

## MEDICAL ECONOMICS

# Don't Let Recovery Audit Contractors Push You Around

By BILL APPLING

The Recovery Audit Contractors (RAC) can be daunting and will try to intimidate you if you let them. Connolly Consulting is the RAC which was awarded the CMS contract for our area. These "bounty hunters" are paid using a contingency fee payment methodology, which of course gives them incentive to recover as much as they can. I have been involved with some of these audits and would like to share with you how you should approach them.

- Be proactive. The more we sweat in peace, the less we bleed in war.
- Update your compliance manual, especially if it's been over a year since the last revision.
- Have an outside coding expert review a sample of your claims.
- Look for your most common and highest dollar claim and types and assure their correct coding. These will be among the first areas of RAC examination.
- Think about any unusual aspects of your practice (infusion therapy, sonography, etc.) and analyze any which offer exposure for heightened RAC attention to your practice.
- Monitor the RAC's Web site for their hot items and scrutinize your practice for all that apply. CMS requires RACs to inform the public of the specific items under particular interest. Connolly's Web site is [www.connollyhealthcare.com/RAC](http://www.connollyhealthcare.com/RAC).
- Check your contact information on the CERT Web site (from which RAC gets their contact information). This link is to an article explaining how to access/use the CERT provider address Web site (pertinent regardless of your MAC):

<http://www.cignagovernmentservices.com/partb/claims/cert/articles/article6.html>

This second link is to the actual Web site where you update your information—<http://www.certprovider.org/> You want to make sure any communications from the RAC go directly to the appropriate party.

- Assemble your audit response team, including a liaison physician, your highest ranking administrative staff member, and management/supervision staff from billing, coding, and document maintenance. Review the "wolf-at-the-door" procedures in your compliance manual, make revisions if necessary, and make sure all team members, practitioners, and affected staff have a copy. Notify your legal counsel of your preparations.

Now, if despite all your preemptive tactics, you receive a RAC review request for records, unleash your inner bulldog: it's just the start of round two.

- Require justification from the RAC at every turn. Photocopy the credentials of any RAC personnel who request to access your premises or records, and verify their ID with the RAC office.

-Scrutinize their sampling method; obtain their seed number, sample size, and universe size, and verify the sample via OIG's RAT-STATs. Seek professional assistance.

- Keep up with deadlines. Preview any records to be sent to RAC; retain a copy of all materials sent. Document every communication (phone, letter, email, voicemail, in either direction.)

- Appeal every adverse ruling. (Frankly, you should be doing this now anyway: every claim denial and every partial payment.)

Be sure to pay particular attention to E&M levels coding. Though not among RAC's hot items just now, they are complicated, controversial, and of very high volume (therefore, offering extreme exposure via extrapolation). They can review three years back.

RACs can, and have been, successfully challenged and repayment amounts whittled down to fractions of initial RAC assessments. Be aggressive and let them know you are here for the fight and not to be intimidated and pushed around.

It has been our experience that aggressive positioning before RAC interaction and challenging every step of the inquiry process will minimize their financial impact on your reimbursements and administrative costs of answering a RAC investigation (in fact they will be required to pay you 12 percent in interest of the amounts they withheld if you successfully appealed). Defeating these bullies early on is even more effective than confronting them after the fact.



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