

Compliance Investigations 101:

CO Toolbox Essentials

Session Speakers



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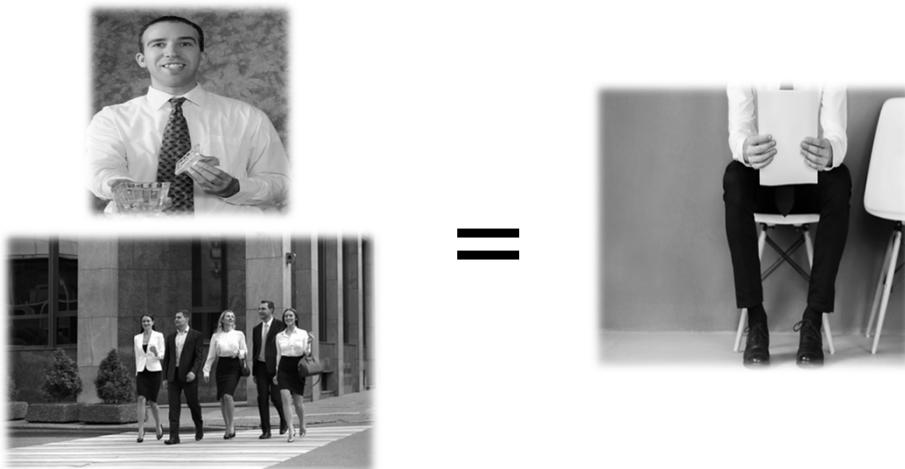
Adam K. Weinstein
Chief Operating Officer/ Compliance
Best Companion Homecare Services



Agenda

- **Interviewing Basics** : Strategies to get the information you need from the employees; while covering privacy, security, HR and legal aspects are important during and after the interview
- **Partnerships**: Knowing when to engage Legal for establishing privilege and possibly IT to collect substantial evidence; HR is a powerful ally and often, management too!
- **Tools**: Using SBAR (and other tools) to document the investigation using clear, concise, and legible structure

The Interview Before The Interview



Stages of a Complete Compliance Interview

- Introduction / Rapport
- Free Narrative
- Drawing
- Follow-Up Questions
- Reverse Order Technique
- Challenge Questions

Source: Michael Johnson, CEO, Clear Law Institute
(<http://www.clearlawinstitute.com>)

Introductory Question #1

To whom does the compliance officer report to at your organization:

- a. CEO
- b. CFO
- c. GC
- d. Board
- e. Other

Introductory Question #2

How does your organization determine compliance risks?

- a. Conducts a separate interview based compliance risk assessment
- b. Reviews the OIG Work Plan with compliance committee members
- c. Neither of the above
- d. Something other than the above

Available TOOLS

- Compliance Dashboard
- GAP Assessment
- HIPAA Investigation
- Sanction Score Card
- Phase 2 OCR Protocols

SESSION BREAK



Kitchen Cabinet Report

- An Up-to-Date Report on everything regulatory
- Updated as of: MM/DD/YYYY
- All entries must have dates

Item	Date	Department	Subject	Status	Leader	Follow up	Complete
1	2/4/16	Compliance	OIG Exclusion	List for January found the following hit 1/10/16 Report	Mary Delaney	Medicine Dr Walter Johnson – see attachment 2.1 Report finds MC suspension In Review with Finance, Legal and Chairmen as of 2/5/16. Follow up meeting 2/12/16	Open with follow up meeting on 2/12/16
2	2/4/16	Department of Cardiology	Audit on top ten billing codes	List of top ten codes billed for the past twelve months for review to HIM Coder and MD Billing. 2/4/16	Keith Jacoby	List forwarded to HIM and Billing Dept on 2/4/16. Follow up meeting scheduled for 2/14/16 to review findings. Final review scheduled for 2/24/16 Presentation at Ops Meeting on 4/5/16	Open with closing date of 2/24 and presentation to Ops on 3/5/16

