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The Comprehensive Error Rate Testing (CERT) Process for Handling a Provider's Allegation of Medical Record Destruction

Key Words

SE0547, CERT, Disaster, CDC, CRC, Medical Record

Provider Types Affected

All Medicare providers

Key Points

- SE0547 outlines the process Medicare providers should follow when medical records requested by Medicare's Comprehensive Error Rate Testing (CERT) Documentation Contractor (CDC) and/or Medicare's CERT Review Contractor (CRC) are destroyed by disaster.
- For CERT purposes, a "disaster" is defined as any natural or man-made catastrophe which causes damages of sufficient severity and magnitude to partially or completely destroy or delay access to medical records and associated documentation.

Two-Step Process

The Centers for Medicare & Medicaid Services (CMS) established the following two-step process to corroborate allegations that CERT-requested medical records were destroyed by a disaster:

Step 1: Qualification - the CDC/CRC reviews the attestation statement to determine if the event qualifies as a disaster. If the event does qualify as a natural or man-made disaster, the CDC/CRC moves to Step 2 to confirm the accuracy of the attestation.

Step 2: Accuracy - the CDC/CRC confirms the accuracy of the attestation by:

- Checking the following database records for evidence of natural, man-made, and/or provider induced disasters: Pacer (Civil and Criminal Searches), Crimetime.com, News Searches, Internet Search, HHS OIG Sanctioned Providers, Merlin, State Record Searches (Courthouse Records, Insurance Carriers or <http://www.insurancefraud.org/>, Choicepoint /Autotrak, Argyli, Tracer, and the National Crime Insurance Bureau).
- Interviewing the provider who reported the destruction of medical records to:
 - Determine the events leading up to the destruction of medical records;

- Identify the magnitude of the destruction to medical records;
- Determine if the Medicare Carrier/DMERC/FI has copies; and
- Determine if medical records were retained elsewhere and how they were maintained.
- Validating additional supporting evidence for the event, which may include but not be limited to the following sources:
 - Weather related events, such as, rain, floods, hurricanes, tornadoes, etc., that can be confirmed by NOAA on a state and county geographical basis;
 - Fire that can be confirmed by checking with the local Fire Marshall;
 - Explosions, such as natural gas, that can be confirmed by the local Fire Marshal or local gas company;
 - Explosions, such as chemical explosions, that can be confirmed by the local Fire Marshall and the Bureau of Alcohol, Tobacco, and Firearms;
 - Explosions that can be confirmed by local, state, and federal investigative officials;
 - Whether doctors, hospitals, and DME suppliers applied for insurance coverage under their insurance policies, which can be confirmed by state insurance officials;
 - Whether doctors, hospitals, and DME suppliers applied for disaster recovery loans, which can be confirmed by FEMA;
 - Events leading to the destruction of medical records, which may be confirmed by local and state investigative agencies; and
 - Whether employees or non-employees of doctors, hospitals, and DME suppliers may have contributed to the destruction of medical records, which can be confirmed by records disclosing charges against that/those individual(s).
- The Attestation Form is available to providers at <http://www.certprovider.org> on the CERT Provider website.
- Where the CDC is unable to verify the accuracy of the explanation provided in the attestation statement, the claim will be counted as a “no documentation error”, which could eventually lead to a determination that an overpayment has occurred and overpayment recovery action could result.

Important Links

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/SE0547.pdf>

<http://www.insurancefraud.org/>

MLN Matters article MM2976 describes the CERT program and MM3812 provides additional information on CERT. Those articles can be viewed at

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM2976.pdf> and

<http://www.cms.hhs.gov/MLNMattersArticles/downloads/MM3812.pdf>, respectively, on the CMS website.

To review copies of the letters CERT contractors use to request medical record documentation from Medicare Physicians/Providers, go to <http://www.certprovider.org/RequestLetters.aspx>, which is on a website run by the CERT documentation contractor.

Also on this site are CERT Newsletters that provide information about the entire CERT process.

If providers have any questions, they may contact their carrier or intermediary at their toll free number, which is available at

<http://www.cms.hhs.gov/MLNProducts/downloads/CallCenterTollNumDirectory.zip> on the CMS website.