




**PHYSICIAN ENGAGEMENT IN THE COMPLIANCE PROCESS**

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**Physician Engagement Principles**

- Tone at the top
- Relationships are essential
- Culture can make or break
- Physician engagement is already occurring in other areas of your organization
- What do your physicians care about?



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**Physicians As Leaders: Identifying opportunities for physicians to engage in compliance program oversight**

**WHAT DO PHYSICIANS NEED TO KNOW?**



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### Compliance Current Events

- Regulation changes, enforcement news, advisory opinions
- OIG Work Plan
- Trends: in your state; in their specialty
- OIG enforcement summary

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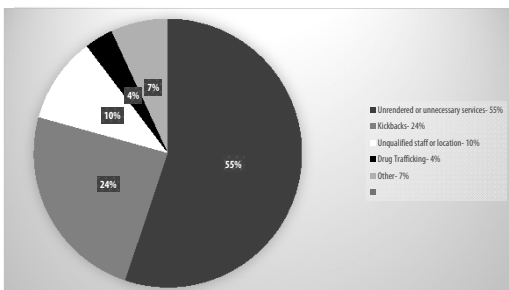
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### January Summary of Criminal and Civil Enforcement



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### Federal Health Care Fraud and Abuse Laws

- **The False Claims Act**
- **The Anti-Kickback Statute**
- **The Physician Self-Referral Law**
- **The Exclusion Authorities**
- **The Civil Monetary Penalties Law**
- **Criminal Health Care Fraud Statute**

<https://oig.hhs.gov/compliance/provider-compliance-training/files/HandoutLegalCitations508.pdf>

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### Ongoing Compliance Topics

- False Claims Act
  - "Know or should have known," no proof of intent to defraud required
  - Lack of documentation: so either medical necessity not supported, or services not rendered.
  - Using unlicensed personnel- seeing more of this
- Stark/kickbacks- relationships with vendors, labs, DME/drug/device suppliers
- Contracts- leases, medical directorships,
- Consulting and royalties
- NPPs
- COI
- Research
- Copay waivers, discounts
- HIPAA
- Coding and billing
- Personal and entity audit results
- Personal and entity denials trends

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### OIG Physician Compliance Education

- <https://oig.hhs.gov/compliance/physician-education/index.asp>
- <https://oig.hhs.gov/compliance/provider-compliance-training/index.asp>

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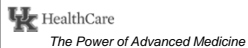
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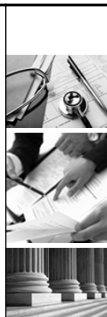
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**Physicians as Partners:** opportunities in the day-to-day operations of the compliance program

### WHAT DO PHYSICIANS NEED TO UNDERSTAND?



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### Opportunities

- Larger entity versus smaller entity
- If compliance program is brand new or a re-work is in order, engage physicians in baseline discussions
- Individual physician partnerships, or advisory group of physicians, or both? What about physicians as compliance liaisons in their areas of influence?

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### 7 Elements and Physician Engagement

- Policies/Procedures
- Compliance officer/compliance committee
- Training and education
- Effective lines of communication
- Internal monitoring and auditing
- Well-publicized disciplinary guidelines
- Investigation and corrective action

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### Responding to specific issues with physician involvement

- Development of task force surrounding a hot button issue
- New guidance or regulation communication
- Monitoring findings

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Physicians as champions: leveraging relationships to demonstrate program compliance

## WHAT CAN PHYSICIANS OWN?

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Where could physician champions or an advisory group carry the compliance message to the physician community?

- Communication with physician community about **policy** changes and how changes affect practice
- Physician **leadership** within compliance committee
- Physician champions take **education** to their own community

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Where could physician champions or an advisory group carry the compliance message to the physician community?

- Physician partners can carry compliance data or benchmarks to the physician community, and foster a greater **transparency** between compliance and physicians
- An active role by engaged physicians could have **great effects** on audit results, denials, and reimbursement

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When a physician or group of physicians catch the vision of compliance and are engaged in the reasons and benefits of an effective compliance program, the relationship between compliance and the physicians at your organization will undoubtedly grow and become less siloed and more collaborative.

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### Where Can Physician Engagement Lead?

- Effectiveness and reach of compliance program
- Decreased risk of issues and people falling through the cracks
- Decreased risk of enforcement and litigation against physician and against entity
- Enhanced patient care
- Accurate revenues, decreased risk of denials, and better audit outcomes
- Opportunity for Compliance to lead; display value of Compliance program

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### Where can I start?

- Large entity versus small entity
- Know what language *YOUR* physicians speak
- Grow your relationships with physician leaders
- Take a look at culture and tone at the top
- Start with the 7 elements
- Consider physician compliance advisory group or finding compliance liaisons

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**Questions?**



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