

Elements of a Successful Corporate Integrity Agreement

HCCA Compliance Institute
March 2017

Susan Gillin: Branch Chief, Office of Counsel to the Inspector General

JoAnne Little: Senior Vice President and Chief Compliance Officer with LHC Group

Peter Dressel: Senior Managing Director with FTI Consulting, Washington D.C.

Agenda

- I. Three Perspectives on the Elements of a Successful CIA
 - The OIG: Susan Gillin
 - The CCO: JoAnne Little
 - The IRO: Peter Dressel
- II. Post-CIA Compliance Program Development Discussion

OIG

Susan Gillin

3

OIG's New Model Corporate Integrity Agreement

(1) Evolution of CIAs

OIG priorities and monitoring experience
Feedback from providers and IROs
The progression of compliance in the health care industry
Trends in health care, and fraud, waste, and abuse

(2) Big Picture

Most providers have the basics and don't need to be micromanaged by OIG
OIG is focused on early detection of risks and fraud through audits, disclosures, and risk assessments

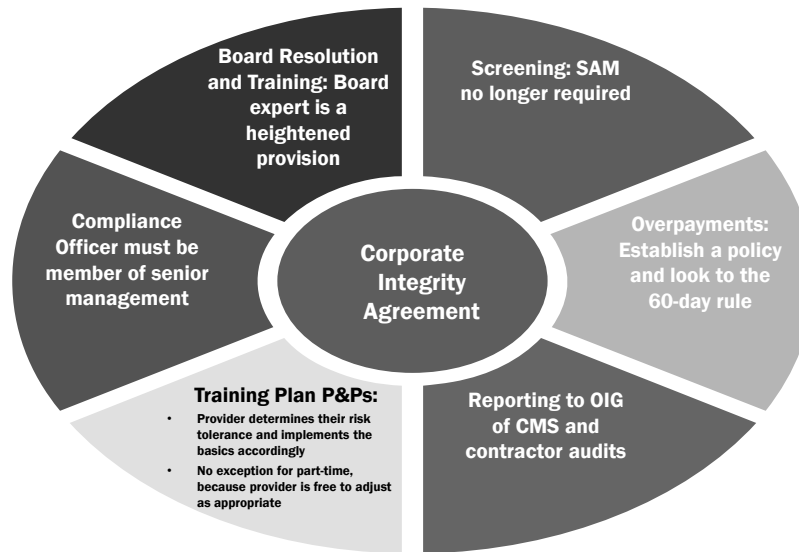
4

Goals of the CIA

<input type="radio"/>	Efficient and effective oversight
<input type="radio"/>	Basic elements apply to most providers
<input type="radio"/>	Time spent negotiating should decrease
<input type="radio"/>	Provider must certify that it is in compliance with these elements
<input type="radio"/>	More useful and relevant IRO reviews
<input type="radio"/>	Careful and targeted risk assessments and internal audits
<input type="radio"/>	Focus on risks particular to that provider type
<input type="radio"/>	Simpler Annual Reports

5

Basic Elements of a CIA



6

CIA Claims Reviews

- 1 Targeted to risks, not necessarily the covered conduct
- 2 Removes the “Discovery Sample” in favor of one 100-claim sample
- 3 Requires that the error rate be extrapolated as part of the Claims Review Report, but provider determines what “reasonable diligence” is required, to comply with the 60-day rule
- 4 Repayment of extrapolated overpayment, further investigation, full sample review, or repayment of sample overpayment only
- 5 “Medically necessary and appropriately documented” means medical review—IRO must use a medical reviewer

7

Claims Reviews, cont.

- 6 Each year, the Population can be determined based on risk
 - Recommendations from provider
 - OIG data mining and analysis
 - Volume of types of claims compared to peers
 - Claim types at various locations
 - Risks in the industry
- 7 For hospitals, the risk-based determination is the default Claims Review process
- 8 OIG Compliance Monitor, Provider’s Compliance Officer, and IRO will begin discussing risk areas with many months left in the year

8

How to Negotiate Successfully

✓	Involve the compliance officer
✓	Suggest creative Claims Reviews that the provider will find useful
✓	Accept that the body of the CIA will be largely standard
✓	We are asking, "Why did the conduct happen?"
✓	Be transparent about corporate structure and relationships
✓	Think broadly about risk
✓	Think positively about compliance goals

9

CCO

JoAnne Little

10

LHC Group's CIA: Lessons Learned

✓	Engage the right IRO
✓	Collaborate with the OIG and IRO on an ongoing basis
✓	Involve the Board
✓	Build a Culture of Compliance
✓	Concurrent Auditing and Monitoring
✓	Ensure adequate preparation for IRO activities

