Physician Engagement in the Compliance Process

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Why is it essential to engage physicians in the healthcare compliance process?
The Critical Question

Can a program be successful without physician “buy-in?”

Assuming the answer is NO, what role(s) can (should) physicians play?

• Observer
• “Student”
• Advisor
• Collaborator

The key element is Engagement

• Through engagement, physicians can impact
  - How compliance is ensured and
  - The success of the health sciences compliance program for providers and health systems
• Without this collaboration, critical factors that influence the success of the program are at risk.
Key Determinants of Success

- Physicians generally want to do the right thing
- The rules and interpretation are not always clear
- Compliance jargon, acronyms, and opinions are confusing and, in some cases subjective
- Physicians must identify compliance staff as ADVOCATES

What can be done by the Compliance Program to engage physicians?

Key Determinants of Success

- Alignment of physician goals + compliance goals + organizational goals
- At the same time…
  - When requirements seem to conflict with clinical expectations, the program cannot succeed
  - Lack of consistent interpretation and idiosyncrasies of CMS priorities cause physicians to “tune out”
- Although compliance requires “risk assessment”, it should not be equated with risk management
Physician Engagement - The Key to Success of Compliance Program

Key Elements of Physician Engagement
- Coordination between providers and health system needs
- Participation in Work Plan development and implementation
- Education about Compliance Work Plan
  - What are the implications for each provider and specialty?
  - How will it impact their clinical practice?

Key elements of physician engagement
- Participation in Compliance Office activities
  - Committee memberships
  - Specialty advisor groups
  - Department educational sessions
  - Web-based training
- Review of compliance findings with opportunities for input and modifications
Concepts to understand and address in engaging physicians

- Seven elements and impact on clinical care, documentation, and billing
- Acknowledge complex, unusual, or seemingly arbitrary requirements, and help put the requirements into perspective
- Acknowledge changes related to transition from paper to electronic health records

Concepts to understand and address in engaging physicians

- Reconcile differences of opinion regarding requirements, and why and how billing and documentation will be audited
  - Physicians get compliance input from multiple sources
  - Clarify the source of “compliance” information
  - Clarify when and why institutional requirements may differ from other organizations
  - Articulate organizational risk tolerance based on previous audit findings, fines, requirements

Identify Who to engage

- Individual providers, including ANPs
- Divisions and departments
- Institutional leaders: CMO, COO, CFO, medical staff leadership, division chairs
How to engage physicians

- Identify “physician champions”
- Engaged vs. frustrated or overwhelmed
- Balance managing compliance risks with “leaving money on the table.” Improved documentation and billing should help with both.

How to engage physicians

- Provide a supportive perspective to the physicians
  - Clarify role of compliance as a means of improving clinical care
  - Define how compliance can reduce administrative and documentation burdens
- Develop an understanding of the challenges of the clinical environment and its implications for physicians
  - Shadow physicians to understand workflow
  - Assess whether the documentation, coding and billing accurately reflects the level of care provided

How can physicians and compliance staff most effectively collaborate?

- View through lens of 7 elements
- Assessment of risk
- Policy and procedure development
- Compliance committee membership
- Physician champions as liaisons
- Clinical perspective to support auditing and monitoring compliance
Where in the compliance program can physicians and compliance collaborate?

- Communication
  - Utilize physician liaisons to communicate with providers, departments, managers
- Education
  - Develop educational programs in collaboration with physicians
  - Engage physician champions in educating colleagues
  - Collaborate on specialty-specific educational needs

Where in the compliance program can physicians and compliance collaborate?

- Development of disciplinary guidelines and defining ways to provide access on a "need to know" basis
- Participation in investigations and corrective action
  - Physician colleague collaboration and facilitation, consistent with Medical Staff rules and regulations and other regulatory requirements

Other opportunities for physician and compliance collaboration?

- Teaching rules- CMS requirements vs. ACGME responsibilities
- Supervision of ANPs- "incident to" billing, supervision, documentation requirements
- Documentation requirements for 0, 10, and 90 day global periods
Other opportunities for physician and compliance collaboration?

- Anesthesia- “immediate availability,” medical direction versus supervision
- Surgery- concurrent cases, availability for “critical portions”
- Multiple providers using same codes for billing services on same day- differentiating roles of each provider

Other opportunities for physician and compliance collaboration?

- E/M billing and documentation challenges
  - Patient acuity vs intensity of care/level of coding, i.e. consultation/low level of care on a very sick patient
  - Use of modifiers

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A critical component of a comprehensive, responsive and responsible clinical compliance program
Questions?

Contact Us

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