the IPPS RFI (CMS-1694P)

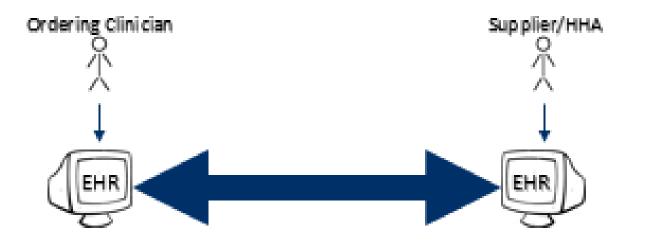
Doing:

- Working with Standards Development
 Organizations to develop FHIR standards
 for sending/receiving medical records
- Planning pilot tests with EHR vendors

Provider-to-Provider Medical Record Exchange

- Allow an ordering clinician to <u>ELECTRONICALLY</u> send:
 - o orders, progress notes,
 - o lab results,
 - o discharge summary

- Allow the supplier/HHA/other provider to <u>ELECTRONICALLY</u> request:
 - o Additional parts of the medical record
 - Signature on the Plan of Care



EHR Interoperability: Opportunities and Resources

	Official Website of The Office of the National Coordinator for Health Information Technology (ONC)	Connect with us: in 🎔 🔠 🔊		
Health IT .gov	TOPICS HOW DO I? BLOG NEWS ABOUT ONC	Search	o Q	

Home > Topics > Interoperability

Interoperability	Interoperability			
Trusted Exchange Framework and Common Agreement	The Office of the National Coordinator for Health IT (ONC) is responsible for			
Interoperability Roadmap	advancing connectivity and interoperability of health information technology			
Standards Collaboration	(health IT).			
Interoperability Standards Advisory	ONC's 10 year plan for advancing interoperability is laid out in a document entitled Connecting Health and Care for the Nation: A Shared Nationwide Interoperability Roadmap version 1.0 (Roadmap) [PDF - 3.7 MB].			
Population Level Data Export Meeting Report	The Roadmap, shaped by stakeholder input and public comments, supports the vision that ONC outlined in Connecting Health and Care for the Nation: A 10 Year Vision to Achieve An Interoperable Health IT Infrastructure [PDF - 607 KB].			
Interoperability and Standards Reports	The collaborative efforts of stakeholders are crucial to achieving three goals:			
About ONC Tech Lab's	1. the vision of a learning health system where individuals are at the center of their care and providers have a seamless ability to securely access and use health information from different sources.			
Interoperability in Action Webinar Series	to provide access to individuals health information, which is stored in electronic health records (EHRs), but includes information from many different sources and portrays a longitudinal picture of their health.			
Advancing Interoperability with Medicaid	3. helping public health agencies and researchers rapidly learn, develop, and deliver cutting edge treatments.			

https://www.healthit.gov/topic/interoperability

https://www.healthit.gov/news/events/oncs-2nd-interoperability-forum

A New Approach to Meaningful Outcomes





MEANINGFUL MEASURES OBJECTIVES

Meaningful Measures focus everyone's efforts on the same quality areas and lend specificity, which can help identify measures that:

- Address high-impact measure areas that safeguard public health
- Are patient-centered and meaningful to patients, clinicians and providers
- Are outcome-based where possible
- Fulfill requirements in programs' statutes
- Minimize level of burden for providers
- Identify significant opportunity for improvement
- Address measure needs for population based payment through alternative payment models
- Align across programs and/or with other payers



Meaningful Measures Framework

Meaningful Measure Areas Achieve:

- <u>High quality</u> healthcare
- Meaningful outcomes for patients

Criteria meaningful for patients and actionable for providers

Draws on measure work by:

- Health Care Payment Learning and Action Network
- National Quality Forum High Impact Outcomes
- National Academies of Medicine IOM Vital Signs Core Metrics

Includes perspectives from experts and external stakeholders:

- Core Quality Measures Collaborative
- Agency for Healthcare Research and Quality
- Many other external stakeholders

Quality Measures



CORE QUALITY MEASURES COLLABORATIVE

- Core Measures Sets released in 2016, new PEDIATRIC measure set released 2017
 - ACOs, Patient Centered Medical Homes (PCMH), and Primary Care
 - Cardiology
 - Gastroenterology
 - HIV and Hepatitis C
 - Medical Oncology
 - Obstetrics and Gynecology
 - Orthopedics
 - Pediatrics



