A Compliance Program Facelift…
Sculpting a Program From Good to Great

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Speakers

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Disclaimer

The opinions and information provided during this presentation are solely that of the speakers and do not represent the opinions of their employers.

Today’s Goals

- Address state and federal requirements and enforcement activities
- Discuss strategies to move your compliance program form “Good To Great” with limited resources
- Case scenarios describing how to build partnerships and influence outcomes
State & Federal Requirements

- **Medicare (Part C and D Participation)**
  - Medicare Advantage
  - Medicare Medicaid Plans
  - Institutional Special Needs Plans
  - Dual Special Needs Plans (dual eligible)
  - Prescription Drug Plan / Drug Rebate Programs
- **Medicaid (State Contract)**
  - Health Services (Population)
  - Technology / Telehealth
  - Reporting
- **Federally Funded “Marketplace”**
  - Exchange / Health Marketplace Products
  - (State and Federal)
- **Accrediting Bodies**
- **CMS Fraud Waste Abuse**
- **US Sentencing Commission**
- **Vendors**

Government Recoveries

- **F** FY19, DOJ recovers ~ $2.7B related to healthcare industry
- **W** Recoveries $60B since 1986
- **A** Personal Liability: Ralph Jay Cox III, former CEO Tuomey Healthcare, John Sorenson, Board Chairman & Emil DiLorio, MD, CEO of Coordinated Health
Organizations without a Compliance Plan

Moving Compliance from “Good to Great”

Compliance Culture

- Tone at top
- Compliance Commitment
- Compliance Accountability

Integrating Compliance in Business Process

Governance
- Document process and risks
- Define and document controls
- Assess effectiveness of controls
- Disclosure & certification of compliance processes
- Remediate issues

Risk management
- Identify and categorize risk
- Assess risk
- Mitigate risk
- Report on containment of risk

Compliance
- Document process and risks
- Define and document controls
- Assess effectiveness of controls
- Disclosure & certification of compliance processes
- Remediate issues

Compliance Organization
Compliance Program Infrastructure

- Written Policies, Procedures & Standards
- Compliance Officer/Compliance Committee
- Education & Training
- Auditing & Monitoring
- Investigation and Remediation of Systematic Issues
- Violation Reporting and Resolution
- Consistent Disciplinary Standards
- Assessing Program Effectiveness

Governance/ Risk / Compliance Program

- Governance Strategy
  - Tone at the Top
  - Risk Assessments
  - Reporting & Resolution

- Risk Management
  - Policies & Procedures Adherence
  - Monitoring
  - Response & Prevention

- Compliance Oversight
  - Auditing
  - Education & Training
  - Enforcement & Discipline

- Framework consists of 3 core pillars
- The compliance program support business operations
- Assess effectiveness of overall Compliance & Operational Risks

Compliance... The Foundation of Organizational Business...
Assess Compliance Program Maturity

Siloed
- Basic activities
- Independent for org leaders
- Very little engagement

Building
- Plans are underway to improve, grow and integrate the processes
- Organizational engagement underway

Controlled
- Steady State
- Evidence of basic program effectiveness
- Processes are repeatable and sustainable

Changed
- Transformation plans have been integrated into operations
- Connections to risk mgmt/ business ops. are in tact

Evolved
- Evidence of organized process optimized & balanced risk prioritizations

Compliance Framework Redesign

Current State ➔ Assessment ➔ Future State ➔ Roadmap
Understand Environment ➔ Evaluate Compliance Program Risk ➔ Target State ➔ Strategic Approach

- Know cultural & regulatory risks
- Under the business / compliance requirements
- Identify priorities
- Identify vulnerabilities and risk events
- Build relationships

- Identify threats & review program vulnerabilities
- Define probability, likelihood, categorize program risk
- Review and outline priorities
- Review & validate reporting process

- Define future compliance approach & methods
- Define goals for the desired outcomes
- Review reporting priorities
- Break down barriers & compliance stereotypes
- Demonstrate sense of purpose & relevance to the organizations business

- Communicate and engage business owners in compliance processes
- Build relationships & work collaboratively with business owners
- Build KPI’s that insect with business priorities

Continuous Improvement
Communication and Reporting

Compliance Committee

- Trends
- Quantifiable Data
- Risk Tolerance
- Corrective Action
- Metrics

Communication and Reporting

Steps to Improve... Communication

Open Communications

- Hotline Matters
- Chain of Command
- Audit Communication
- Games
- Marketing Program
- Newsletters
- Catchy Phrases
- Town Hall Meetings

Steps to Improve... Communication
Good to Great...Policies and Procedures

Compliance Training

I LOVE TRAINING

TRAINING'S MY FAVORITE
Good to Great...Compliance Training

- Well Publicized Training
- Make it interesting and interactive
- Hot topics and Examples
- Subject Matter Experts
- Tests And Evaluations

Compliance Training

- Compliance program overview and requirements
- Compliance program structure review
- Overview of common healthcare regulations, state program and contract requirements
- Key policy and procedure review /updates
- Billing, coding, claims processing error, documentation requirements, FWA requirements and mitigation
- Employees: obligation and responsibility related to compliance and disciplinary action for non-compliance
Annual Compliance Week Training

