NEGOTIATING CONFLICTS OF INTEREST
WITH FAMILY MEMBERS AND STAFF IN TREATMENT
A Clinical Conversation of Slippery Situations

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WHAT CAN GO WRONG?
Case scenario
MDs & DOs: EXCLUSIONS

- General exclusions from coverage
- Stark Law
- AMA Code of Medical Ethics

ETHICS
Doing what's right
(regardless of what the law says)

COMPLIANCE
Following the law
DUAL RELATIONSHIPS

State Regulations  Professional Guidelines  Code of Ethics for Healthcare Compliance Professionals  Gray Areas: Family & Staff Members

WHAT IS A FAMILY?

Children
- INCLUDES:
  - Step-children
  - Children-in-law
  - Grandchildren

Parents
- INCLUDES:
  - Step-parents
  - Grandparents

Spouses
- INCLUDES:
  - Spouses of grandparents
  - Spouses of grandchildren

Siblings
- INCLUDES:
  - Step-siblings
  - Siblings-in-law
STAFF IN TREATMENT
Complicating factors include:

- Provider objectivity
- Undue influence
- Confidentiality
- Conflicts
- Hallway medicine
- Crisis
- Rural

HOW IS THIS A COMPLIANCE ISSUE?

Federal Sentencing Guidelines
Prevention & Detection
Enforcement
Training
| PREVENTION & INTERVENTION STRATEGIES |

| PRE-EMPLOYMENT |

| Application statement |
**POLICIES & PROCEDURES**

- Family Members & Staff in Treatment Policy
- Policy Attestation – sign prior to start date

**GENERAL EDUCATION & TRAINING**

Onboarding new employees

**CORPORATE COMPLIANCE & ETHICS**
GENERAL EDUCATION & TRAINING

Annual compliance training

MONITORING & REPORTING

Leadership involvement  Tracking  Compliance Committee  Establishing internal controls (e.g. EHR security)
INVESTIGATING & RESPONDING

Compliance Officer involvement  General counsel involvement  Exit interviews (whistle-blowing)  Disciplinary action

WHEN STAFF ARE IN TREATMENT...

Jim has been coding his own claims  Clare has been altering her medical record  Steven has been curbsiding

1  2  3
WHEN FAMILY ARE IN TREATMENT...

Jessica requested special scheduling for her brother
Mark is reading a family member’s record without an ROI
Natalie is dissatisfied with treatment of her son

1  2  3

KEY TAKEAWAYS

- Collaborate with HR, IT, Compliance and Leadership
- Have preventative measures in place
- Educate the culture to be mindful of conflicts
- Establish internal controls to minimize risk
QUESTIONS?

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