2018 CMS Quality Measure Development Plan

Environmental Scan and Gap Analysis Report

August 2, 2018

https://www.cms.gov/Medicare/Quality-Initiatives-Patient-Assessment-

Instruments/QualityMeasures/Core-Measures.html

CMS Quality Measure Development Plan

- Highlight known measurement gaps and develop strategy to address these
- Promote harmonization and alignment across programs, care settings, and payers
- Assist in prioritizing development and refinement of measures

https://www.cms.gov/Medicare/Quality-Payment-Program/Measure-Development/2018-MDP-annualreport.PDF

https://www.cms.gov/Medicare/Quality-Payment-Program/Measure-Development/2018-MDP-Environmental-Scan-and-Gap-Analysis-report.pdf

MEANINGFUL MEASURES FRAMEWORK



Give us your feedback! <u>MeaningfulMeasuresQA@cms.hhs.gov</u>

Promote Effective Communication & Coordination of Care

- Meaningful Measure Areas:
- Medication Management
- Admissions and Readmissions to Hospitals
- Transfer of Health Information and Interoperability

Promote Effective Prevention & Treatment of Chronic Disease

Meaningful Measure Areas:

- Preventive Care
- Management of Chronic Conditions
- Prevention, Treatment, and Management of Mental Health
- Prevention and Treatment of Opioid and Substance Use Disorders
- Risk Adjusted Mortality

Work with Communities to Promote Best Practices of Healthy Living

- Meaningful Measure Areas:
- Equity of Care
- Community Engagement

O Make Care Affordable

Meaningful Measure Areas:

- Appropriate Use of Healthcare
- Patient-focused Episode of Care
- Risk Adjusted Total Cost of Care

Make Care Safer by Reducing Harm Caused in the Delivery of Care

Meaningful Measure Areas:

- Healthcare-associated Infections
- Preventable Healthcare Harm

Strengthen Person & Family Engagement as Partners in their Care

Meaningful Measure Areas:

- Care is Personalized and Aligned with Patient's Goals
- End of Life Care according to Preferences
- Patient's Experience of Care
- Patient Reported Functional Outcomes





Omnibus Proposed Rule[CMS-3346-P]

Issued September 17, 2018

*Comment period ends November 19*th

Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction



Critical Access Hospital (CAHs), Rural Health Centers (RHCs) and Federally Qualified Health Centers (FQHCs)

Hospital and CAH swing-bed providers:

Removing cross-references to requirements for long term care facilities that do not apply because of the short amount of time patients are in swing-beds.

CAHs:

- Reducing the frequency of the requirement that CAHs perform a review of all their policies and procedures from annual to biennial, in order to allow facilities to better utilize their limited resources; and
- Removing the duplicative requirement for CAHs to disclose the names of people with a financial interest in the CAH, as this information is also collected outside of the conditions of participation.

RHCs and FQHCs:

Reducing the frequency of review of the patient care policies from annually to every two years, in
order to allow these clinics to direct their limited resources to patient care. Facilities are always
permitted to conduct reviews as they deem appropriate.

Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction

Transplant Centers

- Updating the terminology and proposed nomenclature change used in the regulations to conform to the terminology that is widely used and understood within the transplant community
- Removing requirements for transplant centers to re-submit clinical experience, outcomes, and other data in order to obtain Medicare approval. CMS proposes to remove this requirement in order to address unintended consequences of existing requirements

Hospitals

- Allowing multi-hospital systems to have unified and integrated Quality Assessment and Performance Improvement and unified infection control programs for all of its member hospitals.
- Allowing hospitals the flexibility to establish a medical staff policy describing the circumstances under which a pre surgery/pre procedure assessment for an outpatient could be utilized, instead of a comprehensive medical history and physical examination.
- Clarifying for psychiatric hospitals the requirement that allows for the use of non-physician practitioners or doctors of medicine/doctors of osteopathy (MD/DOs) to document progress notes of patients receiving services in psychiatric hospitals.

Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction

Hospices

- Allowing hospices to defer to State licensure requirements for their aides regardless of the State content or format
- Encouraging more seamless integration of information provided by the hospice's drug management expert into routine interdisciplinary group meetings
 - Replacing requirement to provide a physical paper copy of policies and procedures with userfriendly manner, as decided by each hospice.

Comprehensive Outpatient Rehabilitation Facilities

Implement a proposed decrease in the frequency and implementation of a utilization review plan

Community Mental Health Centers (CMHCs)

 Remove requirement to update the client comprehensive assessment every 30 days for all CMHC clients and only retain the minimum 30-day assessment update for those clients who receive partial hospitalization program services

Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction

Portable X-Ray Services

- Replace these four different qualifications with a single, streamlined qualification that focuses on the skills and abilities of the technologist.
- Allowing for portable x-ray services to be ordered in writing, by telephone, or by electronic methods to streamline the ordering process.

Religious Nonmedical Health Care Institutions (RNHCIs)

 Creating a more condensed and flexible process for discharge planning and instructions for RNHCIs by requiring them only to provide discharge instructions to the patient and/or the patient's caregiver when the patient is discharged home.

Proposed Rule Driven by Patients Over Paperwork Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction



• Removing the provisions requiring ASCs to have a written transfer agreement with a hospital that meets certain Medicare requirements or ensuring that all physicians performing surgery in the ASC have admitting privileges in a hospital that meets certain Medicare requirements.

• Removing the current requirements that a physician or other qualified practitioner conduct a complete comprehensive medical history and physical assessment (H&P) on each patient not more than 30 days before the date of the scheduled surgery. Additionally, we propose to require that each ASC establish and implement a policy that identifies patients who require an H&P assessment prior to surgery.

Medicare and Medicaid Programs; Proposed Regulatory Provisions to Promote Program Efficiency, Transparency, and Burden Reduction

Emergency Preparedness

- Emergency program: Gives facilities the flexibility to review their emergency program every two years, or more often at their own discretion and remove duplicative documentation requirements with other local, tribal, state, and federal agencies.
- Training: Give facilities greater discretion in revising training requirements to allow training to occur annually or more often at their own discretion.
 - Inpatient Provider Supplier Increasing the flexibility for the testing requirement so that one of the two annually-required testing exercises may be an exercise of the facility's choice.
 - Outpatient Provider Supplier Testing: Revising the requirement for facilities to conduct two testing exercises to one testing exercise annually. Additional testing will be at the facilities' discretion based on unique needs. This will allow facilities to modernize their testing to use innovative methods such as desktop drills and simulations.

Proposed Rule Driven by Patients Over Paperwork Medicare and Medicaid Programs; Proposed Regulatory Provisions to

Promote Program Efficiency, Transparency, and Burden Reduction



Feedback Welcome!

CMS is accepting comments until close of business November 19, 2018.

Comments may be submitted in a variety of ways. Details about how to comment, and the proposed rule itself, is posted in the Federal Register: <u>https://s3.amazonaws.com/public-inspection.federalregister.gov/2018-19599.pdf</u>

In commenting, please refer to file code CMS-3346-P. Submit your feedback:

- Electronically via http://www.regulations.gov
- By mail
- By express or overnight mail

Fact Sheet:

https://www.cms.gov/newsroom/fact-sheets/medicare-and-medicaid-programs-proposedregulatory-provisions-promote-program-efficiency-0

> Overview of Burden Reduction: <u>https://downloads.cms.gov/files/MedicareBurdenReductionfinal.pdf</u>

Give Us Your Suggestions!

- Many CMS improvements have been suggested by clinicians, providers, facility staff, patient advocates, and other stakeholders.
- Keep the ideas coming!

How Your Voice Can Be Heard

Send suggestions and comments to: <u>ReducingProviderBurden@cms.hhs.gov</u>

https://www.cms.gov/About-CMS/story-page/patients-over-paperwork.html





Patients Over Paperwork

https://www.cms.gov/About-CMS/story-page/patients-overpaperwork.html

Quality Payment Program qpp.cms.gov

Rural Health

<u>https://www.cms.gov/About-CMS/Agency-</u> <u>Information/OMH/equity-initiatives/rural-health/index.html</u>

Medicare Learning Network

https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNGenInfo/Index.html



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