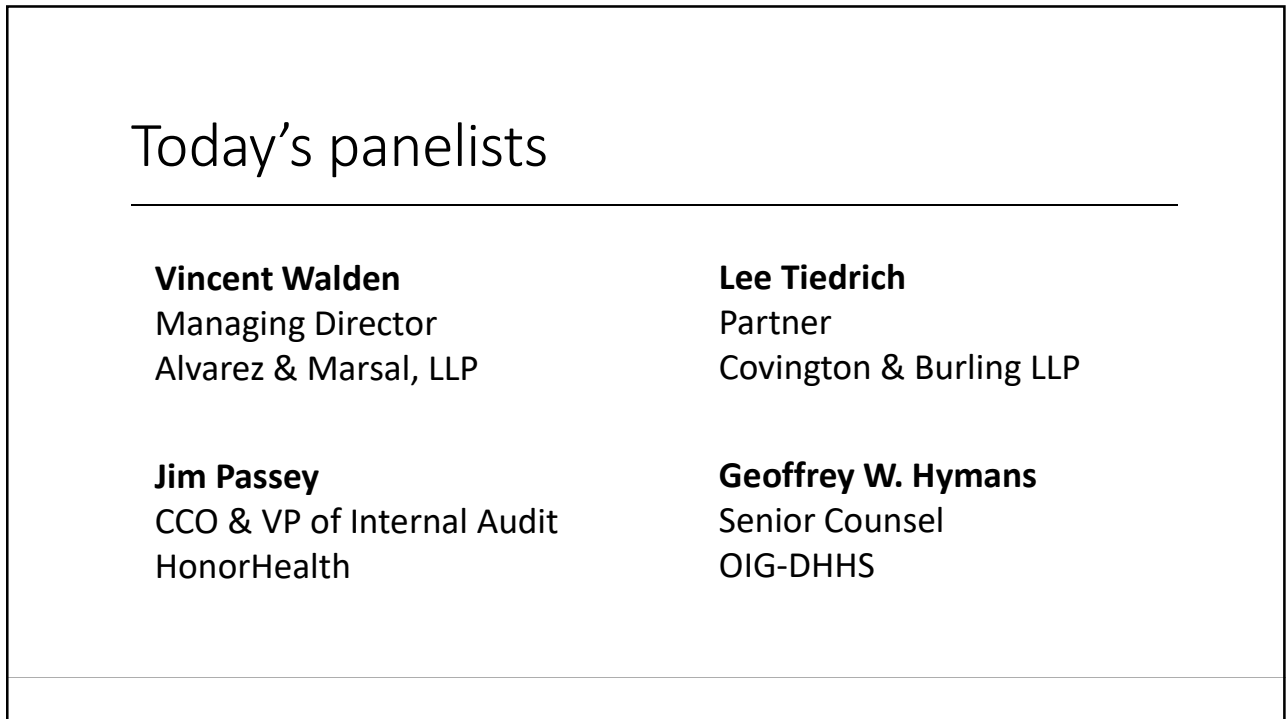




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Today's agenda

- ▶ Introductions
- ▶ Compliance monitoring initiatives
- ▶ Operationalizing compliance – case examples and ROI
- ▶ How to get started with integrating analytics
- ▶ Legal and regulatory considerations
- ▶ Q&A

3

AI and IoT: Navigating the New Legal Horizon to Capitalize on Opportunities

Lee J. Tiedrich
November 5, 2019

COVINGTON

BEIJING BRUSSELS DUBAI FRANKFURT JOHANNESBURG LONDON LOS ANGELES
NEW YORK PALO ALTO SAN FRANCISCO SEOUL SHANGHAI WASHINGTON

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4

The World Economic Forum: We are on the Cusp of the Fourth Industrial Revolution

Elon Musk: artificial intelligence is our biggest existential threat

Facebook CEO Mark Zuckerberg: Elon Musk's doomsday AI predictions are 'pretty irresponsible'

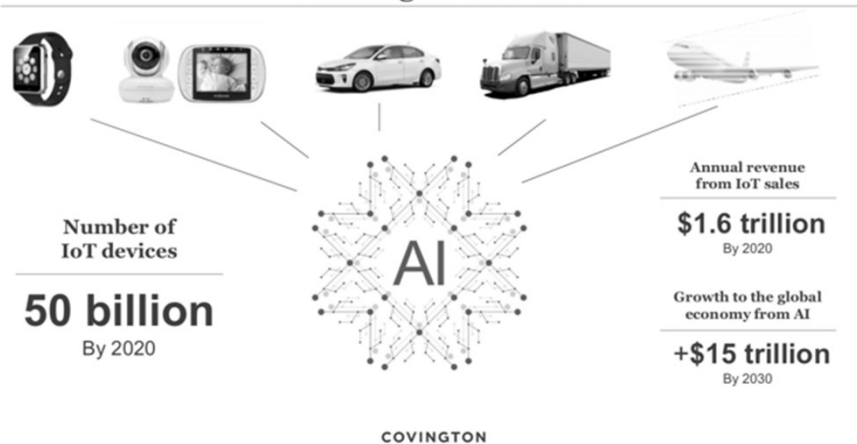
Stephen Hawking said: "Computers can, in theory, emulate human intelligence, and exceed it. . . . Success in creating effective AI, could be the biggest event in the history of our civilization. Or the worst. We just don't know. So we cannot know if we will be infinitely helped by AI, or ignored by it and side-lined, or conceivably destroyed by it."

