

Moving Your Compliance Program from Check the Box to Strategic

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Help us evaluate our compliance program.
What do we need to do to be successful?

- What is the strategy for your Compliance Program?



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Help us evaluate our compliance program.
What do we need to do to be successful?

- Your Compliance Program budget is \$xxx.xx. What are you hoping to accomplish by spending the budgeted funds?
- You've been asked to explain your compliance officer's role to him/her in three sentences or less. What will you tell the compliance officer?



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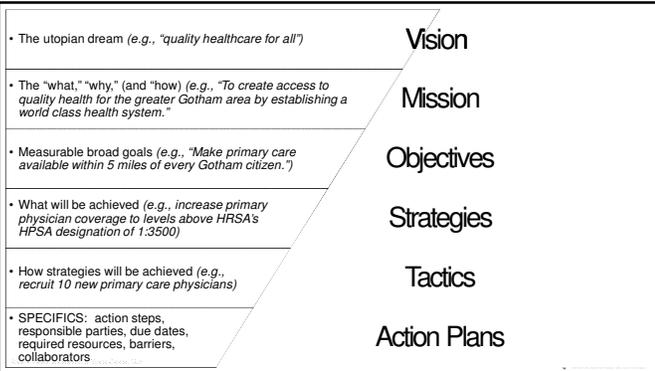
How did they answer?

- > I don't know
- > No one has ever asked us to think about compliance in that way
- > Make sure we are "in compliance"
- > Keep me out of jail



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What are the appropriate strategies for a compliance program?



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What are the appropriate strategies for a compliance program?

- Prevention
- Detection and Correction
- Defense

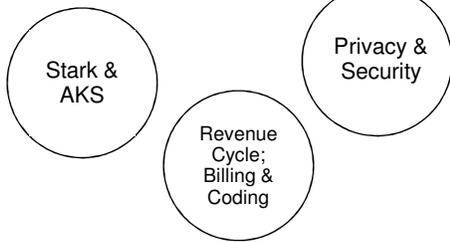
Proactive vs. Reactive Compliance

"It is important here to distinguish between 'backward looking' and 'forward looking' compliance efforts. I do not mean that we are now willing to credit 'backward looking' compliance efforts—preexisting compliance programs that fail to deter or detect the illegal cartel conduct . . . a compliance program that fails to deter or detect cartel behavior cannot qualify for that credit . . . I also do not mean that we are going to credit companies that, after coming under investigation, put into place or nominally improve an antitrust compliance program.

"Only compliance efforts that go further, that reflect in some way genuine efforts to change a company's culture, will receive consideration in calculating a company's fine."

Deputy Assistant Attorney General, Antitrust Division, Brent Snyder comments to the Sixth Annual Chicago Forum on International Antitrust, June 2016

What are the appropriate strategies for a compliance program?



What does a comprehensive, well designed program look like in the health care industry?

Revenue Cycle Risk Areas – Focus of OIG OAS Hospital Compliance Audits

- Incorrectly Billed as IP (short stay, IP vs. OP)
- Incorrect Units of Service
- Lack of Physician Orders
- Incorrectly Billing for Incarcerated Beneficiary
- Manufacturer Credits for Replacement Devices
- Incorrectly Billed IMRT Services
- Incorrectly Billed Observation Services
- Condition Code 44 Errors
- Incorrect/Undocumented Charges Resulting in Incorrect OP Outlier
- Non-Covered Dental Services
- Incorrectly Billed Lupron Injections
- Elective Procedures
- Incorrect Units for Doxorubicin Hydrochloride Administered
- Incorrectly Billing Part B for OP Services Provided During an Inpatient Stay (Three Day Window Rule)
- Inpatient Only Procedures
- Incorrectly Billing to Medicare as Primary when Medicare is Secondary Payer
- Incorrect Revenue Code
- Incorrect Billing for Unlabeled Use of a Drug
- OP Surgeries with Units Greater than 1
- Claims Paid in Excess of Charges
- Same Day Discharge and Readmission
- IP psychiatric Facility ED Adjustments (for admit from ED)
- IP Claims Billed with Kyphoplasty Services
- Cancelled Surgical Procedures
- DRG Verification/High Severity DRGs
- Hospital Acquired Conditions
- Elective Procedures
- Discharge/Transfer Rules
- ABNs/HINNs
- Credit Balance Management
- Charge Code Accuracy (CDM Maintenance)
- Use of Modifiers that Result in Additional Payment (59, 25, etc.)



How do you help your organization think differently? Some ideas:

- > Create a crisis?
- > Provide information about all of the issues?
- > Bring in an expert?
- > Send them to training!



Thinking Differently: The Important Role of Leadership

“Culture is a shared set of attitudes, goals, behaviors and values that characterize a group. It is how things get done in a company, and it influences the entirety of the employee experience – and therefore the customer experience. . . . and the CEO must constantly observe and manage for the culture he wants.

. . . .
In my opinion the most critical word in definition of culture is *values*. It is the CEO’s job to ensure that a company’s values are applied consistently from top to bottom, across all departments. No person or group can be exempt.”

The CEO Tightrope, How to Master the Balancing Act of a Successful CEO, Joel Trammel (2014)



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Thinking Differently: The Importance of Leadership

- Reporting & Working Relationships
- Board Oversight Committee
- The Executive Level Compliance Committee



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Thinking Differently: The Programmatic Nature of Compliance – Understanding the Elements as Part of a Unified Program

- Leadership
- Written standards
- Training & communication
- Auditing & monitoring
- Risk assessment
- Screening - personnel & business partners
- Reporting mechanism (e.g., hotline)
- Investigation & response



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Thinking Differently: Establishing Targets, Measuring Achievements, Reporting and Creating Accountability

- Core Compliance Program Operations
 - e.g., training completion
- Work Plan Tasks
 - e.g., physician contract renewals; appropriate admission orders
- Corrective Action Plan Implementation
 - e.g., implementation by due date
- Connecting Compliance Metrics to Performance Evaluation and Compensation



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Thinking Differently: Establishing Targets, Measuring Achievements, Reporting and Creating Accountability

What gets measured gets done



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Thinking Differently: What Compliance Officers Should Understand

- Understand compliance risks from your leadership team's perspective
- You are responsible for the compliance program – NOT for whether the organization is "in compliance"
- Perfection probably isn't attainable
- Rome wasn't built in a day



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