

Compliance Education Programs

March 17, 2017

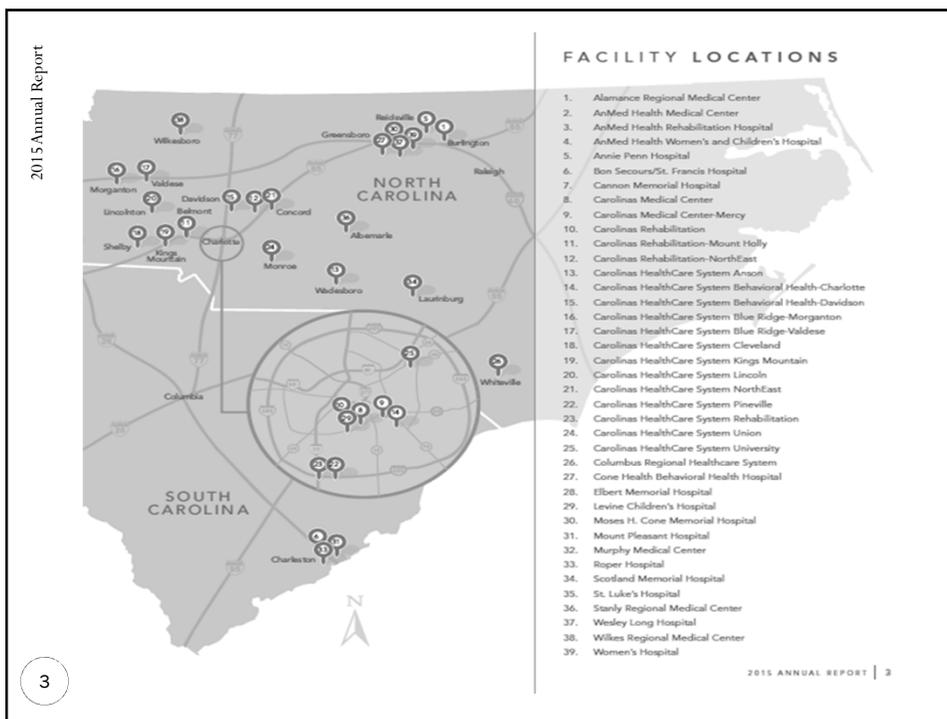
HCCA Regional Conference – Charlotte, NC

Carrie Raines Cavanaugh, MHA, CHC
Director, CHS Corporate Compliance

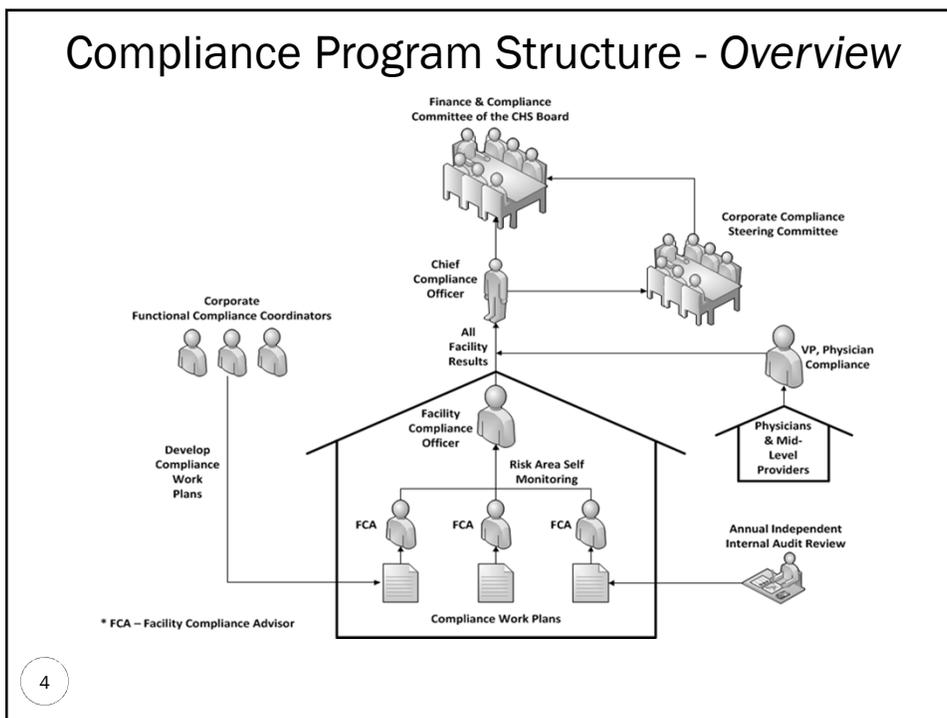
Loree Simmons, JD, CPC
Manager, Compliance Education, Novant Health