Compliance Program – 90 Day Review

Strategic Objectives	Action Step	Responsible Parties	End Of	End Of	End Of
			30 days	60 days	90 days
			Timeframe for Completion		
			Month 1	Month 2	Month 3
REFRESH & STRENGTHEN THE AWARENESS AND IMPORTANCE OF THE COMMITMENT TO COMPLIANCE	Develop & Then Deliver Message from the CEO (all employee distribution)	CEO	x		
	Develop & Then Deliver Message from Board (perhaps smaller distribution)	Board	x		
	Message from Compliance Officer to Key Leaders (Program Managers)	CEO	x		
	Introduction in Various Leadership Forums	Various	x		
	Revisit / Revise Compliance Committee Charter (if needed)	Compliance Officer	x		
	Create/Kick-off Compliance Committee	CCO		x	
	Set (& hold) Calendar of Compliance Meetings with Program Managers (bi-monthly ?)	Compliance Officer		x	
	Develop and promote Compliance Program "branding"	Communications			x
	Review & Evolve Intranet / Internet / Overall Compliance visibility	CCO / Communications			x
	Develop and Implement Compliance Department Rotations - 3 or 6 month Internship	Compliance Committee			x
	Develop and Implement Quarterly "Do The Right Thing" Type of Recognition / Award	CCO		x	x
	Consider Refresh of Compliance Hotline & Awareness Posters	CCO			x

Compliance Program – 90 Day Review

(continued)

			Month 1	Month 2	Month 3
DEVELOP CONSISTENT DEFINITION OF AND INCREASE UNDERSTANDING OF WHAT COMPLIANCE MEANS ACROSS THE ORGANIZATION	Develop departmental compliance program standards and expectations (7 element)	CCO & committee		x	
	Increase (Education and or Training) understanding of Compliance with C-Level Staff	CCO		x	x
	Increase (Education and or Training) understanding of Compliance with Board of Directors	CCO		x	
	Increase (Education and or Training) understanding of Compliance with Program Leaders	CCO		x	
	Establish leadership compliance competencies	CCO			x
	Provide detailed training of Compliance expectations for employees	CCO			x
	Select and train departmental compliance liaisons	CCO & committee			x

Compliance Program – 90 Day Review (continued)

			Month 1	Month 2	Month 3
INCREASE PROGRAM LEVEL AND DEPARTMENT LEVEL ACCOUNTABILITIES FOR PROGRAM DEVELOPMENT	Assign individuals to assist with the development of department level compliance programs	Compliance Officer		x	x
	Select pilot department to proceed through the development process	Compliance Committee			x
	Select department to develop and implement departmental compliance program	CCO & committee			x
	Direct additional departments to develop and implement departmental programs	CCO & committee			x
	Direct remainder of departments to develop and implement departmental programs	CCO & committee			x

Compliance Program – 90 Day Review (continued)

			Month 1	Month 2	Month 3
AUDITING AND MONITORING / RISK ASSESSMENT	Review Each of the High Risk Areas Identified for each program	CCO & Program Leader		x	
	Develop Monitoring Guidance Sheet - description of risk, variables measured, periodicity	Program Leader		x	x
	For Highest (or High) Risk Areas - Develop Monitoring Protocol - Ensure Implementation	Program Leader		x	x
	For Less Than High Risk - Ensure Mechanism to periodically assess	Program Leader			x
	Require Periodic Reporting on High risk monitoring metrics - Compliance Committee	CCO & committee			x
	Develop Overall Compliance Scorecard by Program for All Highest Risk Items	CCO & Program Leader			x
	Develop and Implement Corrective Action Planning Process / Format	CCO & Program Leader			x

Compliance Program – 90 Day Review

(continued)

		Month 1	Month 2	Month 3
POLICY REVIEW / TRAINING PLANS	Review Existing Body of Compliance Policies to Ensure Comprehensive & Complete	CCO		x
	Direct review of Program Level Compliance Policies to Ensure Adequate	CCO & Program Leader		x
	Review Corporate Compliance Training Materials / Approach	CCO		x
	Review / Develop Program Level Compliance Training / Content & Delivery / Tracking	CCO & Program Leader		x

