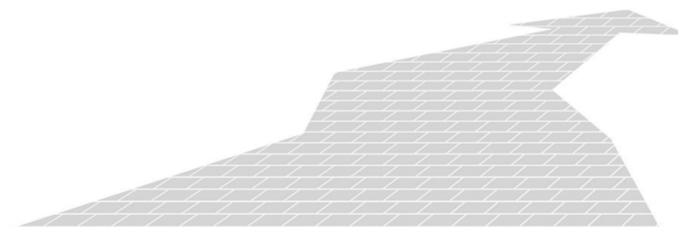


YOU DON'T NEED TO BE A WIZARD TO SOLVE TODAY'S COMPLIANCE CHALLENGES



Seven Steps To Ensure Your Compliance Program "Follows The Yellow Brick Road"



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Objectives



- The Seven (or 8) Elements of an Effective Compliance Program
- Practical Importance of an Effective Compliance Program (e.g., avoidance and/or management of CIAs & Risk Mitigation)
- Evaluation of Compliance Program Effectiveness
- Key Elements of a Risk Assessment



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Seven (or 8) Elements of an Effective Compliance Program



- 1. Implementing written policies, procedures and standards of conduct.
- 2. Designating a compliance officer and compliance committee.
- 3. Conducting effective training and education.
- 4. Developing effective lines of communication.
- 5. Conducting internal monitoring and auditing.
- 6. Enforcing standards through well-publicized disciplinary guidelines.
- 7. Responding promptly to detected offenses and undertaking corrective action.

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The Magical 8th Element



- **Define Roles and Responsibilities, Assign Oversight for Compliance, and Conduct an Assessment of the Program's Effectiveness.**



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Importance of Compliance in Today's Environment

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- The rise in beneficiaries equates to dramatic increase in spending



- Along with the increase in spending comes increased government scrutiny



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Importance of Compliance in Today's Environment

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- Justice Department recovered over \$4.7 Billion from FCA Cases in FY 2016
- Increase in Qui Tam suits & recoveries FY 2016 – 702 suits = \$2.9 Billion
- Spotlight on C-Suite in healthcare fraud investigations

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Importance of Compliance in Today's Environment

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- Justice Department adds new official as Compliance Counsel - chief role to determine effectiveness of Compliance Programs
- Data Mining
- OIG Work Plan
 - Identified vulnerabilities in payment, compliance, oversight, and quality of care concerns
 - Compliance with Medicare requirements



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Implementing Written Policies, Procedures, & Standards of Conduct

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- Develop compliance-related policies & procedures based on areas of risk and, importantly, related to:
 - Auditing & Monitoring
 - Compliance Record Retention
 - Self-disclosure
 - Regular Sanction Checks
 - Specific risk areas:
 - Conflict of interest
 - Billing
 - Third party relationships



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Implementing Written Policies, Procedures, & Standards of Conduct

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- Code of Conduct - confirmation of organization's support of compliance conduct & includes:
 - Compliance expectations for all employees
 - Reflect Culture, Tone at the Top & Values of Organization – enterprise wide
 - Ensure consistency with company policies and procedures
 - Education provided specifically to the Code
 - Summarize specific compliance guidelines
 - Clear understanding of universal enforcement and disciplinary actions for non-compliance



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Establishing Compliance Oversight

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- Compliance Officer & Compliance Committee
 - Oversight & monitoring implementation & ongoing operation of the compliance program
 - Regular reporting to Governing Body/Board of Directors, CEO, & Compliance Committee
 - Periodic revisions of program as appropriate
 - Develop, coordinate & participate in compliance training
 - Ensure independent contractors & 3rd parties aware of agency compliance program requirements



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Establishing Compliance Oversight

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- Compliance Officer & Compliance Committee
 - Ensure appropriate background and exclusion checks to avoid use of excluded individuals & contractors
 - Assist with auditing & monitoring activities
 - Independent investigation and action on matters related to compliance
 - Identification & prioritization of risk
 - Review & assess compliance policies & procedures



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Establishing Compliance Oversight

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- Compliance Officer & Compliance Committee
 - Assist with development of standards of conduct & policies & procedures
 - Conduct annual review of Compliance Plan
 - Determine strategy to promote compliance
 - Develop system to solicit, evaluate, and respond to complaints and problems



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Training & Education



- General Compliance Education to Include:
 - Elements of the Compliance Program
 - Organization's Code of Conduct
 - Reporting System
 - Individual accountability for reporting suspected non-compliance
 - Non-retaliation policy
 - Who is the Compliance Officer
 - Explanation for fraud, waste, and abuse
 - Ethics
 - Privacy

Knowledge
is
power!



