



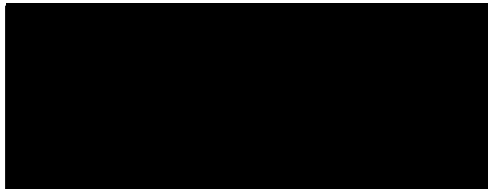
DEPARTMENT OF HEALTH AND HUMAN SERVICES  
**OFFICE OF INSPECTOR GENERAL**



OFFICE OF AUDIT SERVICES, REGION VI  
1100 COMMERCE STREET, ROOM 632  
DALLAS, TX 75242

July 28, 2022

A-06-22-09003



**THIS IS A REQUEST FOR RECORDS**

Dear [REDACTED]:

The Department of Health and Human Services (HHS), Office of Inspector General (OIG), is conducting an audit of hospice eligibility for certain beneficiaries. A hospice beneficiary's health typically declines over a period of months or years before starting hospice care. During this decline in health, it is common for a beneficiary to have emergency room visits and/or inpatient hospital stays. Our objective is to determine whether new hospice beneficiaries without an inpatient or emergency room claim 18 months prior to their first hospice claim met hospice eligibility requirements.<sup>1</sup> The audit report and findings will be addressed to the Centers for Medicare & Medicaid Services.

OIG performs independent reviews of HHS programs pursuant to the Inspector General Act of 1978 (the Act), 5 U.S.C. App. § 4(a)(1). Section 6(a)(1) of the Act authorizes OIG "to have timely access to all records, reports, audits, reviews, documents, papers, recommendations, or other material available to [HHS] which relate to programs and operations with respect to which the Inspector General has responsibilities under this Act" (5 U.S.C. App. § 6(a)(1)).

For Medicare providers of services, under sections 1815(a) and 1833(e) of the Social Security Act (42 U.S.C. §§ 1395g(a) and 1395l(e)), HHS may deny payment to any provider of services

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<sup>1</sup> For the purposes of this audit, new hospice beneficiaries are those that did not have a hospice claim in the 12 months prior to their first hospice claim in the audit period.



or other person unless there is furnished such information as may be necessary to determine the amounts due to any provider or other person.

Under the health information privacy regulation that implements the Health Insurance Portability and Accountability Act of 1996, providing the information requested by this letter is a permitted disclosure because it (1) is "required by law" to be produced to OIG as part of your participation in a Government benefits program (45 CFR §§ 164.512(a) and 164.103) and (2) will be used for "health oversight" activities by OIG, which meets the definition of a "health oversight agency" (45 CFR §§ 164.512(d) and 164.501).

Please provide documentation to include the notice of election, the certification of terminal illness and any other clinical information (e.g., nursing visit notes) that support the beneficiary's eligibility for hospice within 21 calendar days of receipt of this letter. The beneficiary and certification period are listed below. If you are unable to provide the requested records, please provide a written, signed statement with an explanation.

Beneficiary Name: [REDACTED]  
Certification Period Beginning: [REDACTED]

OIG has established policies and procedures to reasonably and appropriately protect the security, integrity, and confidentiality of personally identifiable information, including electronic or paper media that OIG creates, receives, maintains, uses, or transmits. For example, OIG uses encryption and shred software on its laptop and desktop computers and have restricted access entry to protect personally identifiable information obtained during audits. OIG uses and discloses personally identifiable information only as authorized or required by Federal law, for example, as required by the Privacy Act of 1974 (5 U.S.C. § 552a), and the Freedom of Information Act (5 U.S.C. § 552). All OIG auditors operate pursuant to these policies and procedures to safeguard against unauthorized use and access to sensitive information entrusted to them.

When transmitting any audit information to the Office of Audit Services over the Internet, please properly safeguard the information. We request that you use the HHS/OIG Delivery Server, not email or attachments to email. Information transmitted through the HHS/OIG Delivery Server complies with Federal Information Processing Standard (FIPS) 140-2, *Security Requirements for Cryptographic Modules*. We are required to report as a security breach any audit information sent to us that does not meet FIPS 140-2 requirements.

Please contact Frank Hillyard, Auditor, at (202) 878-1242 or [Frank.Hillyard@oig.hhs.gov](mailto:Frank.Hillyard@oig.hhs.gov) when you are ready to provide the requested information. We will authorize your staff to use the HHS/OIG Delivery Server and give instructions in its use.

[REDACTED]

If you have any questions or concerns about our request, please contact Lisa Rodgers, Senior Auditor, at (202) 878-1218 or [Lisa.Rodgers@oig.hhs.gov](mailto:Lisa.Rodgers@oig.hhs.gov). Please refer to report number A-06-22-09003 in all correspondence. Thank you for your attention to this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "M Darcey".

Miquel Darcey  
Assistant Regional Inspector General  
for Audit Services

