Effectively Managing Internal Investigations and Regulatory Disclosures

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Topics To Be Covered

- 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
Case Study 1

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?
Case Study 2

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?

Case Study 3

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?
Case Study 4

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?

Case Study 5

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?
Case Study 6

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?

Case Study 7

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?
Recap of Key Points

- 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

Questions?

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