



Affidavit Requirements

Affidavits must be in the format approved by HHSC Medical and UR Appeals:

- For non-RAC appeals, the affidavit is available:
 - From the Texas Medicaid Provider Procedures Manual (TMPPM) as a downloadable form on the TMHP website, or
 - Attached to the HHSC OIG UR Notice of Adverse Determination or an HHSC Medical and UR Appeals request letter. Note: this is not the same as the affidavit used by HHSC OIG UR for batch medical records requests.
- The RAC program uses a different affidavit that is provided with the medical record request. Since medical records and the affidavit have already been submitted, it is not necessary to use an affidavit for a RAC appeal, unless additional medical records have been requested by HHSC Medical and UR Appeals.

All fields in the affidavit must be completed accurately:

- The actual date range of the medical record should be used.
 - Using the Admit and Discharge dates is acceptable if those fields are printed on the affidavit.
 - However, records outside of the stated date range might not be considered certified records for use in determining an appeal of an inpatient claim.
 - If this is an appeal of “denied days”, the complete medical record for the admission must be submitted with the full claim dates recorded on the affidavit, not just the records for the days denied.
- If the name on the medical record is different than the name on the Notice of Adverse Determination, both names should be recorded, with one of the names listed as an AKA (also known as).
- The page count must be an exact count of only the pages of actual medical records.

- Pages of documents that are not part of the medical record, such as the appeal letter or the OIG UR decision letter, should not be counted.
- To ensure proper page count, medical records should be printed single-sided only, with sequential page numbering, such as Bates numbering.

The affidavit can be signed only by the custodian of records, or by someone under their direction, who physically produced the record and can therefore attest to the record's authenticity.

- If the affidavit is completed by anyone else, such as an appeal writer, the affidavit must be modified to:
 - Include the person's employer and designation.
 - Specifically, state that they "are forwarding the medical record exactly as received from the custodian of records who declared that it is an exact copy of the original."

The medical record must be physically present and "attached" to the affidavit at the time of attestation.

- The medical record must immediately follow the affidavit to be considered attached.
- If any documents are placed between the affidavit and medical record, the affidavit will not be considered attached.
- If the medical record is on CD:
 - Because the affidavit certifies the CD as containing an exact copy of the original medical records, the CD must be created prior to attestation/notarization.
 - If the affidavit was signed prior to the creation of the CD, it is not valid.
 - The affidavit should not be included on the CD. If a copy of the signed affidavit is on the CD, the presumption will be that the affidavit was signed prior to the creation of the CD and therefore is not valid.
- The submitted affidavit must be the original. Photocopies are not accepted. Signatures must be original, preferably in blue ink.

- No alterations to the affidavit are permitted once notarized.
- Once notarized, the affidavit must remain physically attached to the medical record and maintained as a single unit.
 - Failure to properly notarize the affidavit and to preserve the affidavit and medical record as a single unit may result in non-acceptance of medical records.
 - There should never be any documentation, such as an appeal letter or OIG documents, between the affidavit and the medical record. The affidavit is a business and legal document, not a cover sheet for an appeal submission.
 - The affidavit should be attached directly in front of the medical record (paper or CD). Clips or rubber bands are recommended to ensure that the affidavit and medical record remain "logically attached" as a single unit.
- Notarization Requirements:
 - The "attached medical record" must be physically present at time of attestation. There should never be any other documentation between the affidavit and the medical record.
 - Alterations to the affidavit, such cross-outs or white-outs are highly discouraged. Creation of a new, unaltered affidavit is preferable. However, if an altered affidavit is notarized, the notary must properly document that any alterations present prior to notarization.
 - No alterations to the affidavit are permitted once notarized.
 - State of Texas notarization requirements must be followed and can be found at:
<https://www.sos.texas.gov/statdoc/edinfo.shtml>
 - If notarized outside of the State of Texas, the affidavit must be appropriately modified, and notarization must meet requirements for the state in which notarization is performed.