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

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**DUAL RELATIONSHIPS**

<table>
<thead>
<tr>
<th>State Regulations</th>
<th>Professional Guidelines</th>
<th>Code of Ethics for Healthcare Compliance Professionals</th>
<th>Gray Areas: Family &amp; Staff Members</th>
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**WHAT IS A FAMILY?**

- Parents: includes: parents, grandparents
- Spouses: includes: spouses, spouses of grandparents, spouses of grandchildren
- Siblings: includes: 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
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 (whistleblowing)
- Disciplinary action
WHEN STAFF ARE IN TREATMENT...

1. Jim has been coding his own claims
2. Clare has been altering her medical record
3. Steven has been curb-siding

WHEN FAMILY ARE IN TREATMENT...

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

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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