SBAR

Situation – Background – Analysis - Recommendation

<p>SITUATION</p> <p>Situation: Clearly and <i>briefly</i> define the situation. For example, 'Mr. Jones has multiple prescriptions of Coumadin in his home and he is unclear as to which ones he is supposed to take.'</p> <p>BACKGROUND</p> <p>Background: Provide clear, relevant background information that relates to the situation. In the example above, you should consider including the patient's diagnosis, the prescribing physicians, and the dates and dosages of the medications.</p>	<p>ANALYSIS</p> <p>Assessment: A statement of your professional conclusion</p> <p>RECOMMENDATION</p> <p>Recommendation: What do you need from this individual? For example, 'Please clarify which is the correct dose of Coumadin for Mr. Jones to take and which physician will be responsible for managing his anticoagulant therapy?'</p>
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Source: Joint Commission

https://www.jointcommission.org/at_home_with_the_joint_commission/sbar_%e2%80%93_a_powerful_tool_to_help_improve_communication/

SBAR

Situation – Background – Analysis - Recommendation

Situation Background Analysis Recommendation

SBAR:	Reinstated Flight http://www.nj.com/news/index.ssf?2016/12/scandal_probe_on_samson_flight_to_cost_united_24m.html	Completed by: Walter Johnson Date: 3/26/2017	
SITUATION United Airlines reinstated flight without using standard process. It is possible flight was reinstated at the request of government official.		ANALYSIS <ul style="list-style-type: none">On MM/DD/YY, a decision was made to cancel the flight from Newark, New Jersey to South Carolina.This decision was supported by financial analysis and approved by Board on MM/DD/YY.On MM/DD/YY, the last regular flight from Newark, New Jersey to South Carolina occurred.As chairman of the Port Authority, David Samson had the approval authority over United Airlines hanger project.Interviews conclude that David Samson would not approve the hanger project unless the flight to from Newark, New Jersey to South Carolina was reinstated.Port Authority chairman used his authority over the hanger project to get the flight reinstated.The regular flight was reinstated when the David Samson was appointed as chairman of the Port Authority.The flight became commonly known as the "chairman's flight."It was cancelled two years after reinstatement which is the same time David Samson resigned as chairman of the Port Authority.	
BACKGROUND <ul style="list-style-type: none">Continental Airlines had a regular flight from Newark, New Jersey to Columbia, South Carolina.Due to poor performance, Continental Airlines cancelled this flight before its merger with United Airlines.In 2012, the flight from Newark Liberty International Airport to Columbia, South Carolina was reinstated.In 2012, David Samson became chairman of the Port Authority.In 2014, the flight from Newark Liberty International Airport to Columbia, South Carolina was cancelled.In 2014, David Samson resigned as chairman of the Port Authority. On MM/DD/YY, the airline decided to reinstate the regular flight.		RECOMMENDATION Alternatives: 1) My recommendation is... Rationale: _____ 2) An alternative is... Rationale: _____	

SAMPLE

SESSION BREAK



Placemat Report

FY 2018 Risk Assessment

Top Five Local Strategic Objectives & Operational Initiatives

1.
2.
3.
4.
5.

Risk Assessment & Audit Plan

External Inputs

- Legal and Regulatory Climate
- Economic Factors
- Clinical and Medical Innovations
- Industry Trends
- Other Health System Experiences

Internal Inputs

- Mission, Vision & Values
- Strategic Initiatives
- Organization
- Operating Environment
- Management Accountability
- Control Structure
- Risk Events
- Key Management Turnover
- Management Meetings
- Financial Budgets
- Prior Audit Findings

System Risk Requiring Facility Validation

Area:	Applicable?
- 340B	
- Physician Transactions	
- Wound Care/Hyperbaric	
- Chargemaster (CDM)	
- Revenue Cycle (at Facility: Front-end; CDI; DM)	
- Joint Ventures	
- Patient Handoffs	
- Third Party Vendors	
- Alternative Payment Models	

Key System/Industry Risk Areas

1. Accountable Care Organizations - Clinical Integration - Integrated Care Networks - Capitation - Population Health Management	2. Revenue Cycle Performance	3. Privacy and Security - Cybersecurity - Access Management - HIPAA	4. Pharmacy - Controlled Substance - Formulary - Antibiotics	5. Labor and Productivity
6. Care Management - Length of Stay	7. Healthcare Reform - Changes to Affordable Care Act (ACA) - Value-based Purchasing - MACRA	8. Quality	9. Patient Safety - HACs - ODR - Medication Management - Opioids - Event Reporting	10. Client Transaction

Placemat Report

FY 2018 Risk Assessment, Continued

We Spoke With

CEO	
CFO	
COO	
CNO	
Additional Leaders	

Top Risk Areas Our Company Should Look At

Fraud Risk	
IT Risk	*Application Changes *System Access *Locally Managed Systems
Clinical Risk	
Compliance Risk	*Regulatory and Qui Tam
Operational/ Financial, Other	

Are there areas beyond the Audit Plan where Our Company may assist in addressing risk?

