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PART 2: KEY POLICIES AND PROCEDURES FOR A COMPLIANCE PROGRAM

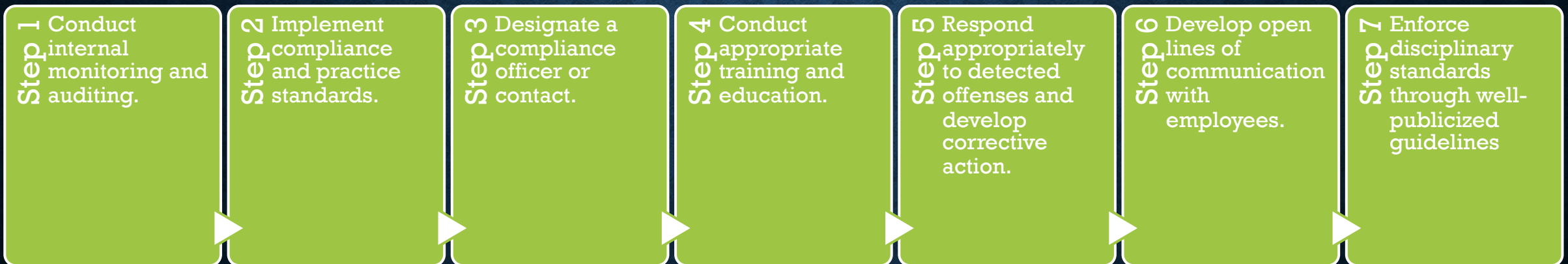


TODAY'S TOPICS

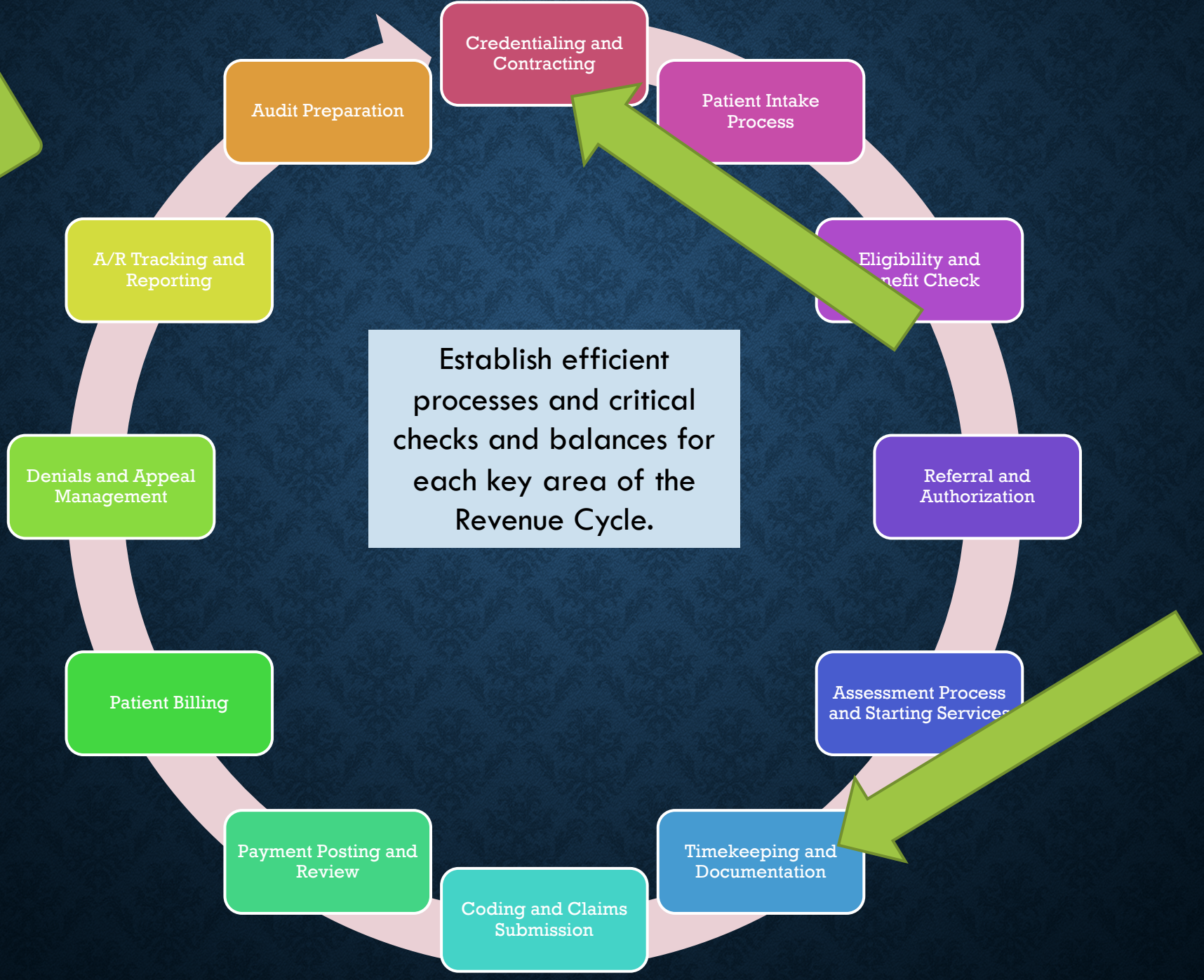
- Review elements of a compliance plan
- Understand policies and procedures required by insurance companies and funders
- Creating compliant employee files
- Identify elements for compliant session notes
- Creating a system to audit compliance areas

