

303 - Best Practices in Board, Compliance Committee, and CEO Reporting

HCCA Managed Care Compliance Conference

February 2, 2021

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HealthPartners

- HealthPartners is a Minnesota-based integrated health care organization founded in 1957
- Provides health care services and health plan administration
- Over 26,000 employees
- Non-profit & consumer governed

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HealthPartners

- 1.8 million+ medical and dental health plan members nationwide
 - Products: Commercial, Medicare, Medicaid, Self-Insured Administration
- 1.2 million+ patients
- Includes hospital, primary, specialty care, dental and ancillary care services
- 1,800+ physicians

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Learning Objectives

- Learn about Board and Compliance Committee Oversight Responsibilities
- Understand Best Practices in Reporting
- Develop Agendas, Tools, and Templates for Reporting

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Learn about Board and Compliance Committee Oversight Responsibilities

Regulatory Expectations

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Medicare Expectations

- The compliance officer and the compliance committee must periodically report directly to the sponsor's governing body on the activities and status of the compliance program, including issues identified, investigated, and resolved by the compliance program.
- The sponsor's governing body must be knowledgeable about the content and operation of the compliance program and must exercise reasonable oversight with respect to the implementation and effectiveness of the compliance program.
- Establish and implement effective lines of communication between compliance officer, compliance committee, employees, manager and governing body and the First Tier, Downstream or Related Entity (FDR)
 - 42 C.F.R. § 422.503(b)(4)(vi), § 423.504(b)(4)(vi)

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Medicare Expectations

- Compliance Officer is able to directly report information
- Multiple methods to communicate expectations
- Governing Body training on structure and operation of compliance program
- Documented Reporting Structure
- Regular reports to CEO/President, Governing Body and Compliance Committee

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Medicare Expectations

- Know compliance risks and mitigation strategies
 - Issue escalation
 - Status of compliance program implementation
 - Internal and external audit results
 - Governmental compliance enforcement activity
 - Include Program Noncompliance and Fraud, Waste and Abuse
 - First Tier, Downstream and Related Entity (FDR) Compliance Issues

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Medicare Expectations

- Understand outcome measurements
 - Review evidence of timely detection and correction
- Gauge effectiveness of compliance program
 - Review results of performance and effectiveness assessments
 - Medicare Parts C and D Program Audit Protocols – Compliance Program Effectiveness
 - Compliance Program Guidelines - Prescription Drug Benefit Manual Chapter 9 / Medicare Managed Care Manual Chapter 21
 - Sections 50.1, 50.2, 50.4, 50.6

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Medicaid Expectations

- Establishment of a Regulatory Compliance Committee on the Board of Directors and at the senior management level charged with overseeing the organization's compliance program and its compliance with the requirements under the contract.
 - 42 C.F.R. § 438.608(a)(1)
- Expectations are less clear
 - No audit guides
 - No specific regulatory language
- Sources
 - State Contracts

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Marketplace/Qualified Health Plan Expectations

- Expectations are less clear
 - No audit guides
 - No specific regulatory language
- Sources
 - 45 C.F.R. § 156....
 - QHP Issuer Compliance Plan and Organization Chart application for certification

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Department of Justice

- Does the corporation's compliance program work in practice?
 - What types of relevant audit findings and remediation progress have been reported to management and the board on a regular basis?
 - How have management and the board followed up?
 - U.S. Department of Justice Criminal Division Evaluation of Corporate Compliance Programs (Updated June 2020)

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Key Stakeholders and Reporting Topics

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Who are Key Stakeholders for Reporting?

- CEO
- Compliance Committee
- Board and Board Committee(s)
- Business Leaders
- Regulators*

*As evidence of effective oversight

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What are Topics to Consider for Reporting?

- Risk Assessments
- Auditing and Monitoring Plans and Results
- FDR Oversight
- Training
- Incidents
- External Audits
- Fraud, Waste, and Abuse
- MEDIC and Other Regulator Referrals
- Committee Education

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Compliance Committee Reporting

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Example Compliance Committee Topics

Agenda Items			
Quarter 1	Quarter 2	Quarter 3	Quarter 4
Dashboard	Dashboard	Dashboard	Dashboard
Incident Update – as needed	Incident Update – as needed	Incident Update – as needed	Incident Update – as needed
Training Plan			
Risk Assessment/Monitoring Plan			
Monitoring Results – as needed	Monitoring Results – as needed	Monitoring Results – as needed	Monitoring Results – as needed
External Audit Update	External Audit Update	External Audit Update	External Audit Update
			MSHO/SNBC Audit Results
Delegate Oversight (FDR)			
		FWA Update – as needed	FWA Update – as needed
Annual Report		Annual Effectiveness Review	
CMS/MDHS Reports – as needed	CMS/MDHS Reports – as needed	CMS/MDHS Reports – as needed	CMS/MDHS Reports – as needed
MEDIC Referrals – as needed	MEDIC Referrals – as needed	MEDIC Referrals – as needed	MEDIC Referrals – as needed
Education Update	Education Update	Education Update	Education Update

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What are Examples of Dashboard Measures?

