



Charles N. Kahn III
President & CEO

September 25, 2012

The Honorable
Kathleen Sebelius
Secretary
U.S. Department of Health & Human Services
200 Independence Avenue, S.W.
Washington, DC 20201

The Honorable
Eric H. Holder, Jr.
Attorney General
U.S. Department of Justice
950 Pennsylvania Ave., N.W.
Washington, DC 20530

Dear Secretary Sebelius and Attorney General Holder:

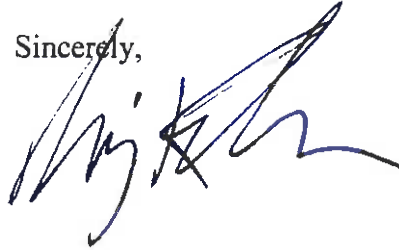
The Federation of American Hospitals (“FAH”) has long-supported the adoption of interoperable electronic health records as a tool to improve the quality, safety and efficiency of health care delivered to patients. The FAH has been a committed partner to the Department of Health & Human Services in the implementation of the EHR Incentive Programs. Many of our member hospitals are already “meaningful users” of certified EHRs, and the remaining member hospitals are actively working toward that end.

We take very seriously the integrity of each patient’s individual record as an accurate reflection of the care that patient received while in the hospital. We share your concern about the potential for “cloning” of patient records to facilitate erroneous billings due to inappropriate coding. There is no place in government health care programs or anywhere else in health care delivery for such conduct. Our member hospitals are committed to a culture of compliance in which payers are billed only for services actually furnished to patients using codes that properly represent the type and level of care furnished.

At the same time, it is important to remember that the use of technology in health care has brought about great advances in treatment and outcomes for patients. Hospitals are committed to using EHR technology to improve quality at the point of care and to improve our ability to measure quality and track progress over time. EHRs increase the ability to capture meaningful data about each patient encounter. As a result, we believe that any changes in coding reflect the fact that EHRs are enabling the development of more complete data sets regarding patient care and that these changes generally do not represent instances of inappropriate coding as suggested in your letter. The availability of better patient data enable significant improvements in the effectiveness and efficiency of care, and resulting in better patient outcomes.

We appreciate your attention to this issue and your responsibility to identify the very few bad actors who increase the costs of the system through fraudulent tactics. The FAH welcomes the opportunity to work with you and other stakeholders to ensure that technological advances are used to create efficiencies in health care delivery and improve patient outcomes.

Sincerely,

A handwritten signature in black ink, appearing to be 'M. Blum', written over the word 'Sincerely,'.

cc: Marilyn Tavenner, HHS
Jon Blum, HHS