Session Objectives

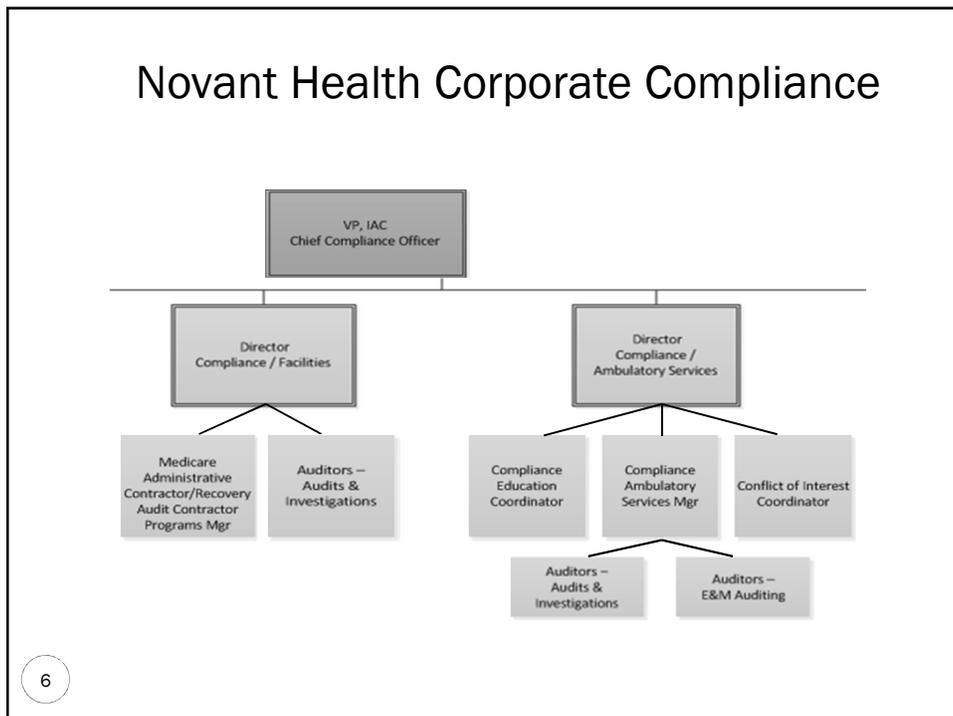
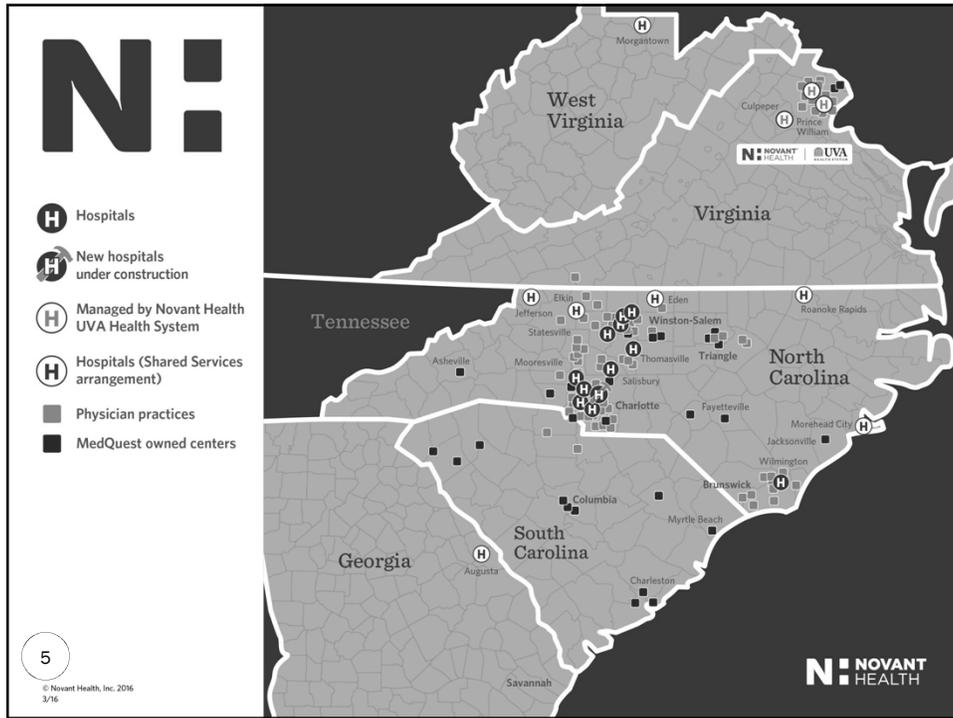
- Discuss the considerations for a compliance education program that covers a wide array of care locations
- Review basic compliance education topics, and ideas for leveraging existing communication sources for compliance education
- Explore how small to medium sized healthcare organizations can tailor and operationalize compliance education programs for their settings



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Education: An essential element of effective compliance programs

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What is Compliance Education?

