Operationalizing Compliance Through Data Analytics

EXPERT PANELIST DISCUSSION

Today’s panelists

Vincent Walden
Managing Director
Alvarez & Marsal, LLP

Jim Passey
CCO & VP of Internal Audit
HonorHealth

Lee Tiedrich
Partner
Covington & Burling LLP

Geoffrey W. Hymans
Senior Counsel
OIG-DHHS
Today’s agenda

► Introductions
► Compliance monitoring initiatives
► Operationalizing compliance – case examples and ROI
► How to get started with integrating analytics
► Legal and regulatory considerations
► Q&A
The World Economic Forum: We are on the Cusp of the Fourth Industrial Revolution

Elon Musk: artificial intelligence is our biggest existential threat

Facebook CEO Mark Zuckerberg: Elon Musk’s doomsday AI predictions are ‘pretty irresponsible’

Stephen Hawking said: “Computers can, in theory, emulate human intelligence, and exceed it. . . . Success in creating effective AI, could be the biggest event in the history of our civilization. Or the worst. We just don’t know. So we cannot know if we will be infinitely helped by AI, or ignored by it and side-lined, or conceivably destroyed by it.”

Source: https://www.weforum.org/focus/fourth-industrial-revolution

COVINGTON

Defining AI and IoT

Number of IoT devices

50 billion
By 2020

Annual revenue from IoT sales

$1.6 trillion
By 2020

Growth to the global economy from AI

+$15 trillion
By 2030

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AI and IoT Cut Across Industries - Examples

Agriculture
Using satellite imagery and machine learning to make corn yield forecasts.
(Descartes Labs)

Defense
Developing AI algorithms to analyze drones' live video streams.
(DOD's Project Maven)

Energy
Investing $4.5 billion in smart grid infrastructure powered by AI deep learning.
(DOE's Smart Grid)

Renewable Energy
Using machine learning applied to turbine sensor data to optimize yields of digital wind farms.
(GE Renewables)

Education
Using intelligent systems to provide personalized tutoring and real-time feedback.
(Carnegie Learning)

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AI and IoT Cut Across Industries - Examples

Financial Tech
Utilizing neural networks to provide data-driven investment and portfolio decisions.
(Rafiki)

Digital Health
Using machine learning to develop personalized treatments.
(PracticeClix Institute)

Automonomous Vehicles
Google’s fleet of self-driving cars has collectively logged over 1.5 million autonomous miles.
(Google)

Transportation & Mobility
Using anonymized location data from smartphones to speed commuter travel.
(Google Maps)

Consumer
Developing conversational assistants, facial automated checkouts.

Logistics
Optimizing shipping routes, combat illegal trade, provide data for insurance.
(Google Fishing Watch)
Covington: Navigating the Evolving AI Legal Landscape

Corporate/ Tech Transactions
Insurance Coverage
Employment
Government Contracts
Litigation/ Investigations
Product Liability / Risk Management
Intellectual Property
Antitrust / Standards

Public Policy
Regulatory
Product Counseling
Enforcement

360° advice

Corporate/Transactions
Litigation

Online Profiling
Data Management/ Commercialization
Public Policy/ Government Affairs
Data Privacy/ Cybersecurity
Law Enforcement Access / National Security
International Trade/ CFUS
Global Compliance
AI Ethics & Governance

Covington: Navigating the Evolving AI Legal Landscape

OECD: 5 Principles for the development and deployment of AI
ICDPPC: Declaration on Ethics and Data Protection in AI
IEEE: Ethically Aligned Design and the Council on Extended Intelligence
USA: AI Executive Order; Ethical AI Resolution; AI FOR: Algorithmic Accountability Act, NIST
California: Resolution on AI; B.O.T. Act
EU: European Commission’s Draft Ethics Guidelines for Trustworthy AI
UK: ICO Call for Input on developing a new framework for auditing AI
Germany: German Data Ethics Committee
France: French CNIL Report on Ethics and AI; French President’s AI for Humanity Report
Finland: Artificial Intelligence Programme

Italy: National Strategy on AI
UAE: Artificial Intelligence Strategy
India: National Strategy for Artificial Intelligence
China: Electronics Standardization Institute, AI Standardisation Whitepaper
Singapore: Personal Data Protection Commission Discussion Paper on AI and Big Data

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Urine Drug Testing Cases

**Conduct:** Office of Audit Services (OAS) identified providers who added Modifier-59 to claims for drug screening when only a single unit may be billed per patient encounter (CPT Codes G0431/G0434)

**Results:** 11 CMPL settlements and 1 FCA settlement totaling more than $14 million:
- Gainesville Pain Management
  - $1.58 million settlement and CIA
- Medicus - $5 million settlement and CIA
- Calloway (with USAO of W.Va)
  - $4.67 million settlement and CIA
- Mohammad Siddique, M.D.:
  - $1,710,400 CMP, $1,057,251.67 assessment
  - 10-year exclusion

INR Monitoring Upcoding

**Conduct:** OAS identified that a physician was filing multiple claims for the same beneficiaries for HCPCS code G0248 (demonstrating the use of home INR monitoring) when the physician should have billed G0250 (physician INR test review interpretation management).

**Result:** CMPL settlement with Chika E. Okereke, M.D. and Cardiovascular Partners, P.A. for $139,383.72
Nerve Conduction Cases

Conduct: OAS identified entities that submitted claims for medically unnecessary Nerve Conduction Studies (NCS). The applicable Medicare Local Coverage Determinations require that providers perform an Electromyography (EMG) during the same testing session as an NCS for diagnostic purposes. If NCS is performed alone, it is a screening exam and not covered by Medicare.

Result: CMPL Settlement with Frontera Strategies, LLP for $510,938.74

OMP/CDAC Referral Operation Wheel and Deal

Conduct: OIG Consolidated Data Analysis Center (CDAC) conducted data analytics to identify ambulance companies that billed emergency ambulance transportations to inappropriate destinations, including skilled nursing facilities, residences, and dialysis facilities.

Results:
- Twenty CMPL settlements with ambulance companies totaling more than $3.6 million
DATA & COMPLIANCE

- Data analysis should be part of every healthcare entity’s compliance program;
- Small practices
  - year-over-year comparison
  - Examine Evaluation & Management (E&M) Codes
  - Compare EOBs with claims submitted (double check billing software)
- Larger entities
  - PEPPER Reports
  - Outlier identification
  - Rotating in-depth analysis by field or revenue center

Deployment example
An integrated, platform – from a work flow and monitoring perspective
## Audience Q&A

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