Compliance 101

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Why Compliance Programs Are Essential

- Communicate Organization’s Commitment
- Raise Awareness
- Mitigating Factor
- Avoid CIA
- Reduce Threat of Qui-Tams
Compliance Programs
How Comprehensive Should They Be?

Medicare Billing Compliance
Employment/Labor Law
EMTALA
Safety
HIPAA
Research
Other Federal &/or State Laws
How to Prevent Qui Tam Suits

Create an atmosphere that encourages compliance

Set up a hotline

Listen to employees
A Compliance Program Provides:

- Education
- Prevention
- Early Detection
- Collaboration
- Enforcement
What Is a Compliance Program?

Recommended by the Government
Ethical and proper way to do business
Commitment
Encourage problems to be reported
A process with constant monitoring
Who Needs a Compliance Program?

Physician Practices
Hospitals
Laboratories
Teaching Institutions
DME Distributors
Home Health Agencies/ Hospices
Others
Organizational Steps to an Effective Compliance Program
Gain Support / Commitment

Board
Management
Providers
Staff
Financial Support

Development/Start-up
Educational Materials
Staffing
Ongoing Operations
Develop Code of Conduct

Organizations ethical attitude
Address weak areas
Letter of endorsement
Chain of command
Identify Staffing Needs

- Appoint compliance officer
- Develop job descriptions for staff
  - Supply vs. demand
- Oversight Committee
- Counsel
Conduct Internal Assessment

What is an assessment?
Employee interviews
Identify risk areas
  – What is currently occurring?
  – Who is responsible?
  – What is the information flow?
  – What are areas for concern?
Develop Mission and Goals

Achievable
Measurable
Communicate
PDCA

Plan

Do

Check

Act
Continuous Improvement
Case Study (30 min)

You are a new Compliance Officer and charged with implementing a compliance program over the next year. Develop a timeline for implementation along with an organizational chart.

(“Regional Health System” 450 bed teaching hospital, two physician practices located within a 50 mile radius and one nursing home two blocks from the hospital)
Seven Essential Elements of a Compliance Plan

Standards and Procedures
Oversight
Education and Training
Monitoring and Auditing
Reporting
Enforcement and Discipline
Response and Prevention
Standards and Procedures

Code of Conduct
Keep It Simple
Outline specific legal duty
Attestation
Oversight

Compliance Officer
Oversight Committee
Other Committees
Board
Education and Training

Communication Process
Internal Vs. External
Mandatory Vs. Voluntary
Web Based Training
Sanctions
Monitoring and Auditing

Program Effectiveness
Internal “Audits”
Compliance “Reviews”
Outline Audit Procedures
Staff Training
Reporting and Investigation

Hotline

Policies and Procedures

No Retribution for Reporting
  - Privacy and confidentiality
Enforcement and Discipline

Sanctions for non-compliant behavior
Consistency
Stand firm
OIG sanctions reviews
Response and Prevention

Internal Investigation
  Is it really a problem?
  How serious is it?
  Are there enough facts to investigate?

Contact Counsel
Interview
Create Policy
Government Released Programs
www.dhhs.gov/oig

Laboratory
Home Health
Hospice
Medicare + Choice
Physician Offices
Third Party Billing

Hospital
DME
Nursing Facilities
Health Care Fraud Efforts Continue

Enforcement environment — heightened scrutiny

Enforcement activity – Recoveries

Enforcement weapons
Compliance Program Elements
Where is your program?


- CEO and Board Oversight
  - Frequency of Reporting
  - Governance structure
- Ownership-senior level down
  - Are sufficient resources allocated?
  - Are the compliance elements integrated into performance?
  - How are compliance issues reported and handled?
- Compliance Officer
  - Is your CO still the “right fit”?
  - Personal & Professional Risk
Compliance Program Elements (cont)

- Due Care Responsibilities
- Discretionary authority delegated appropriately
- Background checks
Additional “Due Care” Information

Identifying Arrangements with Sanctioned Providers

– Healthcare Integrity and Protection Data Bank
– OIG’s Cumulative Sanction List
– The GSA’s Department List
– Licensing and Certification Bodies at the State Level
Compliance Program Elements (cont)

Are risk areas identified and policies developed?
Policy and procedure verification.
Policies “reduce” the prospect of criminal conduct?
Continuous evaluation.
Compliance Program Elements (cont)

Commitment still present?
Training geared to increasing compliance knowledge of employees?
Training for high risk areas all covered?
Training incorporated into day to day business aspects?
Proof and documentation

Employee Training
Compliance Program Elements (cont)

Monitoring and Auditing

- Have you got an auditing plan?
- Audit methodology, what type of audits are being done?
- Has your program gone beyond the “process” audits?
- Proactive vs. reactive audits
Compliance Program Elements (cont)

- Audit strategy – protection of workpapers and findings.
- Results Reporting
- Corrective Action and verification.
Compliance Program Elements (cont)

- Appropriate and consistent disciplinary mechanisms in place
- Tracking system developed for disciplinary actions
Compliance Program Elements (cont)

Response and Prevention

Appropriate and consistent Responses

Awareness of roles and responsibilities

Disciplinary measures
Summary

- HCCA’s Annual Survey Summary Results
- Benchmarking
- Effectiveness Evaluations