Compliance Education Programs

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Session Objectives

• Discuss the considerations for a compliance education program that covers a wide array of care locations
• Review basic compliance education topics, and ideas for leveraging existing communication sources for compliance education
• Explore how small to medium sized healthcare organizations can tailor and operationalize compliance education programs for their settings
Compliance Program Structure - Overview

Finance & Compliance Committee of the CMH Board

Corporate Compliance Steering Committee

Chief Compliance Officer

All Facility Results

Facility Compliance Officer

Risk Area Self Monitoring

Corporate Functional Compliance Coordinators

Develop Compliance Work Plans

* FCA – Facility Compliance Advisor

Compliance Work Plans

Annual Independent Internal Audit Review

Physicians & Mid Level Providers

PCC, PCC, PCC

VP, Physician Compliance
Education: An essential element of effective compliance programs

What is Compliance Education?

“The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program … by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.”

~ U.S. Federal Sentencing Guidelines
Current Compliance Environment:
Recent Fraud & Abuse Accomplishments

2014

OIG
- Recovered nearly $5 billion
- 4,017 individuals and entities excluded
- 971 Criminal Actions, 533 Civil Actions (incl. False Claims, Civil Monetary Penalty settlements & Self Disclosures)

Medicare Fraud Strike Force
- 90 defendants charged for Medicare fraud in 6 cities including 27 licensed medical professionals, $260 million in false billings

Department of Justice
- Community Health Systems to pay $98M to resolve False Claims Act allegations of IP admits which should have been billed as OBS and IP procedures referred in violation of the Stark Law

2015

OIG
- Expects recoveries of over $3 billion
- 4,112 individuals and entities excluded
- 925 Criminal Actions, 682 Civil Actions (incl. False Claims, Civil Monetary Penalty settlements & Self Disclosures)

Medicare Fraud Strike Force
- June 2015: Largest national health care fraud take-down to date
  - Twice the size of previous take-downs.
  - Resulted in charges against 243 individuals, including 46 licensed medical professionals, for their alleged participation in fraud schemes involving approximately $712 million in false billings to Medicare & Medicaid Programs.

Sources: OIG and other HHS Websites and Reports

Current Compliance Environment:
the Yates Memo

September 09, 2015: Memo from Deputy Attorney General Sally Yates, “Individual Accountability for Corporate Wrongdoing” (“Yates Memo”)

“One of the most effective ways to combat corporate misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing.”
Current Corporate Governance Environment: Department of Justice (DOJ) Assessment of Compliance Programs

- November 02, 2015: Assistant Attorney General Leslie Caldwell outlined metrics the DOJ’s compliance counsel, Hui Chen, will use when evaluating compliance programs.

- Ms. Chen, a former federal prosecutor and in-house counsel for 2 major companies, will:
  - Assess the quality and effectiveness of companies’ corporate compliance programs under scrutiny by the DOJ
  - Help the DOJ tailor remedial compliance measures as part of legal resolutions with companies

*DOJ Announces New Compliance Counsel and Outlines Metrics for Evaluating Corporate Compliance Programs Under Scrutiny*, Ropes & Gray Alert, November 2, 2015.
U.S. Sentencing Commission Federal Sentencing Guidelines (FSGs)

- Effective November 1, 1991
- Seven Elements of a Compliance Program (Chapter 8)
- Set out a uniform sentencing policy for individuals and organizations convicted of felonies and serious misdemeanors in the United States federal courts system
- Federal prosecutors and regulators use the FSGs to determine if charges are warranted once an investigation concludes, and if so, the severity of the civil enforcement action.
  - Controls sentencing of organizations for most federal criminal violations
  - Sentencing “credit” for “effective programs to prevent and detect violations of law”

2004 Amendments to FSGs included key recommendations for compliance programs

- “Culture” of ethics and compliance
- Defining ethics and compliance standards, procedures and obligations
- Adequate resources
- Employee screening practices
- Training as an essential element
- Means for anonymous reporting
- Ongoing risk assessments
OIG Compliance Program Guidance

- The OIG developed a series of voluntary compliance program guidance documents directed at various segments of the health care industry:
- Purpose: to encourage the development and use of internal controls to monitor adherence to applicable statutes, regulations, and program requirements.
- These guidance documents provide greater details and commentary from the OIG on how to implement the 7 elements of an effective compliance program.