Section 1557 Checklist

OCR at ocrmail@hhs.gov :

- *An entity that applies to receive Federal financial assistance (FFA) must sign and date and submit an Assurance of Compliance form (HHS 690) that commits them to compliance with five civil rights statutes, as listed in the Assurance form. This form can be found on the Office for Civil Rights website.*
- *If an entity receives or is applying to receive ONLY Medicare Part B FFA, that entity is not required to sign and submit an Assurance of Compliance, because Medicare Part B is not considered FFA. If the entity receives other FFA, however, such as Medicaid, then it is obligated to sign and submit an Assurance of Compliance.*

Section 1557 Checklist

- **Section 1557 applies if you are a health program or perform health activities, which receive Federal financial assistance provided or made available by the Department, and every health program or activity administered by a Title I entity.**
- *Taglines mean short statements written in non-English languages that indicate the availability of language assistance services free of charge.*
- § 92.8 Notice requirement – next 4 slides

Section 1557 Checklist

- Has the entity taken appropriate initial and continuing steps to notify beneficiaries, enrollees, applicants, and members of the public of the following:
 - The entity does not discriminate on the basis of race, color, national origin, sex, age, or disability in its health programs and activities
 - YES NO Partial
 - Supporting documentation:

Section 1557 Checklist

- The entity provides appropriate auxiliary aids and services, including qualified interpreters for individuals with disabilities and information in alternate formats, free of charge and in a timely manner, when such aids and services are necessary to ensure equal opportunity to participate to individuals with disabilities

– YES NO Partial

- Supporting documentation:

Section 1557 Checklist

- The entity provides language assistance services, including translated documents and oral interpretation, free of charge and in a timely manner, when such services are necessary to provide meaningful access to individuals with limited English proficiency (LEP)

– YES NO Partial

- Supporting documentation:

Section 1557 Checklist

– The entity informs how to obtain aids and language assistance services

– YES NO Partial

– Supporting documentation:

Email Protection Tool

One billion Yahoo accounts are hacked per the NY Times

–That's 9 zeros! 1,000,000,000

– SAN FRANCISCO — Yahoo, already reeling from its September disclosure that 500 million user accounts had been hacked in 2014, disclosed Wednesday that a different attack in 2013 compromised more than 1 billion accounts.

– The two attacks are the largest known security breaches of one company's computer network.

Source: NYTimes.com 12/14/16

Email Protection Tool



PHISHING

- Appears to come from legitimate sources
- Directs recipients to a website or to divulge personal information
- Includes a sense of urgency for action

Sources: NYTimes.com 12/14/16 and Policy Patty Toolkit 12/29/16

Email Protection Tool - ALERT

A	-Be alert to emails that:																		
	•Come from unrecognized senders																		
	•Ask you to enter, verify, or confirm personal information even if it appears to come from a company you do business with																		
L	•Try to urge or scare you into acting quickly by threatening a bad outcome																		
	-Be careful with links :																		
	•Do not open or click on links, files, or attachments from unknown senders																		
	•Open attachments only when you expect them & know what's in them																		
E	•Read email in plain text – readily exposes URLs that images point to																		
	•For HTML - hover over links to display actual URL																		
	-Avoid emailing personal or financial information:																		
	•Communicate personal info only via phone AND only if you initiate the call																		
R	•Provide info only after you confirm security of the site																		
	-check for the lock icon on browser status bar, or																		
	-https vs http – the S means secure																		
T	-Check your accounts & bank statements regularly to:																		
	•Confirm activity																		
T	•Ensure no unauthorized transactions were made																		
	-Protect computer with these tips :																		
	•Use safeguard – firewall, spam filters, anti-virus software																		
	-Update software regularly																		
	•Beware of pop-ups:																		
-Never enter personal info in a pop-up screen																			
-Don't click on links in a pop-up																			
-Don't copy web addresses from pop-ups																			

Source: Policy Patty Toolkit 12/29/16

Open Discussion (Q & A)

