

LEGAL BRIEFS

Integrating Documentation, Compliance, and Ethics

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An important change in the Department of Veterans Affairs (VA) is the new emphasis on obtaining reimbursement from insurance companies and veterans with non-service connected conditions. In the introduction to a new video for senior clinical and administrative leaders about compliance and business integrity, VA Secretary Anthony J. Principi states that in order to achieve its mission of service to veterans, VA needs to collect all of the third-party dollars to which it is entitled, "no more, and certainly no less." This emphasis on new initiatives to increase collections raises important ethical issues for VA. Increasing attention to documentation, coding, and billing, which are the basis for accurate collections, should not undermine important values or shift the focus away from caring for veterans.

In the past, VA was not expected to recover money from third-party insurers or veterans, and therefore had the luxury of not having to worry so much about documentation and billing. That is no longer the case - Congress now expects VA to recover all the money it is entitled to from insurers as well as certain veterans. Recovering money owed is now an important part of VA's responsibility as a steward of taxpayer dollars.

The new focus on generating and recovering revenue concerns some VA staff who thought they were protected from market forces and billing requirements. They worry that this new focus on collections may somehow compromise the emphasis placed on service to veterans. It is true that attending to documentation and coding takes some time and effort. However, failure to adequately document services results in real costs to VA. Obtaining reimbursement for care is now part of VA's mandate, and it cannot be ignored.

VA policy requires strict adherence to coding guidelines and rules that affect reimbursement and the likelihood of receiving reimbursement from third-party payers. Documentation of the medical encounter is one of the most important - and promising - areas where clinicians and administrators can work together, motivated by a commitment to organizational improvement. The ethical justification for good documentation is found in the ethical norms of quality, integrity, and equity that are fundamental to the practice of medicine.

From a clinical perspective, clear, complete, and appropriate documentation in the medical record helps to ensure quality patient care, especially when one provider must pick up where another left off. Thus, good documentation is essential to quality care.

Documentation should be performed with integrity, and it should support billing for the proper amount of resources due. Documentation and coding are what outside payers review to determine whether or not to pay a claim submitted by VA. Inadequate documentation can result in a reduction of resources available to care for veterans. Dishonest documentation (meant to acquire more resources than are due) violates the principle of truth telling, a cornerstone of ethical behavior.

Finally, good documentation is essential to promoting equity in the use of VA resources. Failing to document properly means that there are fewer resources available to provide health care. If some clinicians, facilities, and networks do a poor job of documentation, other parts of the VA system may be adversely affected. Careful documentation and billing are thus important to assuring equitable treatment for all veterans.

The Office of Compliance and Business Integrity (CBI) is leading VA's effort to improve the organizational processes that support the collection of revenue from non-appropriated sources. Evaluation of current VA revenue recovery practices by the General Accounting Office found that deficiencies in accurate documentation are leading to the loss of millions of dollars owed to VA.¹ The CBI Office has been given oversight and coordinating responsibility for maximizing improvement in documentation, coding, and billing for care, and for reducing compliance risks. This is a multi-disciplinary effort. CBI is committed to ensuring that ethical standards for documentation and billing are carefully followed. Compliance advisory boards, ethics committees, clinicians, administrators, and coding and billing specialists must work together to ensure that VA collects "no more, and certainly no less" than what is due.

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1. VA HEALTH CARE: VA Has Not Sufficiently Explored Alternatives for Optimizing Third-Party Collections. Before the Subcomm. on Oversight and Investigations, House Committee on Veterans' Affairs. 107th Cong. 2 (2001) (statement of Stephen P. Backhus, Director, Health Care-Veterans'and Military Health Care Issues, General Accounting Office).