OIG Compliance Program Guidance

- Compliance Program Guidance for Hospitals
- Compliance Program Guidance for Clinical Laboratories
- Compliance Program Guidance for Home Health Agencies
- Compliance Program Guidance for 3rd-Party Medical Billing Companies
- Compliance Program Guidance for DME
- Compliance Program Guidance for Hospice facilities
- Compliance Program Guidance for Small Group Physician Practices
- Compliance Program Guidance for Nursing Facilities
- Compliance Program Guidance for Pharmaceutical Manufacturers
- Compliance Program Guidance for Ambulance Suppliers
- Supplemental Compliance Program Guidance for Hospitals (2005)
- Compliance Program Guidance for Recipients of Public Health Service Research Awards
An Effective Compliance Program Should Have Eight Active Elements

1. Employee Input, including anonymity.
2. Investigation and Remediation of Identified Systemic Problems and Sanctioned Parties.
3. Use of Audits and/or other evaluation techniques to monitor compliance.
4. Authority to address illegal activities and violations of federal Requirements or internal policies.
5. Education and Training Programs for all affected employees.
6. Designation of a Chief Compliance officer & Appropriate Bodies.
7. Written Standards of Conduct, including Policies and Procedures.
8. A Corporate Culture of Compliance and Ethics.

A Comprehensive Compliance Education Program
What is Compliance Education?

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~ U.S. Federal Sentencing Guidelines
Why is Education Essential to an Effective Compliance Program?

In the February 2017 Department of Justice (DOJ) report entitled “Evaluation of Compliance Programs”, the DOJ makes clear their expectation that health care organizations provide resources that:

- “Provide guidance relating to compliance policies” and
- “Assess whether its employees know when to seek advice”.

DOJ’s Evaluation of Compliance Programs:
https://www.justice.gov/criminal-fraud/page/file/937501/download

Compliance Education that is Effective

<table>
<thead>
<tr>
<th>What it should be</th>
<th>What it should not be</th>
</tr>
</thead>
<tbody>
<tr>
<td>Responsive</td>
<td>Single delivery method</td>
</tr>
<tr>
<td>Engaging</td>
<td>“Check the box”</td>
</tr>
<tr>
<td>Job-focused</td>
<td>Only annually</td>
</tr>
<tr>
<td>Timely</td>
<td></td>
</tr>
</tbody>
</table>
General Compliance Training: Who & When

- Employees at all levels – At least annually
  - Requirement to effectively communicate standards and procedures
- Length – Varies by organization
- Methodology
  - Live training with case studies is most effective
  - Computer-based training and distance learning are most economical
- Timing – within the first 30-60 days for New Employees, although within 1-2 weeks is recommended
- Code of Conduct should be a major component, including a certification of employee commitment

Additional Compliance Training

- Laws and regulations governing the day-to-day activities of employees in the following areas necessitate additional training specific to their job duties:
  - Corporate Officers
  - Managers
  - Those working to submit claims
  - Marketing & sales
  - Medical Records
  - Information Technology
  - Finance or Cost-Reporting
- Frequency – At least annually
Documenting Compliance Training

- Record compliance training
  - Attendance logs
  - Material distributed
- Best Practice: Incorporate requirement for annual compliance training into annual employee performance evaluation process

Example: Documenting Education

Education Summary Report

<table>
<thead>
<tr>
<th>Education Topic/Request:</th>
<th>Educator:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Facility Name:</td>
<td>Site Participating Staff:</td>
</tr>
<tr>
<td>Date of Visit:</td>
<td>Length of Visit:</td>
</tr>
<tr>
<td>Educational Objectives/Purpose:</td>
<td></td>
</tr>
<tr>
<td>1.</td>
<td>2.</td>
</tr>
<tr>
<td>3.</td>
<td>4.</td>
</tr>
<tr>
<td>Summary of Educational Training:</td>
<td></td>
</tr>
</tbody>
</table>

Educational/Recommendations:

Educator’s Signature: Date:
Compliance Education Topics

General Compliance Training Content

1. Federal and State statutes, regulations and guidelines
2. Policies of federal, state and privacy payers
3. Corporate ethics
4. Company commitment to comply with legal requirements and policies
5. Highlights of the company compliance program
6. Summary of fraud, waste and abuse statutes and regulations
7. Coding requirements
8. Claim development and submission process
9. Marketing practices
10. How to report an actual or potential problem
11. Patient rights and patient education
Don’t reinvent the wheel!