- % of Enrollment Transmissions Accepted
- % of Calls Meeting Average Speed of Answer
- # of Notices, Warnings, etc.
- # of Incidents Reported by Type of Issue (e.g., Privacy, Part D Administration)
- % of Rapid Disenrollment
- % of Claims Meeting Turn Around Time
- \$ of Special Investigation Unit Recoveries

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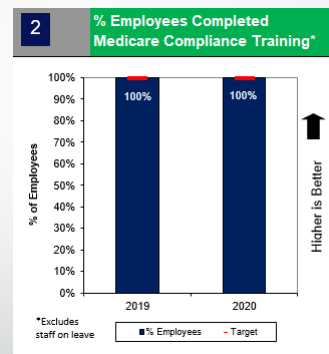
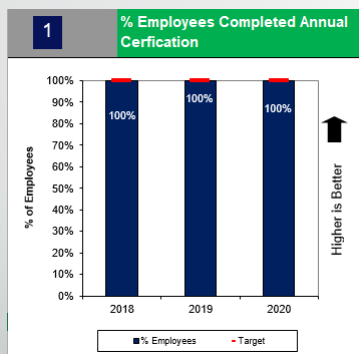
What are Examples of Dashboard Measures?

- Training Percentage
- CMS Star Rating
- % of Required Reports Submitted to Regulators On-time
- % of Organization Determination Letters Meeting Turn Around Time
- % of Appeals Meeting Turn Around Time
- % of Coverage Determinations Meeting Turn Around Time
- % of Outbound Enrollment Verification Calls Meeting Turn Around Time

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Metrics Examples – Health Plan Compliance

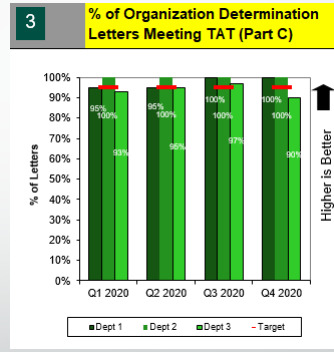
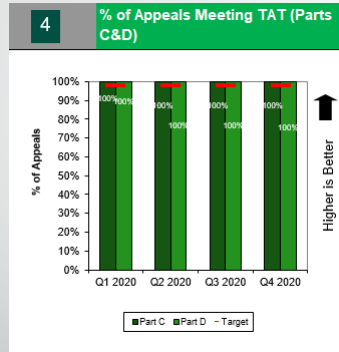


Note: example data only

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Metrics Examples – Health Plan Compliance

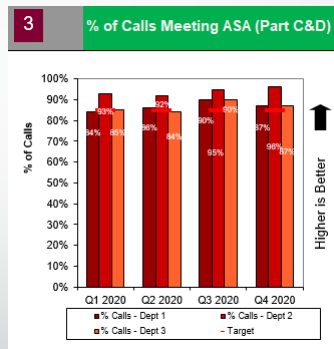
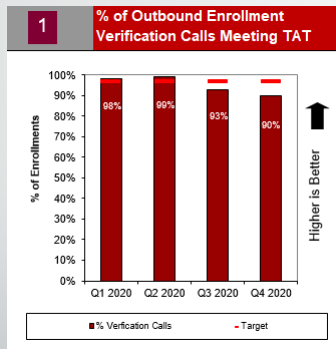


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Metrics Examples – Health Plan Compliance

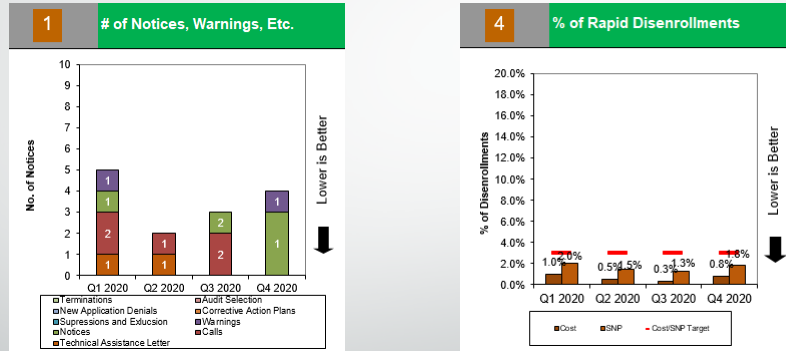


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Metrics Examples – Health Plan Compliance



Note: example data only

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What are Examples of Training Topics?

