


NEGOTIATING CONFLICTS OF INTEREST


WITH FAMILY MEMBERS AND STAFF IN TREATMENT

A Clinical Conversation of Slippery Situations

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Health Care
Compliance
Association


1

WHAT CAN GO WRONG?

Case scenario



2



MDs & DOs: EXCLUSIONS

- General exclusions from coverage
- Stark Law
- AMA Code of Medical Ethics

3



ETHICS
Doing what's right
(regardless of what the law says)

COMPLIANCE
Following the law

4

DUAL RELATIONSHIPS

State Regulations

Professional Guidelines

Code of Ethics for Healthcare Compliance Professionals


Gray Areas: Family & Staff Members

5

WHAT IS A FAMILY?


Children

INCLUDES:
Step-children
Children-in-law
Grandchildren




Parents

INCLUDES:
Step-parents
Grandparents




Spouses

INCLUDES:
Spouses of grandparents
Spouses of grandchildren



Siblings

INCLUDES:
Step-siblings
Siblings-in-law



6

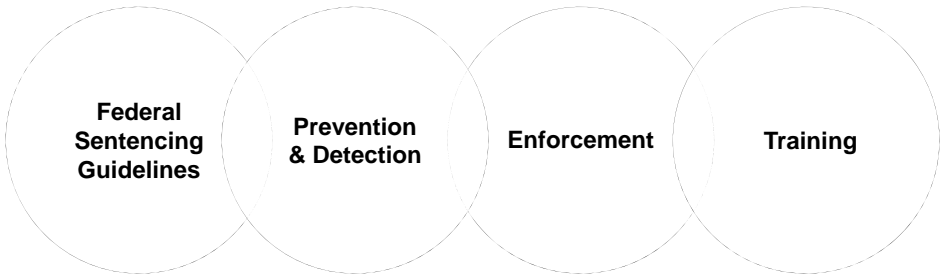
STAFF IN TREATMENT
Complicating factors include:

- **Provider objectivity**
- **Undue influence**
- **Confidentiality**
- **Conflicts**
- **Hallway medicine**
- **Crisis**
- **Rural**



7

HOW IS THIS A COMPLIANCE ISSUE?



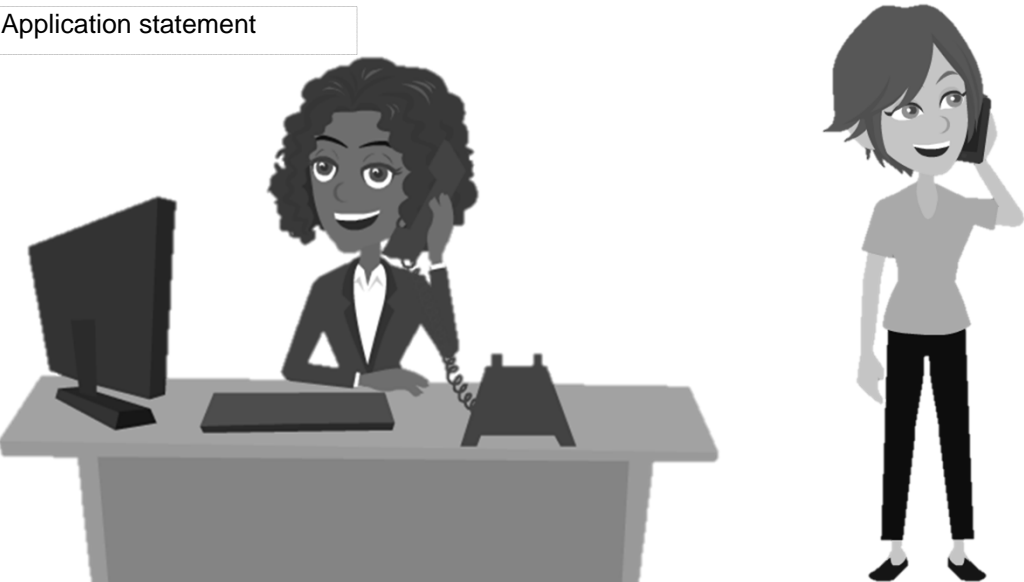
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PREVENTION & INTERVENTION STRATEGIES

9

PRE-EMPLOYMENT


Application statement

An illustration depicting a pre-employment scenario. On the left, a woman with dark curly hair, wearing a black blazer over a white shirt, is seated at a desk. She is smiling and talking on a telephone. On the desk in front of her is a computer monitor and a keyboard. On the right, a woman with short dark hair, wearing a grey t-shirt and black pants, is standing and talking on a mobile phone.

10

POLICIES & PROCEDURES

- Family Members & Staff in Treatment Policy
- Policy Attestation – sign prior to start date



11

GENERAL EDUCATION & TRAINING

Onboarding new employees



12

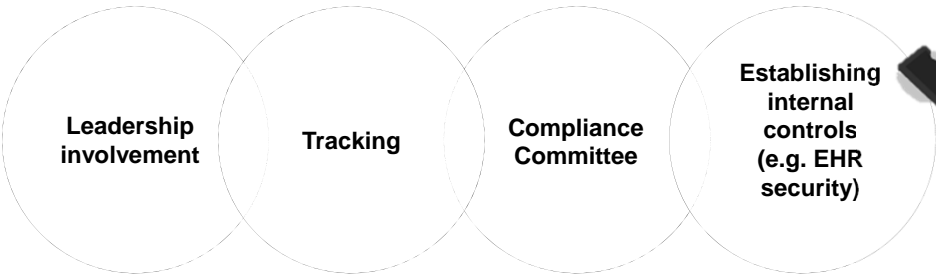
GENERAL EDUCATION & TRAINING

Annual compliance training




13

MONITORING & REPORTING



14

INVESTIGATING & RESPONDING



Compliance Officer involvement


General counsel involvement

Exit interviews (whistle-blowing)

Disciplinary action

15

WHEN STAFF ARE IN TREATMENT...



Jim has been coding his own claims

1

Clare has been altering her medical record

2

Steven has been curbsiding

3

16

WHEN FAMILY ARE IN TREATMENT...

What would YOU Do

Jessica requested special scheduling for her brother

1

Mark is reading a family member's record without an ROI

2


Natalie is dissatisfied with treatment of her son

3

17

KEY TAKEAWAYS

- Collaborate with HR, IT, Compliance and Leadership
- Have preventative measures in place
- Educate the culture to be mindful of conflicts
- Establish internal controls to minimize risk



18



QUESTIONS?

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