WHAT IS A COMPLIANCE PLAN?

- Steps that a provider, organization or practice establishes to ensure adherence to federal and state regulations. Office of Inspector General (OIG) developed voluntary compliance program guidance in an effort to help organizations with their compliance programs. This resource assists in setting the foundation for an effective program.
- Make sure that Auditing is a major part of the compliance plan.



Everyone has a Role



POLICIES AND PROCEDURES

- Many insurance companies will require specific policies and procedures to be written and available at your organization
- These policies can be found in your provider manual
- Policies should be practical and available to staff
- Should be able to produce all required policies, in writing, if requested by an insurance company or other funding source

KEY PROCEDURES

Examples:

- Procedures for dealing with life threatening emergencies and a sentinel event
- Disaster plan including both weather related and imminent threats
- Policy for infectious disease, infection control, and notifying public health authorities
- Procedures for handling hazardous materials and HAZMAT identification
- Clinic based services: fire escape plans posted in building and fire drills

KEY POLICIES

Examples:

- Client consent to treatment
- Client rights, responsibilities and involvement in care
- Family/caregiver involvement in care
- Confidentiality policy reviewed and signed by staff
- Policies regarding use of electronics and social media
- Policy for referring clients for additional or more appropriate services
- Policies and tracking for coordination of care with other providers

POLICIES AND PROCEDURES

- Links and Examples:
- United: “ABA Agency Tool”
 - <https://www.providerexpress.com/content/ope-provexpr/us/en/clinical-resources/autismABA.html>
- Magellan: Organizational Provider Handbook – Includes Policies for Site Audit
 - <https://www.magellanprovider.com/news-publications/handbooks.aspx>
- Tricare Operations Manuals
 - <https://manuals.health.mil/>

EMPLOYEE FILES

Provider manuals will often give a list of items that must be on file for all clinical employees

Will usually apply to all levels: BCBA, BCaBA, and RBT/Behavior Technician

Create onboarding procedures/checklists to gather all required documents

Create system to obtain updated documents for those that expires (ex. BCBA certifications)

Maintain a system to audit employee files – electronic systems can track most of this for you, including prompts for expiration dates

EXAMPLE OF EMPLOYEE FILES

- Resume on file
- Verification of references
- Diploma (high school or college)
- Current BCBA certification and BCBA license in applicable states
- Job description
- Performance reviews
- Background checks
- *See handout with example of checklist**

