Big Data Review:
Compliance Adherence and Culture

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Big Data Review

- Over a population of 5M health care professionals analyzed over time, the following data represents expected non-compliance occurrences per 1,000 individuals:
  - 3 Currently Excluded Parties
  - 7 Historically Excluded Parties
  - 2 Sex Offenders
  - 2 Individuals on an Abuse Registry

- The expected non-compliance occurrences per 1,000 licensed individuals:
  - 20 Inactive Licenses
  - 3 on Probation
  - 2 Restricted/Impaired
  - 10 Revoked or Suspended
Compliance Spend

According to the American Hospital Administration:

“An average-sized community hospital (161 beds) spends nearly $7.6 million annually on administrative activities to support compliance with the reviewed federal regulations - that figure rises to $9 million for those hospitals with PAC beds.

Nationally, this equates to $38.6 billion each year to comply with the administrative aspects of regulatory compliance in just these nine domains. Looked at in another way, regulatory burden costs $1,200 every time a patient is admitted to a hospital.”

(www.aha.org/regrelief ©2017 “Regulatory Overload” American Hospital Association)

False Claims

- The Department of Justice, Office of Public Affairs, reported recovery of greater than $2.8B, alone, for false claims violations in 2018.

OIG Fraud Risk Indicator

(https://oig.hhs.gov/compliance/corporate-integrity-agreements/risk.asp)

Constructive Organizational Criticism

Can you answer, today, the following questions:

- Where do I report a suspected HIPAA violation, within my organization?
- What is the name and contact information of my organization’s compliance officer?
- What are the 3 greatest concerns for my organization, as it relates to compliance

Can the following individuals within your organization answer the same questions:

- Entry Level Employee--Less than 1 Year of Employment
- Development and Information Technology Personnel
- Contingent workers, providers with privileges, contracted staff
Common Pitfalls

Organizations across all sectors of health care have several common pitfalls, which can be summarized in five categories:

- Lack of Consistent Documentation
- Lack of Consistent Enforcement
- Lack of Consistent Measurement
- Lack of Consistent Oversight
- Lack of Consistent Visibility

Documentation

Best Practices in Compliance Documentation:

- Consistent look and feel for compliance documentation (compliance branding)
- Document control practices, naming conventions and review processes
- Integration with organizational intranet or document repository
  - Edit and administrative roles and rights
  - Version control practices
  - Accessibility
- Risk Register for Ongoing Initiatives
Enforcement Gaps

- Leveling
  - Understand enforcement at all levels of the organization

- Ownership
  - Ownership of Regulatory Compliance
  - Ownership of Financial Compliance
  - Ownership of Bi-laws
  - Ownership of Personnel Compliance
  - Ownership of Documentation and Administrative Compliance

- Education v. Disciplinary Action

Incomplete Measurements

- Lack of Comprehensive Measurement Tools
  - Outdated technology
  - Measurement tools without visibility
  - Disparate systems

- Measuring the Wrong KPIs
  - All compliance programs, should, at LEAST, be measuring:
    - Non-compliance incidents, by department
    - Compliance non-compliance report volume, by department
    - Month over month adverse personnel findings, trending year over year
    - Legal interactions for internal non-compliance
    - Bi-laws v. regulatory compliance driven actions

- Fear of Transparency
Organizational Oversight

- **Organizational Structure**
  - Where does Internal Audit report?
  - Where does Compliance report?
  - Where does Quality Assurance report?

- **Merit and Sandbagging**
  - Is compliance linked with organizational financial objectives?

- Where does accountability live?
  - RACI

Limited Visibility

- **Data Visibility Tools**
  - Project and Program Management Tools
  - Credentials Management
  - Monitoring and Data Reporting Tools
  - Regulatory Compliance Update Tools
  - User Groups and Subject Matter Expert Forums

- **Effective Reporting Practices**
  - Data Reporting Templates and Training
  - External and Internal Audit of Reporting Processes
  - Risk Analysis and Risk Reporting
  - Non-Compliance Analysis and Non-Compliance Reporting
  - Process Documentation and Flow Creation

- **Data and Decision-Making Silos**
Questions?

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