Compliance Program Effectiveness

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Oversight of the Health Care Industry

Your Organization

Congress
Medicare/Medicaid Program Integrity

CMS

Regional Offices

QOs

QIOs

QIO

APRB

Intermediaries

Carriers

Federal Circuit Courts

Departments/Agencies

State Level

FDA

DOE

OSHA

DOJ

Treasurer

FBI

DOL

NRC

JCAHO

IRS

FTC

FHA

ERISA

CLIA

OCR

IRISHRS

NHS/NOSH

DEA

FPA

QMS

SEC

OSA

EPA

FTC

FHA

ERISA

CLIA

OCR

IRISHRS

NHS/NOSH
HOW DO YOU MEASURE EFFECTIVENESS?

- Federal Sentencing Guidelines
- OIG’s Voluntary Compliance Program Documents
- Corporate Integrity Agreements (CIA)
- Demonstration

EFFECTIVENESS

Federal Sentencing Commission has outlined the elements of a compliance program

- Designate Compliance Officer
- Establish a Compliance Committee
- Conduct Training and Education
- Establish a Code of Conduct and Policies and Procedures
- Ensure Open Lines of Communication
- Conduct Monitoring and Auditing
- Ensure those with Criminal Backgrounds don’t do Business with Organization
- Measure Effectiveness of the Program
WHO IS RESPONSIBLE?

Responsible Party

- Board
- Leadership
- Privacy Officer
- Workforce
INSTITUTIONAL PARTICIPATION

Committee
Leadership
Finance
Clinical Administrator
Provider
Front-line Employee
Patient

ARE THE RULES UNDERSTOOD?

Policies and Procedures

LOW

Reputation

Financial

HIGH
COMMUNICATION

- Who do you hear from the most?
- What is your #1 question?
- What is the highest volume?
- What is the biggest reputational risk?
- What keeps you up at night?
- What would not surprise you if you heard that “...”?

DO YOU HAVE YOUR LIST?

Examples

**High**
- Mobile Devices
- Laptops
- Social Media
- Email

**Medium**
- Waiting room
- Paper PHI
- Misdirected information

**Low**
- Monitors
- Hallway access to PHI
- Common areas
TRENDS?

- Business Associate
  - Lost laptop
  - Lost Data

- Contract workers
  - Billing company
  - Housekeeping

- Employees
  - What is your tolerance?

Measuring Effectiveness

KNOW BEFORE THEY ASK

Privacy Complaints and Investigations

- Review Regularly
  - Quarterly
  - Semi Annual
  - Annual

- Respond
  - People?
  - Process?
  - Policy?

- Mitigate
  - Which "P" needs fixing?
WHAT DOES YOUR DATA SAY ABOUT YOUR PROGRAM?

Complaints or Compliance?

Cases

Year 1 Year 2 Year 3 Year 4

HOW DO WE MEASURE?

1. Designate Compliance Officer, Establish a Compliance Committee
2. Conduct Training and Education
3. Establish a Code of Conduct and Policies and Procedures
4. Ensure Open Lines of Communication
5. Conduct Monitoring and Auditing
6. Ensure those with Criminal Backgrounds don’t do Business with Organization
7. Measure Effectiveness of the Program
QUESTIONS:

- Does the board have ultimate responsibility for the program?
- Are they ready to answer the questions from OIG?
  1. Do you know who the compliance officer is?
  2. Do you know about the risks, auditing and monitoring plan?
  3. Do you know about specific issues?
  4. Org charts?
  5. Telephone numbers of the board?

SUCCESSFUL PROGRAM

- Understand your activity
- Know what the requirements are related to activity
- Be a champion of your program
- Defend your program

“Where there is no money, there is no mission.”
THANK YOU

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