OIG has great education resources available on their website, including:

- Compliance Program Guidance
- Presentations from OIG leaders
- Podcasts
- Provider Training
- Compliance for Health Care Boards

Approaches to Compliance Education

- Proactive
  - OIG expectation: upon hire and annually thereafter
  - Good for the organization

- Reactive
  - To make improvements where errors have been identified
  - In response to audits/investigations
Proactive Compliance Education

- Basic Compliance Education – target audience is general employee, topics include:
  - Conflicts of Interest
  - Fraud, Waste & Abuse
  - EMTALA (basic)
  - Documentation & Billing
  - Reporting concerns & hotline

- Focused Compliance Education
- Education “tools” – 5 chart self-audit tool

Example: short articles

Have you heard this conversation?

- Employee 1: Hey, how long did it take you to read all that information for Annual Mandatory Education (AME) and the documents for signing off on your self eval? It seemed to take me FOREVER! And all those “hover over” and “click here for more information” drive me crazy! I could have done it in half the time if the information was not so “interactive”!!

- Employee 2: Well I just answered the questions and clicked “yes” I read. I didn’t really READ anything.

- Employee 1: Do you know you are accountable for all the information, and your attestation is like your word that you have met the regulatory requirements for reviewing?

- Employee 2: I have never thought of it that way. I was just trying to get it done fast since we are so busy. I will go back and make good on my responsibilities!
Example: short article

Applies to:

**Action required:** Use the most specific ICD-10 diagnosis codes supported by the medical record.

Requested by:

**Why:** With ICD-10 implementation, CMS indicated it would not initially deny claims for lack of ICD-10 specificity prior to October 1, 2016. This "grace period" for the use of unspecified diagnosis codes ended September 30, 2016.

Providers must use the most specific diagnosis codes that are supported by the medical record. Medical record documentation should be specific as well. While there are a few instances where unspecified ICD-10 codes may be appropriate, unspecified diagnosis codes should be the exception and not the rule.

It is possible that clinics submitting unspecified ICD-10 diagnosis codes may experience an increase in post-payment audits and quality reporting errors.

**How:** [Click here](#) for more information on ICD-10 diagnosis coding.

**Questions:** Email questions to [Example: short articles](#).

Be clear.

Be accessible.

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Example: audit tool considerations

- Excel
- Keep it simple
- Share as an educational opportunity

<table>
<thead>
<tr>
<th>Patient Name</th>
<th>DOB</th>
<th>MRN</th>
<th>Acct #</th>
<th>SSN</th>
<th>DOS</th>
<th>DX Code</th>
<th>CPT Billed</th>
<th>Modifier</th>
<th>QTY</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>CPT Billed Correctly (Y/N)?</strong></td>
<td><strong>CPT Should Have Billed?</strong></td>
<td><strong>Comments</strong></td>
<td><strong>Service Provider Name</strong></td>
<td><strong>Billing Provider Name</strong></td>
<td><strong>Payor Name</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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</tbody>
</table>

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Reactive Compliance Education

Reactive

- Investigations provide opportunities to educate on various services.
- Availability:
  - Education “blast” – regulatory/billing guidance in practical terms
  - Education “guidance” – optimization/operations specialist teams assist clinic with workflow improvement; review workflows to meet regulatory requirements

Example: education blast

NEW: Documenting Infliximab Infusion Services at Non-Beacon Clinics

<table>
<thead>
<tr>
<th>Topic</th>
<th>Locations Impacted</th>
<th>Payers Impacted</th>
<th>Process</th>
<th>Resources</th>
</tr>
</thead>
</table>
| Documenting Infliximab (Remicade®) infusion services for NHmg clinics not using Beacon | Any NHmg clinic not on Beacon providing these services | All payers | Avoid denials by reviewing documentation requirements for billing Infliximab (Remicade®) infusion services to ensure chart documentation meets guidelines | - LCD Infliximab (Remicade®) (Palmetto GBA)  
- Payment for Codes for Chemotherapy Administration & Nonchemotherapy Injections and Infusions: Medicare Claims Processing Manual, Ch. 12, Section 30.3  
- CCRG Medical Necessity blast |