SESSION NOTES

COMPLIANT SESSION NOTES

- Each organization will need to develop its own session note template
- Requirements vary by funder
- There is not an “audit proof” session note template that every ABA organization can use – some elements will have to be individualized based on your funders
- Decide if separate notes will be needed for behavior technician vs. BCBA (usually the case for direct therapy vs. protocol modification)
- Create templates and consider electronic options to help with accuracy
 - In the event of an audit, can all notes be found and produced
- Consider how data from each session will be added to notes or filed accordingly

ELEMENTS OF SESSION NOTES

- Examples – this list is not exhaustive
- Demographic or administrative information
 - Date, start and end time, duration of session
 - Place of service
 - Telehealth: include modality used and location of both provider and client
 - Service provided and billing code used
 - Client name, provider name, other individuals present
 - May need client date of birth and diagnosis
 - Often need client name on every page if notes span multiple pages
 - Provider signature, printed name, and provider credentials
 - Date of signature
- Must be written and signed “contemporaneously”
 - Many funders will require notes be complete within 24 hours

ELEMENTS OF SESSION NOTES

- Clinical Information and Content - EXAMPLES
 - Client “status” or readiness for learning (how does client respond at start of session)
 - Techniques or teaching strategies used
 - Some organizations like to include a checklist option for behavior technicians
 - Programs ran or goals addressed
 - What strategies were used and how did client respond
 - Behaviors targeted for reduction
 - What strategies were used and how did client respond
 - Can include or attach data taken during session or be sure it is accessible
 - Summary – descriptive summary of session is required and important
 - Train staff to understand a quality summary for session notes
 - Could include several short summaries to guide narrative – especially for behavior techs

COMPLIANCE PROGRAM – SELF AUDITS

Behavior Technicians:

- It is natural that quality of session notes will vary with staff experience and feedback
- Clinical quality control must include system for verifying session note content
- Review session notes and give staff feedback and additional training as needed

BCBA Session/Progress Notes:

- Additional elements will be included in progress notes when protocol modification is being provided
- BCBA notes must also be audited for quality – create objective audit process

DOCUMENTATION ERRORS RESULTING IN AUDITS AND RECOUPS

Failing to: indicate start and stop time, identify child, name of provider, credential and signature of provider, or date of service

Failing to accurately or sufficiently document services

Using incorrect codes...using individual code when client is in a group

Billing for services in incorrect setting

Billing supervision and tech time at the same time when not allowed

Moving billing to different days/times

Note not signed, illegible, or signed by wrong person

CORRECTIONS AND AMENDMENTS

Corrections and Amendments

- If a correction needs to be made:
 - Draw a single line through the information needing correction
 - Sign (incl. credentials) and date
 - Session notes become a permanent medical record
 - Mistakes do occur – frequent audits and billing scrubs will help find errors in a timely manner (or prevent them all together)
 - Session note should not be deleted/replaced or edited
 - Provider should write an amendment to attach to the original note that explains the error and has an additional signature and date
- NEVER go back and change a document without reflecting what has been changed and when.

How many years can be audited?

- Work with a Healthcare attorney when you are presented with an audit request to ensure you are providing specific information within the scope of what is allowed to be requested.
- Often requests go beyond what is allowed by either state law or your provider contract

COMPLIANCE PROGRAM

Understand

- Understand your contract rights

Review

- Know your regulatory and statutory rights
- Review contract or state department of insurance website

Comply

- Comply with HIPAA requirements

Meet or Exceed

- Comply with general and Payor specific standards for medical documentation, billing, claims submission
- Document verbal advice from payor in writing

Standardize

- Standardize your practice – Everyone follows the same process!
- Billing, documentation, claims, forms, etc.

Audit **

- Conduct voluntary internal audits of your systems, files, services, facilities with oversight, action plans, spot checking, and training

Hire or Assign

- Follow OIG guidelines for establishing a Compliance program which includes hiring or assigning a Compliance Officer

RESOURCES

- **ABA Coding Coalition:** <https://abacodes.org/>
- **Autism Law Summit:** <https://www.autismlawsummit.com/>
- **Association for Professional Behavior Analysts:** <https://www.apbahome.net/>
- **ABA Therapy Billing and Insurance Services** (blogs and webinars:
<https://www.ababilling.net/>
- **Council for Autism Service Providers:** <https://casproviders.org/>