

Resources for Program Integrity in Electronic Health Records

Providers and others may find this list of resources useful to help implement and use electronic health records (EHRs). This list is not exhaustive. Providers should know that the State Medicaid agency in the State they practice might provide additional resources.

Centers for Medicare & Medicaid Services

- Affordable Care Act Provider Compliance Programs: Getting Started Webinar. (2014, June 26).
<https://www.cms.gov/Outreach-and-Education/Medicare-Learning-Network-MLN/MLNEdWebGuide/Downloads/MLN-Compliance-Webinar.pdf>
- EHR Incentive Programs.
<https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms>
- EHR Incentive Programs Audits Overview. (2013, February).
https://www.cms.gov/Regulations-and-Guidance/Legislation/EHRIncentivePrograms/Downloads/EHR_Audit_Overview_FactSheet.pdf
- EHR Incentive Programs Supporting Documentation for Audits. (2013, February).
https://www.cms.gov/regulations-and-guidance/legislation/ehrincentiveprograms/downloads/ehr_supportingdocumentation_audits.pdf
- eHealth. The CMS eHealth Roadmap.
<https://www.cms.gov/eHealth/about.html>



U.S. Department of Health and Human Services, Office of Inspector General

- CMS and Its Contractors Have Adopted Few Program Integrity Practices to Address Vulnerabilities in EHRs.
<http://oig.hhs.gov/oei/reports/oei-01-11-00571.pdf>
- Compendium of Unimplemented Recommendations. (2016, April).
<http://oig.hhs.gov/reports-and-publications/compendium/files/compendium2016.pdf>
- Compliance Education Materials. Compliance 101.
<http://oig.hhs.gov/compliance/101>
- Compliance Guidance.
<http://oig.hhs.gov/compliance/compliance-guidance>
- Not All Recommended Fraud Safeguards Have Been Implemented in Hospital EHR Technology (p. 15).
<http://oig.hhs.gov/oei/reports/oei-01-11-00570.pdf>

U.S. Department of Health and Human Services, Office of the National Coordinator for Health Information Technology (ONC)

- Federal Health IT Strategic Plan 2015–2020.
<https://www.healthit.gov/sites/default/files/federal-healthIT-strategic-plan-2014.pdf>
- HealthIT.gov.
<https://www.healthit.gov/>
- Recommended Requirements for Enhancing Data Quality in Electronic Health Record Systems. (2007, June).
http://www.rti.org/pubs/enhancing_data_quality_in_ehrs.pdf
- SAFER Guides for EHRs.
<https://www.healthit.gov/safer/safer-guides>

- Update on the Adoption of Health Information Technology and Related Efforts to Facilitate the Electronic Use and Exchange of Health Information. Report to Congress. (2014, October).
https://www.healthit.gov/sites/default/files/rtc_adoption_and_exchange9302014.pdf
- 2014 Edition Release 2 Electronic Health Record (EHR) Certification Criteria and the ONC HIT Certification Program; Regulatory Flexibilities, Improvements, and Enhanced Health Information Exchange; Final Rule. (2014, September 11).
<https://www.gpo.gov/fdsys/pkg/FR-2014-09-11/pdf/2014-21633.pdf>
- 2015 Edition Health Information Technology (Health IT) Certification Criteria, 2015 Edition Base Electronic Health Record (EHR) Definition, and ONC Health IT Certification Program Modifications; Final Rule (45 C.F.R. § 170.315 2015 Edition Health IT Certification Criteria). (2015, October 16).
<https://www.gpo.gov/fdsys/pkg/FR-2015-10-16/pdf/2015-25597.pdf>

Statutes and Regulations on Security

- Health Information Technology for Economic and Clinical Health (HITECH) Act. Pub. L. 111-5, § 13001(a), 123 Stat. 115, 226.
<https://www.gpo.gov/fdsys/pkg/PLAW-111publ5/pdf/PLAW-111publ5.pdf>
- Health Insurance Portability and Accountability Act of 1996. Pub. L. 104-191, §§ 262, 264, 110 Stat. 196.
<https://www.gpo.gov/fdsys/pkg/PLAW-104publ191/pdf/PLAW-104publ191.pdf>
- Privacy Rule, 45 C.F.R. pts. 160, 164.
<http://www.ecfr.gov/cgi-bin/text-idx?SID=1a6fd6d86be254e4c2011ad1d0045ba5&tpl=/ecfrbrowse/Title45/45CsubchapC.tpl>
- Wrongful Disclosure of Individually Identifiable Health Information, 42 U.S.C. § 1320d-6.
<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title42/pdf/USCODE-2013-title42-chap7-subchapXI-partC.pdf>