11

Engage the Right IRO

1	Reputable
2	Experienced in issues that form the basis of CIA
3	Right fit for the organization
4	Cost shouldn't be sole determining factor

12

Ongoing Collaboration with the OIG and IRO

- 1 Issues pertaining to CIA
- 2 Issues not pertaining to CIA but within their expertise
- 3 Ongoing compliance program changes

13

Involve the Board

- 1 Board Training
- 2 Quarterly Reports to the Board on CIA Compliance
- 3 Quarterly Reports on Other Compliance Data
- 4 Annual in Person Reports from the IRO

14

Build a Culture of Compliance

- 1 Starts at top and includes all levels of organization
- 2 Compliance part of overall management strategy
- 3 Compliance has a seat at the table in all meetings/on all agendas
- 4 All levels of organization involved in compliance risk assessment
- 5 Provide guidance based on regulation; don't just give opinion
- 6 Compliance Department as a resource
- 7 Constant feedback and training:
 - Newsletters
 - Email "tips"
 - Regional/Divisional Presentations
 - Discussion topics in staff meetings
 - Audit reports/calls to discuss
- 8 Compliance Week

15

Concurrent Auditing and Monitoring

- 1 Develop expertise in regulations surrounding the items being audited
- 2 Ongoing internal auditing of conditions of payment
- 3 Internal auditing of issues identified through risk assessment hotline, exit interviews, etc.
- 4 Constant feedback to field of findings/opportunities
- 5 Individual and companywide feedback

16

Ensure Adequate Preparation for IRO Activities

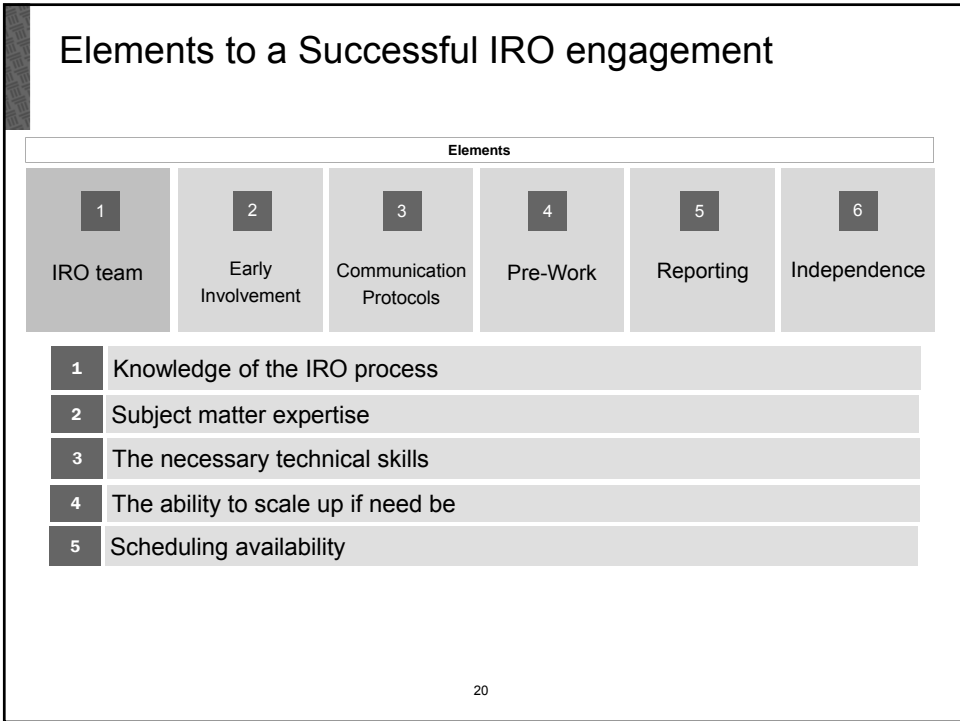
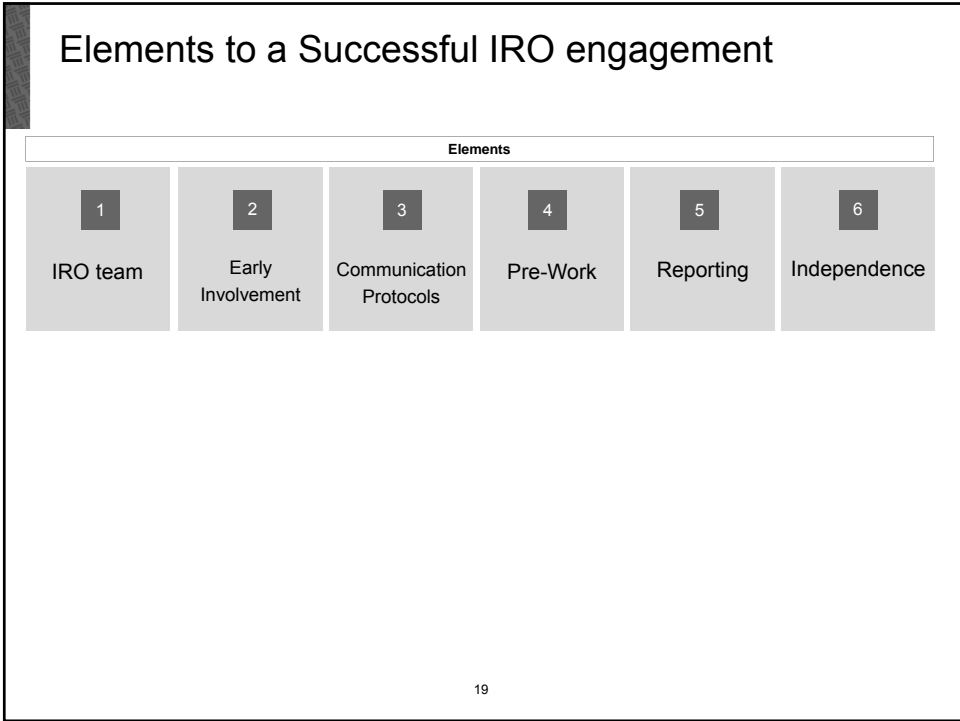
- 1 Ongoing communication with IRO prior to their specific activities
- 2 Organization and preparation in advance
- 3 Break annual activities and reporting requirements into manageable pieces