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Training & Education



- Specific Focused Training for High Risk Areas and Specialized Personnel to Include:
 - Actions outside scope of practice
 - Government & Private payer reimbursement principles
 - Third party relationships
 - Identification of Privacy breach
 - Stark/Anti-Kickback Laws
 - Submission of claims which do not meet payer requirements for reimbursement
 - Conflicts of Interest
 - Documentation to support services

Knowledge
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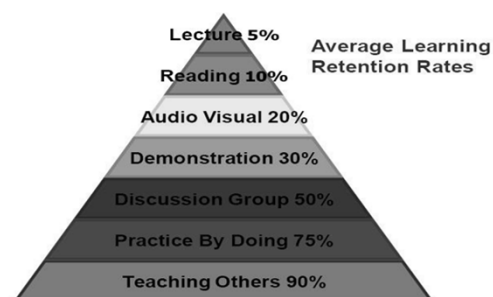
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Training & Education

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- Training Adult Learners and Keeping Training “Fresh”:
 - Principles of Adult Learners
 - Use of different methods
 - Train the Trainer exercises



Knowledge
is
power!

Source: National Training Laboratories, Bethel, Maine

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Monitoring & Auditing

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- Step One – Conduct a Risk Assessment:
 - Documentation, Coding, & Billing Reviews
 - OIG work Plan
 - OIG Fraud Alerts
 - Internal Audits
 - QAPI
 - Compliance
 - External audits
 - Commercial Payer
 - Medicaid
 - Consultant
 - State Survey
 - Accreditation Survey



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Monitoring & Auditing

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- Next – Analyze Risk Assessment:
 - Identify key Priorities
 - Identify key Risks
 - Analyze & prioritize risks to guide auditing & monitoring
 - Collaborate to assess organization's risk tolerance
 - Develop realistic audit plan to address high risk areas



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Monitoring & Auditing

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- Auditing:
 - Objective and Independent
 - Concurrent – “real time” to identify & address potential problems as they arise
 - Example-pre-billing audit – if problems identified, able to immediately implement corrections, education and prevention
 - Retrospective – baseline assessment or “snapshot” of a period of time in the past
 - Easier to collect information; however, if problems identified, difficult to know how far back to audit and may require billing adjustments or paybacks and/or possible self disclosure



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Monitoring & Auditing

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- Monitoring:
 - On-site visits
 - Interviews – management, operations, coding, claim submission
 - Questionnaires
 - Peer reviews
 - Documentation reviews
 - Trend analysis
 - Exit interviews
 - Hotline issues & trends



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Reporting & Investigating


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- Importance of communication in the Compliance process with open lines of communication between the Compliance Officer/Personnel
- Open Door Policy
- Hot/Help Line
- No retaliation or retribution
- Confidentiality & Anonymity
- Specially trained staff
- Complaints logged & tracked
- Thorough investigation
- Responsiveness & feedback to caller




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Enforcement & Discipline



- Enforce the Standards of Conduct and Policies/Procedures by being Fair, Equitable, & Consistent
 - Discipline administered for non-compliant behavior
 - Employees have an obligation to report suspected non-compliance
 - Disciplinary procedures
 - Clear responsibility for actions
 - Fair & consistent discipline



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Response & Prevention


- Thorough Investigation & Documentation to include:
 - Description of potential misconduct & how reported
 - Description of investigative process
 - List of relevant documents reviewed
 - List of employees interviewed



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Response & Prevention **Simione™**
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- Thorough Investigation & Documentation to include:
 - Employee interview questions & notes
 - Changes to policies/procedures, if appropriate
 - Documentation of disciplinary action, if appropriate
 - Investigative final report – allegation substantiated or not

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CORPORATE INTEGRITY AGREEMENTS **Simione™**
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WHAT DO THESE AGENCIES HAVE IN COMMON?