<table>
<thead>
<tr>
<th>Topic</th>
<th>Date</th>
<th>Change Description</th>
<th>Resources</th>
</tr>
</thead>
</table>
| Recent reviews of claims for Infliximab (Remicade®) by Palmetto (our Medicare MAC) identify infusion service as a major risk service | Immediate | Ensure documentation requirements for Infliximab (Remicade®) infusion services are met:  
- Medical Necessity  
- Orders  
- Infusion documentation requirements | - LCD Infliximab (Remicade®) (Palmetto GBA)  
- Payment for Codes for Chemotherapy Administration & Nonchemotherapy Injections and Infusions: Medicare Claims Processing Manual, Ch. 12, Section 30.3  
- CCRG Medical Necessity blast |
**Education & Influence**

- Acute business office (NH RCS) noticed increased denials for certain procedure due to incomplete/inaccurate form
- Denials team sends issue to RCS Compliance Workgroup to discuss
- Compliance educator also sits on ambulatory business office workgroup (NHmg CCRG); takes concerns to that team
The mission of the Novant Health Revenue Cycle Services Compliance Workgroup is to collaboratively offer comprehensive compliance and reimbursement-related education to Novant Health acute care facilities and supporting RCS departments.

**Revenue Cycle Services Compliance Workgroup**

- discuss regulatory changes and proactively identify opportunities for process improvement;
- resolve known risks and issues utilizing Quality Assurance monitoring and tracking;
- develop and disseminate pro-active education and just in time solutions to key stakeholders; and
- review and report to RCS leadership compliance opportunities and work.

Our goal is to provide a remarkable service to all of our RCS clinical partners and departments, understanding how we contribute to Novant Health’s mission to deliver the most remarkable patient experience, in every dimension, every time.
Education & Influence

- NHmg CCRG workgroup reviews for coding & billing expertise
- Medical group operations leaders also sit on workgroup; provide input from a clinic workflow perspective
- Workgroup recommended education from all groups

NHmg Coding Compliance Resource Group

The mission of Corporate Compliance, Coding, and Clinical Documentation Improvement is to collaboratively offer documentation reviews and comprehensive educational opportunities for the NHmg provider community.

Through pro-active education and on-site coding support, we assist providers in navigating the ever changing regulatory environment, by assessing documentation and offering suggestions for improvement.

Our goal is to provide a remarkable service to our physicians and non-physician practitioners in every interaction, every time.
**Education & Influence**

- “How To” blast and face to face education
- Acute denials team tracking and reporting identified need for additional action
- Compliance brought key acute & ambulatory stakeholders together to develop a
- Blast and face to face education on

**Operationalizing Compliance Education**
Marketing Your Compliance Program

- Develop your key messages
  - Keep it simple
  - Keep it consistent

- Consider a “treatment” to make your message recognizable and memorable
  - Budget is a factor but does not have to limit you!

- Have a plan!
  - Easily implemented
  - Framework that can be replicated

Marketing Your Compliance Program

- Make a list of your communication tactics
  - Code of Conduct
  - Meetings
  - Written communication options (emails, newsletters, etc)
  - Annual reports
  - Board Meetings and Annual Training

- Leverage Existing Communication Sources
  - Employee Newsletters
  - Company Intranet, Email
  - Payroll stubs, Special Mailings
  - Recognition Weeks
  - Posters/flyers
Development & Delivery of Compliance Education and Communications

- Our Risk Assessment process has enabled us to determine where education resources can be most effective and where previous education initiatives have been successful.
- Risk Assessment results are utilized to develop and refine the annual Compliance Education & Communications Plan, a snapshot including:
  - List of education deliverables
  - Planned development timeframe
  - Estimated delivery timeframe
  - Delivery methodology

Compliance Meetings:
- Live, in-person meetings that include Compliance Environment Review, Compliance Program Updates, Focused compliance education and case studies.

Education Roundtables:
- Live webinars featuring education on a specific compliance program feature or compliance risk area risk.