Source: <https://www.weforum.org/focus/fourth-industrial-revolution>

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5

Defining AI and IoT



6

AI and IoT Cut Across Industries - Examples



7

AI and IoT Cut Across Industries - Examples



8

Covington: Navigating the Evolving AI Legal Landscape



9

Covington: Navigating the Evolving AI Legal Landscape



10



Urine Drug Testing Cases

Conduct: Office of Audit Services (OAS) identified providers who added Modifier-59 to claims for drug screening when only a single unit may be billed per patient encounter (CPT Codes G0431/G0434)

Results: 11 CMPL settlements and 1 FCA settlement totaling more than \$14 million:

- Gainesville Pain Management
 - \$1.58 million settlement and CIA
- Medicus - \$5 million settlement and CIA
- Calloway (with USAO of W.Va)
 - \$4.67 million settlement and CIA
- Mohammad Siddique, M.D.:
 - \$1,710,400 CMP, \$1,057,251.67 assessment
 - 10-year exclusion



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11



INR Monitoring Upcoding

Conduct: OAS identified that a physician was filing multiple claims for the same beneficiaries for HCPCS code G0248 (demonstrating the use of home INR monitoring) when the physician should have billed G0250 (physician INR test review interpretation management).

Result: CMPL settlement with Chika E. Okereke, M.D. and Cardiovascular Partners, P.A. for \$139,383.72



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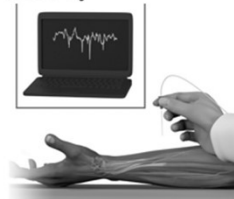
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Nerve Conduction Cases

Conduct: OAS identified entities that submitted claims for medically unnecessary Nerve Conduction Studies (NCS). The applicable Medicare Local Coverage Determinations require that providers perform an Electromyography (EMG) during the same testing session as an NCS for diagnostic purposes. If NCS is performed alone, it is a screening exam and not covered by Medicare.

Result: CMPL Settlement with Frontera Strategies, LLP for \$510,938.74



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3

13



OMP/CDAC Referral Operation Wheel and Deal

Conduct: OIG Consolidated Data Analysis Center (CDAC) conducted data analytics to identify ambulance companies that billed **emergency** ambulance transportations to inappropriate destinations, including skilled nursing facilities, residences, and dialysis facilities.

Results:

- Twenty CMPL settlements with ambulance companies totaling more than \$3.6 million



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4

14



DATA & COMPLIANCE

- Data analysis should be part of every healthcare entity's compliance program;
- Small practices
 - year-over-year comparison
 - Examine Evaluation & Management (E&M) Codes
 - Compare EOBs with claims submitted (double check billing software)
- Larger entities
 - PEPPER Reports
 - Outlier identification
 - Rotating in-depth analysis by field or revenue center



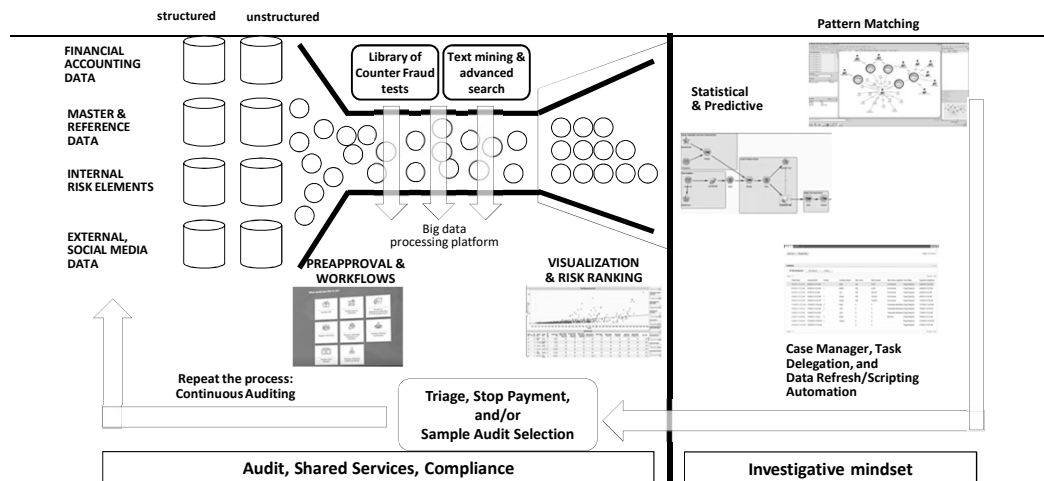
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15

Deployment example

An integrated, platform – from a work flow and monitoring perspective



16

Audience Q&A

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