17

IRO

Peter Dressel

18



Elements to a Successful IRO engagement

Elements					
1	2	3	4	5	6
IRO team	Early Involvement	Communication Protocols	Pre-Work	Reporting	Independence

1 Language may be overly broad or impractical

2 Work to resolve common issues (e.g.; timing, scope, inconsistencies, sample frame, definition of an “error”)

3 Consider an “Early Work Plan” Submission

- These are not usually required by the CIA
- OIG will not formally “bless” it, but will provide input on areas of concern
- Helps to avoid problems at the back-end
- Creates an early opportunity to build rapport

21

Elements to a Successful IRO engagement

Elements					
1	2	3	4	5	6
IRO team	Early Involvement	Communication Protocols	Pre-Work	Reporting	Independence

1 Be mindful of “Over-Disclosure”

- Some issues require the IRO to exercise judgment or to choose a particular interpretation
- Be mindful of the overall objectives of the CIA and of the CIA’s language
- Provide logic and rationale for key decisions

2 Formally Define Communication Process

- Need to identify key stakeholders in the various processes
- Need to decide when/how potential issues will be raised
- Need to decide when/how potential issues will be dealt with
- Consider communication with board and management on an ongoing basis

22

Elements to a Successful IRO engagement

Elements					
1	2	3	4	5	6
IRO team	Early Involvement	Communication Protocols	Pre-Work	Reporting	Independence

1	<p>Early Site Visit</p> <ul style="list-style-type: none"> • After the Implementation Report and before year-end • Focus on things that might facilitate a more efficient IRO review
2	<p>Data Acquisition “Dry Run”</p> <ul style="list-style-type: none"> • Obtaining data can often be more difficult than expected • Reconciling/validating data can also be challenging
3	<p>Define the Strike Zone</p> <ul style="list-style-type: none"> • Consider all forms of an exception based on the language of the CIA & related policies • Determine what will constitute a reportable exception • Ensure management buy-in – but – set reasonable expectations

Elements to a Successful IRO engagement

Elements					
1	2	3	4	5	6
IRO team	Early Involvement	Communication Protocols	Pre-Work	Reporting	Independence

1	<p>Don't simply report what is wrong</p> <ul style="list-style-type: none"> • Provide information on underlying causes • Provide information on severity • Provide information on trending
2	<p>Explain whether the company had already identified the issue, and/or what actions have already been</p>

24

Elements to a Successful IRO engagement

Elements					
1	2	3	4	5	6
IRO team	Early Involvement	Communication Protocols	Pre-Work	Reporting	Independence

- 1 Most important aspect of the IRO engagement
- 2 Independent of the company, but also of OIG
- 3 Know the relevant independence guidance
- 4 Have established routines for the ongoing monitoring of independence
- 5 Identify and address issues as early as possible

Thank You for Your Time