Other Statutes and Regulations

- Meaningful Use Objectives and Measures for EPs, Eligible Hospitals, and CAHs for 2015 Through 2017, 42 C.F.R. § 495.22.
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=be3c237de2baebc9f93c55ecfbcd887c&ty=HTML&h=L&n=pt42.5.495&r=PART#se42.5.495_122
- Limitations on Amounts of Incentive Payments, 42 C.F.R. § 495.102.
http://www.ecfr.gov/cgi-bin/retrieveECFR?gp=1&SID=be3c237de2baebc9f93c55ecfbcd887c&ty=HTML&h=L&n=pt42.5.495&r=PART#se42.5.495_1102

Compliance Programs

- Health Care and Education Reconciliation Act of 2010, Pub. L. No. 111-152, 124 Stat. 1029.
<https://www.gpo.gov/fdsys/pkg/PLAW-111publ152/pdf/PLAW-111publ152.pdf>
- Patient Protection and Affordable Care Act, Pub. L. No. 111-148, § 6401(b)(1), 124 Stat. 119, 752.
<https://www.gpo.gov/fdsys/pkg/PLAW-111publ148/pdf/PLAW-111publ148.pdf>
- Social Security Act § 1902(kk)(5).
https://www.ssa.gov/OP_Home/ssact/title19/1902.htm

Program Integrity Statutes and Regulations

- Civil Actions for False Claims, 31 U.S.C. § 3730.
<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title31/pdf/USCODE-2013-title31-subtitleIII-chap37-subchapIII-sec3730.pdf>
- Civil Monetary Penalties. Social Security Act § 1128A.
https://www.ssa.gov/OP_Home/ssact/title11/1128A.htm
- Criminal Penalties for Acts Involving Federal Health Care Programs. Social Security Act § 1128B.
https://www.ssa.gov/OP_Home/ssact/title11/1128B.htm

- Exclusion of Certain Individuals and Entities From Participation in Medicare and State Health Care Programs. Social Security Act § 1128.
https://www.ssa.gov/OP_Home/ssact/title11/1128.htm
- False Claims, 31 U.S.C. § 3729.
<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title31/pdf/USCODE-2013-title31-subtitleIII-chap37-subchapIII-sec3729.pdf>
- False, Fictitious, or Fraudulent Claims, 18 U.S.C. § 287.
<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title18/pdf/USCODE-2013-title18-partI-chap15-sec287.pdf>
- Health Care Fraud, 18 U.S.C. § 1347.
<https://www.gpo.gov/fdsys/pkg/USCODE-2013-title18/pdf/USCODE-2013-title18-partI-chap63-sec1347.pdf>
- Reporting and Returning of Overpayments. Social Security Act § 1128J(d).
https://www.ssa.gov/OP_Home/ssact/title11/1128J.htm

Other Sources

- American Health Information Management Association. (2009). Auditing Copy and Paste.
<http://library.ahima.org/doc?oid=87789>
- American Health Information Management Association. (2013). Integrity of the Healthcare Record: Best Practices for EHR Documentation (2013 Update).
<http://library.ahima.org/doc?oid=300257>
- American Society for Testing and Materials (ASTM). (2013). ASTM E2147-01: Standard Specification for Audit and Disclosure Logs for Use in Health Information Systems.
<http://www.astm.org/Standards/E2147.htm>
- RAND Corporation. (2013). Research Report: Factors Affecting Physician Professional Satisfaction and Their Implications for Patient Care, Health Systems, and Health Policy.
http://www.rand.org/content/dam/rand/pubs/research_reports/RR400/RR439/RAND_RR439.pdf

- U.S. Department of Health and Human Services. Office for Civil Rights. Health Information Privacy.

<http://www.hhs.gov/ocr/privacy>

To see the electronic version of this resource guide and other products in the “Electronic Health Records” Toolkit posted to the Medicaid Program Integrity Education page, visit <https://www.cms.gov/Medicare-Medicaid-Coordination/Fraud-Prevention/Medicaid-Integrity-Education/edmic-landing.html> on the CMS website.

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