- Compassionate Care Hospice of New York
- Family Care Visiting Nurse
- St. Joseph Hospice
- Hospice of the Comforter
- Friendship Home Health
- Three Rivers Hospice
- Hernando Pasco Hospice
- Amedisys

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



Agency X has and shall continue to maintain the aforementioned Compliance Program. X shall continue to participate in and comply with its Compliance Program which shall, at a minimum, include the following elements:

→ *Compliance Officer and Committee*

Compliance Officer: Agency X has and shall maintain an employee in the position of Compliance Officer for term of this CIA. The Compliance Officer shall be a member of senior management of Agency X shall report directly to the Chief Executive Officer of Agency X, and shall not be or be subordinate to the General Counsel or Chief Financial Officer of Agency X or have any responsibilities that involve acting in any capacity as legal counsel or supervising legal counsel functions for Agency X.

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



- Compliance Officer shall be responsible for, without limitation:
 - developing and implementing policies, procedures, and practices designed to ensure compliance with the requirements set forth in this CIA and with Federal health care program requirements
 - *Compliance Committee*. Within 90 days after the Effective Date, X shall appoint a Compliance Committee. The Compliance Committee shall, at a minimum, include the Compliance Officer and other members of senior management necessary to meet the requirements of this CIA (senior executives of relevant departments, such as billing, clinical, human resources, audit, and operations).

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



The Compliance Officer shall chair the Compliance Committee and the Committee shall support the Compliance Officer in fulfilling his/her responsibilities (shall assist in the analysis of risk areas and shall oversee monitoring of internal and external audits and investigations). The Compliance Committee shall meet at least quarterly. The minutes of the Compliance Committee meetings shall be made available to OIG upon request.

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



- The Governing Body shall, at a minimum, be responsible for the following:
 - meeting at least quarterly to review and oversee the Compliance Program, including but not limited to the performance of the Compliance Officer and Compliance Committee;
 - for each Reporting Period of the CIA, adopting a resolution, signed by each member of the Governing Body summarizing its review and oversight of compliance with Federal health care program requirements and the obligations of this CIA.

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



- ✓ *Code of Ethics.* X has and shall maintain for the term of the CIA a Code of Ethics to which X is subject.
- ✓ ...X shall make the performance of job responsibilities in a manner consistent with the Code of Ethics an element in evaluating the performance of all employees.
- ✓ *Policies and Procedures.* X represents that it has developed and implemented written Policies and Procedures regarding the operation of its Compliance Program.
- ✓ Throughout the term of this CIA, X shall enforce and comply with its Policies and Procedures and shall make such compliance an element of evaluating the performance of all employees.

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



✓ *Training Plan.* X represents that it has developed, and shall maintain, a written plan (Training Plan) that outlines the steps X will take to ensure that: (a) all Covered Persons receive adequate training regarding X CIA requirements and Compliance Program, including the Code of Ethics

✓ *Risk Assessment and Internal Review Process*

X has and shall maintain a centralized annual risk assessment and internal review process to identify and address risks associated with) the submission of hospice claims for items and services furnished to Medicare program beneficiaries

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COMPLIANCE PLAN ELEMENTS IN CORPORATE INTEGRITY AGREEMENTS



- Mission and Core Values are supported by everyone
- Top Leadership develops a compliance plan that is based on current regulations and identified risks
- Leadership expectation is that ALL Managers understand how compliance affects their area of responsibility
- Resource allocation
- Clear lines of communication
- Accountability

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COMPLIANCE PROGRAM TIPS

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- No One Size Will Fit All
- Needs to Evolve and Change Based on Industry Changes and Trends
- Needs to Evolve and Change Based on Provider Changes and Identified Trends
- Consider a Compliance Program Risk Assessment and/or External Compliance Probe Audit to Validate Effectiveness of Compliance Program

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QUESTIONS

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