Managing an Effective Compliance Program on a Limited Budget: “Doing More with Less”.

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“Doing More with Less”

- Consider your business/practice today and tomorrow when setting goals and implementing a compliance program – What’s your vision and mission
- Embedding the seven elements of an effective compliance program into the foundation of your practice and employee culture impacts budgets
- Consider people, process and technology resources as a means to safeguard your business/practice and elevate your compliance program
- Keep in mind: Scalable and Reasonable

Why Spend Resources on a Compliance Program?

- With the passage of the Patient Protection and Affordable Care Act of 2010, physicians who treat Medicare and Medicaid beneficiaries will be required to establish a compliance program.
- Establishing and following a compliance program will help physicians avoid fraudulent activities and ensure that they are submitting true and accurate claims.
- Consider your business/practice today and tomorrow when setting goals, establishing and implementing a compliance program
Reality

- No Staff assistance – You are alone
- Must handle all types of compliance-related issues
- Auditing and monitoring must be done
- Wears many hats
- HIPAA is included in the CO duties
- Outside assistance can be important
- Community participation is important

Issues to Consider

- Everyone knows everyone (HIPAA concern)
- “That’s the way we have always done it” (reluctant to change)
- “We are small, it doesn’t matter” (getting them to see the relevance)
- Culture (it’s a different world)
- Limited resources (both financial and staffing)
- Independence (auditing and monitoring)
Effective management of “many hats”

- Understand the culture
- Utilize effective communication techniques
- Conduct HIPAA privacy training and use specific examples
- Share settlements and stories of enforcement initiatives in your area
- Set a realistic budget and be creative in planning annual activities
- Utilize outside assistance to maintain independence

Effective Management, cont’d

- Set realistic goals and schedules.
- Allow flexibility.
- Designate a back-up.
- Compliance Manual with compliance policies and procedures is up-to-date and easily accessible.
- Delegate and/or defer non-compliance issues to appropriate personnel.

Daily Operations

- Keep a log of daily activities/issues and CO response.
- Utilize resources such as HCCA site, OIG guidance, etc.
- Include compliance updates to staff via email or by company newsletters.
- Build relationships with staff.
- Build a network of compliance professionals in your area.
- Network, Network, Network!
Although we are “small”, we must have an “EFFECTIVE” compliance program!

The Definition of “Effectiveness”

“producing a decided, decisive, or desired effect… capable of producing a result.”

“ready for service or action.”

Webster’s Dictionary

What is an effective Compliance Program?

- Assuring all 7 elements are operational
- Communicating effectively
- Assessing risk and prioritizing action to be taken
- Recommending consistent and fair discipline
- Monitoring for excluded providers/vendors
- Effective policies and procedures
- Education of all staff
- Having the “right” culture: Tone at the Top
Risk Areas: Coding & Billing

- Billing for items or services not rendered
- Double billing resulting in duplicate payment
- Provider misidentification (using another provider’s ID number to bill for services rendered by another provider)
- Inadequate documentation
- Unbundling (billing for each component instead of an all-inclusive code)
- Failure to properly use modifiers
- Up-coding the level of service provided

Risk Area: Stark and Anti-Kickback

- Remuneration for referrals is illegal
- Arrangements should be reviewed by counsel
- Must adhere with the Stark Law
- Must adhere to the Anti-Kickback Statute
- Conduct review of all contracts
- Track non-monetary compensation

Obtaining buy-in and commitment

- Is critical to the success of your program
- Identify champions
- Involve providers/management/staff on committees and work groups
- Provide one-on-one education and feedback
- Work with management so they understand the importance of compliance
- Listen
The Future of Compliance

Will compliance programs survive into the Year 2020?
Will they help us navigate healthcare reform?
Will they be supported by your Organization: too expensive, too distracting and too hard to measure?
The easy answer is that compliance programs will be thriving in the Year 2020 because they will be mandatory.
Fines are too high and the reputational risk is too great not to have one.

The Future of Compliance

- Many Organizations will find that up to 80% of their revenue will be derived from a Federal program.
- Compliance Programs need to be refined to survive in a post-reform environment.
- The Compliance Program must deliver high quality for low cost.
- The Compliance Program must have proven value.
- Value Challenges
  - Organization culture
  - Structure today typically seen as reactive and responsive instead of insightful and proactive.
- Compliance Programs of 2020
  - Integral in the delivery of better patient care
  - Function within cost constraints
  - Improve employee engagement
  - Protect the organization’s reputation
  - Break down barriers and silos of healthcare.
Compliance Program Qualities of the Future

- Support of Mission and Values
- Independence
- Clear Scope
- Business Focus
- Employee Engagement
- Collaboration
- Credibility
- Real Change

There will always be many hats, finding just the right one is important.

“It seems impossible until it is finished.”

Nelson Mandela
Tools

- Non-retaliation Policy
- Code of Conduct

Questions and Discussion