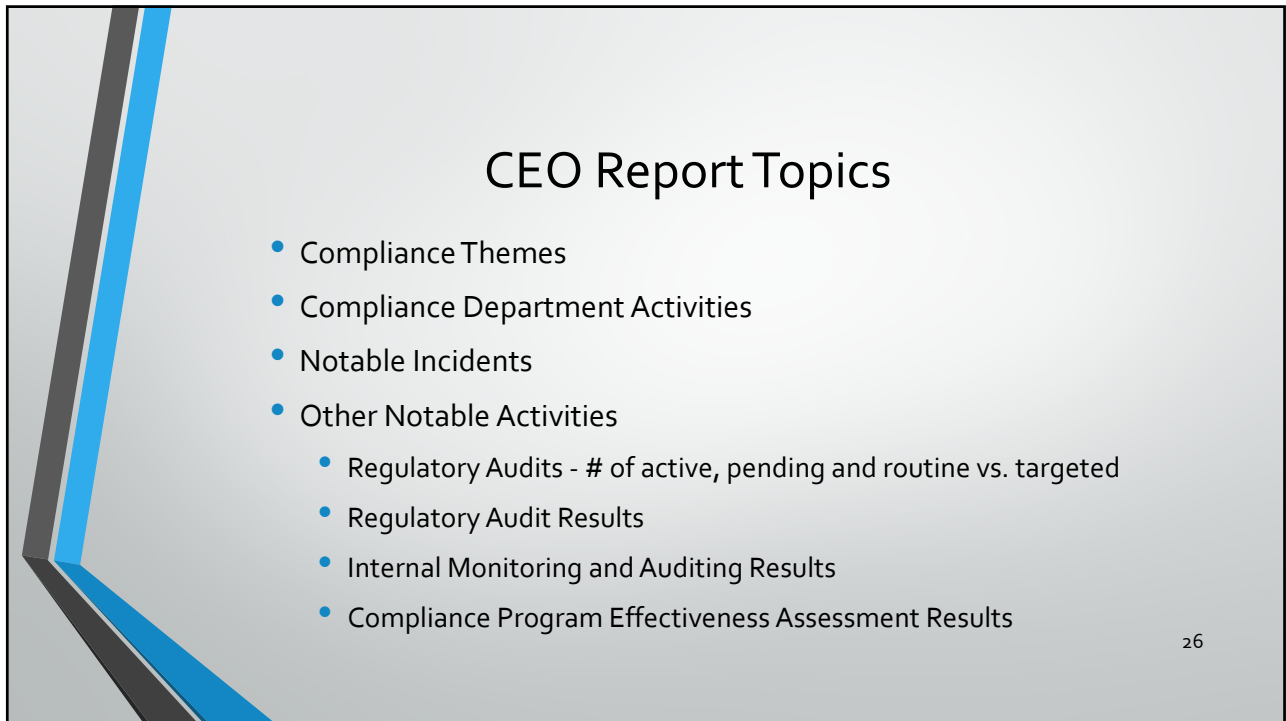
- CMS Program Audit and Enforcement
- HCCA Managed Care Conference Hot Topics and DOJ Compliance Program Guidance
- Compliance Committee Oversight Responsibilities
- Privacy Hot Topics
- Medicare Advantage Compliance
- Mental Health Parity
- OIG Priorities for Health Plans
- FDR Risk Assessment and Monitoring Plan

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Board or Board Committee Reporting

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Board and Board Committee Report Topics

- Annual Report of Compliance Program
- Board Member Training
- Approval of Code of Conduct Updates and other Board Approved P&P's
- Other Activities
 - Regulatory Audit Results
 - Internal Monitoring and Auditing Results
 - Compliance Program Effectiveness Assessment Results

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CMS Program Audit Considerations

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CMS Program Audit Considerations

- Maintain evidence of deficiency reporting
 - Emails
 - Leader reports
 - CEO reports
 - Compliance Committee reports
 - Board reports

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CMS Program Audit Considerations

- Consider Creating Tracer Templates
- Organize by Preventive, Detective, and Corrective Actions
- Reporting Deficiencies is part of Detective Actions
- Include All Evidence of Reporting the Deficiency(s)
- Consider Operational Monitoring and FDR Deficiencies and How They Are Reported to the Compliance Department, Leaders, and Committees

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