

Effectively Managing Internal Investigations and Regulatory Disclosures

HCCA 2020 Managed Care Compliance Conference
Sunday, January 26, 2020

- Lori Cowdrey Benso, Member
Strategic Health Law
- Anne Crawford, Senior Vice President Compliance Solutions
ATTAC Consulting Group LLC
- Annie Hsu Shieh, Senior Compliance Counsel
Central Health Plan of California

STRATEGIC
HEALTH
LAW

ATTAC
CONSULTING GROUP
healthcare solutions • business results

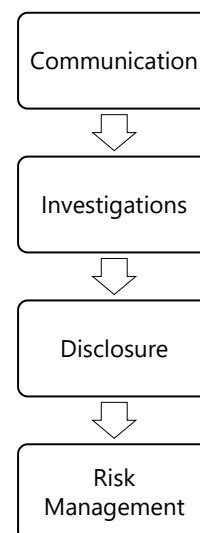
CENTRAL HEALTH PLAN
OF CALIFORNIA

1

Topics To Be Covered

2

- Methods to determine if communication infrastructure supports prompt identification of potential issues
- Strategies for initiating timely investigations that determine beneficiary and organizational impacts
- Common themes and regulatory disclosure approaches when deciding whether self-reporting to regulators is required or advisable
- Discuss attorney-client privilege and litigation risk-management strategies



2

What Would You Do?

3



Hmm...This looks worse than I had thought.

3

Case Study 1

4

An agent/broker is accused of marketing misrepresentation and enrolling a member without his/her consent.

1. Walk through the investigation process?
2. Involve outside counsel?
3. Self disclose to CMS?



4

A provider alleges that the Plan has been inappropriately denying claims due to non-compliance with the one-hour notification rule (or two-midnight rule).

1. Walk through the investigation process?
2. Involve outside counsel?
3. Self disclose to CMS?



5

A member calls the Plan stating that she received someone else's Part D EOB in the mail. The Part D EOB includes PHI.

1. Walk through the investigation process?
2. Involve outside counsel?
3. Self disclose to CMS?



6

The Plan's Risk Adjustment department completes an audit of a provider's records and determines there was potential upcoding of medical diagnoses.

1. Walk through the investigation process?
2. Involve outside counsel?
3. Self disclose to CMS?



7

The Plan receives an anonymous hotline allegation that the HR department has been failing to report new hires to Compliance. As a result, OIG-GSA checks and training was not conducted for several new hires.

1. Walk through the investigation process?
2. Involve outside counsel?
3. Self disclose to CMS?



8

As a bonus, a Plan offers Brokers a chance to catch a pass with Tom Brady.

1. Walk through the investigation process?
2. Involve outside counsel?



9

A large hospital system and a large provider of Internet-related services partner to collect patient data to identify healthcare solutions.

1. Walk through the investigation process?
2. Involve outside counsel?

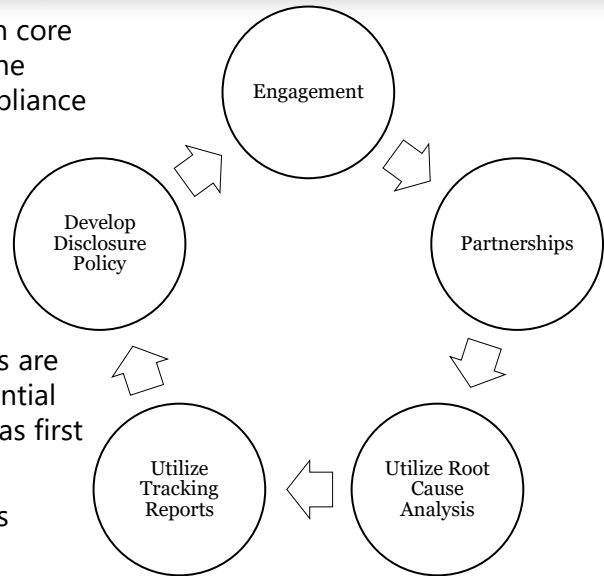


10

Recap of Key Points

11

- ✓ Develop level of engagement with leaders in core Medicare functions so that they recognize the benefits of bringing potential issues to compliance
- ✓ Ensure first tier entities see themselves as partners
- ✓ Utilize root cause analysis to measure timespan between issue identified and brought to compliance
- ✓ Utilize tracking reports so that investigations are initiated within 2 weeks from when the potential noncompliance or potential FWA incident was first identified
- ✓ Develop disclosure policy which can serve as guidepost for reporting non-compliance or potential FWA



11

12

Questions?

Lori Cowdrey Benso, Member
Strategic Health Law
Email lbenso@strategichealthlaw.com
Phone 217.725.6522

Anne Crawford, Senior Vice President Compliance Solutions
ATTAC Consulting Group LLC
Email acrawford@attacconsulting.com
Phone 412.849.6623

Annie Hsu Shieh, Senior Compliance Counsel
Central Health Plan of California
Email ahsu@centralhealthplan.com
Phone 626.388.2390 ext. 2885

12