

THERAPY RISK ASSESSMENT

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WHY DO A RISK ASSESSMENT?

- INCREASED SCRUTINY FROM GOVERNMENTAL AGENCIES AND THIRD PARTY PAYORS
- TO DEVELOP A ROBUST PROGRAM OF AUDITING AND MONITORING AND COMPLIANCE TO ENSURE THE DAILY PRACTICES OF YOUR THERAPISTS ARE MEETING ALL REGULATORY GUIDELINES AND COMPANY BEST PRACTICES



COMMON AREAS OF RISK FOR THERAPY

THESE AREAS ARE FOUND ACROSS ALL PRACTICE SETTINGS:

- BILLING
- DOCUMENTATION
- SERVICE DELIVERY
- EMPLOYEE COMPLIANCE WITH PRACTICE ACTS AND LICENSURE LAWS
- REGULATORY GUIDELINES



EMPLOYEE RISKS

- LICENSURE VERIFICATION PROCESS
- APPLICABLE STATE BACKGROUND CHECKS
- STATE REQUIREMENTS BASED ON SETTING
- OIG EXCLUSION CHECKS



BILLING RISKS

- 8 MINUTE RULE
- APPROPRIATE MODIFIER USAGE
- EVALUATION CODES – SEVERITY LEVEL
- DOES THE CODE BILLED REFLECT THE SERVICE PROVIDED
- SIGNED CERTIFICATIONS
- APPROPRIATE DIAGNOSIS CODE
- CORRECT PAYER
- PRIVATE PAY PROGRAMS



DOCUMENTATION RISKS

- DOCUMENTATION CRITERIA
 - DOES IT MEET MEDICAL NECESSITY GUIDELINES?
 - DOES IT REFLECT A SKILLED SERVICE?
 - IS IT REASONABLE AND NECESSARY?
 - COMPLETED TIMELY?
 - APPROPRIATE SIGNATURES WITH CREDENTIALS?
 - DOES IT REFLECT THE APPROPRIATE SERVICE DELIVERY FOR THE DIAGNOSIS?
 - Is it the right amount of therapy by the right professional to achieve the right outcome?



ADDITIONAL AREAS OF RISK

- HIPAA
- PATIENT INDUCEMENTS
- CONTRACTUAL AGREEMENTS
- FINANCIAL
- MARKETING AND FUNDRAISING ACTIVITIES



COMPONENTS TO YOUR RISK ASSESSMENT

- OIG WORKPLAN
- OIG FINDINGS
- RECENT CORPORATE INTEGRITY AGREEMENTS FOCUSED ON THERAPY

LEARNING ABOUT THESE AREAS WILL HELP TO IDENTIFY RISK IN YOUR AREA OF PRACTICE BY IDENTIFYING PATTERNS AND TRENDS THAT BEING SCRUITNIZED BY THIRD PARTY PAYERS AND REGULATORY AGENCIES



WHAT IS A RISK ASSESSMENT?

- IT IS A PROCESS USED TO IDENTIFY, ASSESS AND PRIORITIZE POTENTIAL RISKS IN 3 MAIN AREAS:
 - REPUTATION – LOCALIZED, REGIONAL, NATIONAL
 - FINANCIAL – LOW DOLLAR IMPACT TO HIGH DOLLAR IMPACT
 - LEGAL/REGULATORY – NO REGULATORY OR LEGAL IMPACT TO FEDERAL/STATE ACTIONS/INVESTIGATIONS

RATE YOUR RISK AS HIGH OR LOW AND CONSIDER FREQUENCY AND/OR LIKELIHOOD OF OCCURENCE



STEPS TO SUPPORT A RISK ASSESSMENT

EMPLOYEE INTERVIEWS: COMPLETE YEARLY TO HELP IDENTIFY RISK AND EFFECTIVENESS OF COMPLIANCE PROGRAM

DEPARTMENTAL SURVEYS COMPLETED WITH MANAGERS ANNUALLY TO ENSURE UPDATED POLICIES AND PROCEDURES, KNOWLEDGE OF COMPLIANCE HOTLINE AND COMPANY CODE OF CONDUCT



INTERNAL WORKPLAN

- DEVELOP CORRECTIVE ACTION PLANS IN RESPONSE TO AREAS OF RISK IDENTIFIED
- TRACK THE IMPLEMENTATION OF THE CORRECTIVE ACTION PLAN TO ASSESS THE EFFECTIVENESS OF YOUR PROGRAM
- ANALYZE DATA AS AN INDICATOR OF EFFECTIVENESS
- UPDATE WORKPLAN REGULARLY