Compliance Newsletter:
- Bi-monthly publication of compliance news and developments (CHS, local, state and national), Compliance Program updates, Upcoming due dates and events and inspirational compliance perspectives from organization leaders.
More Examples: Development & Delivery of Compliance Education

- Face to Face:
  - Compliance Summit
  - Lunch and Learns
  - Classroom setting
  - Operational Workgroups (advisory role)

- Virtual:
  - Webinars – quarterly; just in time
  - Blogs

- Written:
  - FAQs
  - SBARQs
  - Check-lists
  - Compliance Year-in-Review

Accessing Education: Your Repository

<table>
<thead>
<tr>
<th>Our Teams Announcements</th>
</tr>
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<tbody>
<tr>
<td>Explain the resources available for the [Invent Health medical group] our providers, clinic managers, coders, and coding compliance educators. Use them to find tips and tricks to improve coding and billing compliance.</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Our Site Owners</th>
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<tbody>
<tr>
<td>EHRs, Lane (MEDCARE)Corp Compliance Site</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Our Tiers Levels</th>
</tr>
</thead>
<tbody>
<tr>
<td>[Invent Health medical group] our providers, clinic managers, coders, and coding compliance educators. Use them to find tips and tricks to improve coding and billing compliance.</td>
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</table>

<table>
<thead>
<tr>
<th>Add new announcement</th>
</tr>
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<tbody>
<tr>
<td></td>
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</tbody>
</table>
Documentation of Compliance Activities is Education, too!

- Important to share high level decisions with key stakeholders, leaders and the Board
- Helps illustrate how Compliance Program supports and protects the organization
- Shows that you bring a “LEAN” strategy to your compliance work

- Memo summarizing OIG Work Plan items and how they intersect with Compliance Program activities
- Full report of Risk Identification Survey data provided to Compliance Matrix (high risk items reported to Compliance Committee of the Board)

## Reporting Up and Out

<table>
<thead>
<tr>
<th>Compliance Activity Snapshot</th>
<th>Q1 2016</th>
<th>Q2 2016</th>
<th>Q3 2016</th>
<th>Q4 2016</th>
<th>2016 Total</th>
</tr>
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<tbody>
<tr>
<td>Education</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>Novant Health corporate department trainings</td>
<td>2</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>7</td>
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<td>NH mg Coding Compliance Resource Group (CCRG)</td>
<td></td>
<td></td>
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<td></td>
<td></td>
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<tr>
<td>1 CCRG sessions</td>
<td>4</td>
<td>3</td>
<td>1</td>
<td>3</td>
<td>13</td>
</tr>
<tr>
<td>1 Inquiries</td>
<td>18</td>
<td>10</td>
<td>4</td>
<td>12</td>
<td>44</td>
</tr>
<tr>
<td>1 Lab requests approved</td>
<td>3</td>
<td>0</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1 Education Blasts &amp; Articles (ex., Documenting Hospital E/M Services)</td>
<td>2</td>
<td>4</td>
<td>1</td>
<td>10</td>
<td>17</td>
</tr>
<tr>
<td>1 Special projects (ex., consent forms)</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>0</td>
<td>4</td>
</tr>
<tr>
<td>1 Printing Regional Clinic Manager Meeting presentations</td>
<td>4</td>
<td>1</td>
<td>1</td>
<td>1</td>
<td>7</td>
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<td>NH mg Revenue Cycle Services Compliance Workgroup</td>
<td>NA</td>
<td>NA</td>
<td>2</td>
<td>2</td>
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<tr>
<td>Collaborative education projects with Acute Revenue Cycle</td>
<td>1</td>
<td>2</td>
<td>1</td>
<td>1</td>
<td>5</td>
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<tr>
<td>NH mg department or individual trainings</td>
<td>0</td>
<td>1</td>
<td>1</td>
<td>2</td>
<td>5</td>
</tr>
</tbody>
</table>
Celebrate Compliance Month!

Compliance Education: Brief Recap
Concluding Notes on Compliance Education

- Compliance education is an essential element of an effective compliance program.
- Compliance education activities don’t have to be expensive, elaborate or all-encompassing. However, they should be documented.
- Compliance education is most effective when it is recognizable and visible.
- Develop key messages and have a plan for implementation. Leverage existing education tactics within your organization to accomplish more with existing resources.

Session Objectives

- Discuss the considerations for a compliance education program that covers a wide array of care locations
- Review basic compliance education topics; and ideas for leveraging existing communication sources for compliance education.
- Explore how small to medium sized healthcare organizations can tailor and operationalize compliance education programs for their settings.
Questions