

### COMING SOON: ELECTRONIC PEPPER REPORTS

Paula G. Sanders, Esquire  
Laura M. Weeden, Esquire

Now is the time to prepare for your 2014 Program for Evaluating Payment Patterns Electronic Reports (PEPPER) report. The Centers for Medicare and Medicaid Services (CMS), and its contractor, TMF Health Quality Institute (TMF), have announced that the 2014 PEPPER reports for skilled nursing facilities (SNFs) will be available electronically between May 5, 2014 and May 12, 2014. To access your PEPPER reports, you will need to log-in at the PEPPER website located at [www.PEPPERresources.org](http://www.PEPPERresources.org). Once on the web site, you can sign up to receive e-mail notifications.

TMF has not made many changes to the format of the 2014 PEPPER reports. The PEPPER report will again provide data drawn from SNF billing claims submitted on the UB-04 claim forms for the immediately preceding three fiscal years for the same six target areas identified by TMF:

- Therapy RUGs w/High ADLs
- Nontherapy RUGs w/High ADLs
- Change of Therapy Assessment
- Ultrahigh Therapy RUGs
- Therapy RUGs
- 90+ Day Episodes of Care (EOC >90 days)

While each target area will again present an individual SNF's data, as well as comparison data for all SNFs in the nation

and all SNFs in the particular SNF's MAC jurisdiction, the 2014 PEPPER will now compare data for all SNFs within the same state, regardless of their MAC jurisdiction. This is a change from the 2013 report which provided a more limited comparison at the state level, comparing the SNF to all SNFs within the particular SNF's state MAC jurisdiction instead of to all SNFs in the state. That limitation is why some SNFs did not see statewide data on their 2013 PEPPER reports.

#### *How Will You Access The Electronic Pepper Reports?*

When you go to the TMF web site, you will see a tool bar. On the left side, there is a button entitled "PEPPER." Hover over the PEPPER button until a drop-down menu appears. At the bottom of the drop-down menu, you will see a button that says "Secure PEPPER Access." That button will open the portal.

*While each target area will again present an individual SNF's data, as well as comparison data for all SNFs in the nation and all SNFs in the particular SNF's MAC jurisdiction, the 2014 PEPPER will now compare data for all SNFs within the same state, regardless of their MAC jurisdiction.*

TMF has restricted access to the PEPPER Reports. Only the SNF's Chief Executive Officer, President or Administrator will be able to enter the site. Access will

also be limited to the individual SNF. In other words, neither corporate, regional nor therapy personnel will be able to get PEPPER reports for all of the facilities in their organization through the TMF web site. Starting this summer, however, TMF will be posting prior years' PEPPER reports on this site so if you can't find your 2013 PEPPER, you will be able to get another copy in a few months.

In order to log-in, the CEO, President or Administrator will need the 6-digit CMS certification number known as the PTAN.

Additionally, they will need to enter either a patient control number or a medical record number for a fee-for-service Medicare patient who received services at the SNF during a specific period of time. TMF will be providing additional instructions in the upcoming weeks.

Remember that even though the PEPPER report does not identify overpayments, it does provide valuable insight into your own data as well as government audit targets. Ignoring, or forgetting to review such information could be detrimental. Because the electronic distribution of the PEPPER reports will require SNFs to take affirmative steps to log into the online portal to access the PEPPER report, you should mark your calendars in preparation for the May 2014 distribution.

<sup>1</sup>*This article does not offer specific legal advice, nor does it create an attorney-client relationship. You should not reach any legal conclusions based on the information contained in this article without first seeking the advice of counsel.*

<sup>2</sup>Ms. Sanders is a Principal and Chair of the national health law practice of Post & Schell, P.C. She may be reached at [psanders@postschell.com](mailto:psanders@postschell.com) and 717-612-6027.

*Hopefully all who attended PADONA's 26th Annual Convention found it to be enjoyable and educational. The 27th Annual Convention will be held at The Hotel Hershey March 25-27, 2015. Save the date so you don't miss out on this important educational event.*