THE 7 ELEMENTS OF COMPLIANCE

- COMPLIANCE OFFICER AND COMMITTEE
- WRITTEN STANDARDS
- EFFECTIVE EDUCATION AND MONITORING
- AUDITING AND MONITORING PROGRAM
- REPORTING PROCESS FOR COMPLAINTS/DISCLOSURES
- ENFORCEMENT AND DISCIPLINE
- REPOSE AND PREVENTION



MEASURING SUCCESS

- STAFF KNOWLEDGE
- AUDIT RESULTS AND BENCHMARKING
- TREND ANALYSIS
- COMPREHENSIVE COMPLIANCE PROGRAM - 7 ELEMENTS
- DENIAL TRENDS
- CULTURE OF COMPLIANCE



ADDITIONAL RISK

- GOVERNMENTAL AUDITS: PROBE, TPE, ZIPIC, UPIC CAN LEAD TO EXTRAPOLATION AND SIGNIFICANT PAY BACKS
 - DO YOU HAVE A PROCESS TO ADDRESS AN AUDIT REQUEST?
 - IS YOUR STAFF TRAINED TO RESPOND?
 - DO YOU HAVE A DETAILED TRACKING AND REPORTING SYSTEM THAT SUPPORTS A POTENTIALLY HIGH VOLUME OF CLAIMS BEING REVIEWED



FALSE CLAIMS ACT INVESTION

- LENGTHY AND COSTLY TO AN ORGANIZATION NOT ONLY IN DOLLARS BUT RESOURCES
- WHISTLEBLOWER COMPLAINTS
- PATTERN OF CLAIM SUBMISSION/ERROR RATES THAT COULD BE PERCEIVED AS FALSE OR FRAUDULENT CLAIMS



HIPAA AND PHI

- ACCESS TO A SIGNIFICANT AMOUNT OF PHI: SAFEGUARDS FOR VIEWING, EDUCATION OF CLINICAL AND NON-CLINICAL STAFF
- EMR ACCESS AND SECURITY: CLEAR ROLES AND RIGHTS ACCESS FOR EMR THAT ARE DOCUMENTED AND AUDITED ON REGULAR BASIS
- RECORDS REQUEST: PROCESS FOR TRACKING AND RESPONDING TO REQUESTS
- COMMUNICATION POLICY: MOBILE, SOCIAL MEDIA, EMAIL



MANAGING PATIENT PRIVACY AND CONFIDENTIALITY

- PATIENT RIGHT TO RECEIVE NOTICE OF PRIVACY PRACTICES
- ACCESS TO HEALTH INFORMATION
- BREACH NOTIFICATION POLICY
- DISCLOSURES OF MINIMAL STANDARDS OF PHI FOR OTHER ACTIVITIES REQUIRES PATIENT AUTHORIZATION
 - FUNDRAISING ACTIVITIES
 - MARKETING ACTIVITIES



CONTRACTUAL RISKS

- THERAPY CONTRACTS THAT INCENTIVIZE VOLUME
- PHYSICIAN CONTRACTS THAT INCENTIVIZE REFERRALS
- CONTRACTS THAT ARE NOT ALIGN WITH CARE MODEL
- CONTRACTS THAT PROVIDE INCENTIVES TO SECURE SERVICES



KEY INITIAL STEPS

- KNOW THE PRACTICE ACTS FOR EACH DISCIPLINE AND THE SUPERVISORY REQUIREMENTS
- KNOW THE REGULATORY REQUIREMENTS FOR BILLING A THIRD PARTY PAYER – MEDICARE MANUAL- CHAPTERS 8 & 15
- COMPLETE OIG EXCLUSION CHECKS
- ESTABLISH A MECHANISM FOR REPORTING AND LOGGING COMPLAINTS
- AUDIT AND MONITOR



CREATING A CULTURE OF COMPLIANCE

- EDUCATE, EDUCATE, EDUCATE
- CODE OF CONDUCT
- CORE VALUES AND MISSION STATEMENT
- LEAD BY EXAMPLE – MANAGEMENT TEAM
- RESPOND AND FOLLOW UP ON ALL CONCERNS
- COMMUNICATION, COMMUNICATION, COMMUNICATION



IN CONCLUSION

- BY INVESTING IN COMPLIANCE, YOUR ORGANIZATION CAN MANAGE IT'S RISK AND CREATE A CULTURE OF COMPLIANCE AMONG IT'S EMPLOYEES.
- COMPLETION OF A RISK ASSESSMENT AND IMPLEMENTING THE 7 ELEMENTS OF A SUCCESSFUL COMPLIANCE PROGRAM POSITIONS YOUR ORGANIZATION WITH THE FRAMEWORK NEEDED TO SUCCESSFULLY DEFEND ITSELF SHOULD THERE BE AN INQUIRY OR INVESTIGATION REGARDING YOUR PRACTICES



QUESTIONS?

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