• **Themes**
  o Wild about compliance
  o Compliance Rocks Stars
  o Compliance State of Mind

• **Activities**
  o Chip and Putt
  o Hoops for Hero's
  o Family Feud
  o Episode Room
  o Jeopardy

Board, Physicians and Executive Staff Training

• Be brief and detailed
• Use data, trends and outcomes, performance measures
• Financial data and risk
• Demonstrate any potential risk impact on business operations
• Clinical risk and impact on health outcome
• Use examples that are relevant to the executive audience
• Responsibility and obligations
Compliance Training

Scenario: Identify Risks

**Quality**
- Medical Necessity
- Standardize care
- Licensed/credentialed

**Patient Safety**
- Complaints/Grievances
- Reduce delays
- Minimize risks and harms

**Documentation**
- Accurate, complete, timely
- Contract payment accuracy
- Financial transactions

**Compliance**
- Physicians, pharma, medical device, legislators, business partners

**Relationships**
Risks

• Enterprise Risk Management (ERM)
  o Establishes a systematic process of understanding, evaluating and fostering action on significant risks
  o Promotes an environment of ownership and accountability of significant risks and the response to those risks
  o Considers internal, external and cross-entity risks
  o Provides a foundation for superior planning and budgeting

• Any issue that impacts your organization ability to meet its goals and objectives

• Understand the importance of each risk

Compliance Program: Good to Great

• Operates independently and objectively
• Strategic advisor and partner
• Promotes transparency and disclosure
• Utilizes data for trends/patterns
• Ongoing education and training to mitigate risks
• Drives awareness of emerging risks

• Engaged in strategic planning, decision-making and implementation processes
• Identifies opportunities to streamline financial, operational and reputational risks
• Advisor of regulatory requirements across multifunctional areas
• Triage, responds and reports enterprise-wide risks and communicates to leadership and Board of Trustees

Enterprise Risk Management

Improved
Operational
Performance
ERM Framework

How to develop risk lists

- Avoid loss of Medicare/Medicaid contract, financial fine/penalty, criminal charges, quality of care concerns or reputational harm

1. List 5 things that must be done always related to patient safety, physician/vendor relationships, documentation or quality care
2. List the top 5 policies/processes that your staff should be able to verbally summarize if asked by an internal/external auditor
3. List 5 specific education and training sessions provided to at least 85% of your staff on patient safety, physician/vendor relationships, documentation or quality care within the last three years
4. Identify the list of deficiencies your organization received within the last three years. Have you achieved 100% significant compliance?
5. List 5 concerns that would keep you up at night if not done correctly
6. New and emerging risks (e.g., new or updated regulations or trends)
Driving Organizational Change

 Identify  
 Measure  
 Monitor  
 Mitigate  
 Corrective Action  
 Report  
 Compliance Program

Scenario: Auditing & Monitoring

- Business Units:
  - Prompt assignment of a qualified person to review risks or incident
  - Think Tank Session
- Data matching
- Compare patterns
- Monitor complaints
- Contracts with vendors for billing, credentialing and pharmacy services or other functions
  - Monitor contractors’ performance
  - Utilize external auditors, where applicable
  - Determine scope of harm based on audit results
  - Review and act on audit results
Good to Great... Auditing & Monitoring

**Audit & Compliance Committee**
- Reviews/approves all compliance risk reports
- Oversight for compliance structure and risk tolerance
- Considers appropriate risk Mgmt & internal control framework

**Compliance Committee**
- Process improvements
- Outcomes reported to Audit & Compliance Comm.
- Internal & external audit reports
- Financial & strategic risks

**Board**
- Approves strategic goals
- Approves ERM and risk tolerance
- Sets delegation of authority
- Reviews and approves committee reports
- Approves standards and accountability

**Risk Working Group**
- Identifies organizational risks
- Assists with work plan developments
- Performs ongoing risk assessments
- Reports outcomes to committees & board

**Business Unit**
- Identifies business unit risks
- Develops work plans
- Limited scope reviews performed at least annually
- Reports to supervisor and committee

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Good to Great ... Reporting

*Track, trend, monitor and communicate organizational compliance, risks and remediation through a comprehensive reporting program*

**Develop**

**Plan**

**Initiate**

**Engage**

**Deploy**
Great Compliance Program!

- Written Policies, Procedures & Standards
- Compliance Officer/Compliance Committee
- Education & Training
- Auditing & Monitoring
- Violation Reporting and Resolution
- Consistent Disciplinary Standards
- Investigation and Remediation of Systematic Issues
- Assessing Program Effectiveness
- Strategic Management
- Performance Management
- Risk Management
- Control Activities
- Business Processes
- Policies & Procedures

GRC

Assessing Program Effectiveness

Compliance Officer/Compliance Committee

Education & Training

Auditing & Monitoring

Violations Reporting and Resolution

Consistent Disciplinary Standards

Investigation and Remediation of Systematic Issues

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