“The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program ... by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.”

~ U.S. Federal Sentencing Guidelines

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Current Compliance Environment: Recent Fraud & Abuse Accomplishments

2014

OIG

- Recovered nearly \$5 billion
- 4,017 individuals and entities excluded
- 971 Criminal Actions, 533 Civil Actions (incl. False Claims, Civil Monetary Penalty settlements & Self Disclosures)

Medicare Fraud Strike force

- 90 defendants charged for Medicare fraud in 6 cities including 27 licensed medical professionals, \$260 million in false billings

Department of Justice

- Community Health Systems to pay \$98M to resolve False Claims Act allegations of IP admits which should have been billed as OBS and IP procedures referred in violation of the Stark Law

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Sources: OIG and other HHS Websites and Reports

2015

OIG

- Expects recoveries of over \$3 billion
- 4,112 individuals and entities excluded
- 925 Criminal Actions, 682 Civil Actions (incl. False Claims, Civil Monetary Penalty settlements & Self Disclosures)

Medicare Fraud Strike Force

- June 2015: Largest national health care fraud take-down to date
 - Twice the size of previous take-downs.
 - Resulted in charges against 243 individuals, including 46 licensed medical professionals, for their alleged participation in fraud schemes involving approximately \$712 million in false billings to Medicare & Medicaid Programs.

Current Compliance Environment: the Yates Memo

September 09, 2015: Memo from Deputy Attorney General Sally Yates, “Individual Accountability for Corporate Wrongdoing” (“Yates Memo”)

“One of the most effective ways to combat corporate misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing.”

FROM: Sally Quillian Yates *SQY*
Deputy Attorney General

SUBJECT: Individual Accountability for Corporate Wrongdoing

Fighting corporate fraud and other misconduct is a top priority of the Department of Justice. Our nation’s economy depends on effective enforcement of the civil and criminal laws that protect our financial system and, by extension, all our citizens. These are principles that the Department lives and breathes—as evidenced by the many attorneys, agents, and support staff who have worked tirelessly on corporate investigations, particularly in the aftermath of the financial crisis.

One of the most effective ways to combat corporate misconduct is by seeking accountability from the individuals who perpetrated the wrongdoing. Such accountability is

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THE YATES MEMO S I M P L I F I E D

The U.S. Department of Justice periodically issues memos that give guidance on how it prosecutes corporate crime. Its latest memo, issued in September 2015, focuses on how prosecutors should treat employees and executives that are involved in corporate cases. **Here are the 6 things you need to know about it.**

<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 1 </div> <p style="font-size: 0.8em; margin: 0;">Companies will have to turn over information on involved individuals in order to get cooperation credit.</p> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 2 </div> <p style="font-size: 0.8em; margin: 0;">All investigations—both criminal and civil—will start with a focus on individual actors within the company.</p> </div> <div style="padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 3 </div> <p style="font-size: 0.8em; margin: 0;">Criminal and civil attorneys will work in lockstep on corporate cases, sharing information freely.</p> </div>	<div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 4 </div> <p style="font-size: 0.8em; margin: 0;">Line prosecutors need written approval from a senior DOJ attorney before offering protection to individuals.</p> </div> <div style="border-bottom: 1px solid black; padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 5 </div> <p style="font-size: 0.8em; margin: 0;">Individual actions have to be resolved (or have a resolution plan) before corporate actions can be resolved.</p> </div> <div style="padding-bottom: 5px;"> <div style="display: flex; align-items: center; margin-bottom: 5px;"> 6 </div> <p style="font-size: 0.8em; margin: 0;">Civil actions will be pursued against culpable individuals, even if they can't pay a substantial fine.</p> </div>
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Source: Infographic included with express written approval of Broadcast (www.thebroadcast.com)

Current Corporate Governance Environment: Department of Justice (DOJ) Assessment of Compliance Programs

- November 02, 2015: Assistant Attorney General Leslie Caldwell outlined metrics the DOJ's compliance counsel, Hui Chen, will use when evaluating compliance programs.
- Ms. Chen, a former federal prosecutor and in-house counsel for 2 major companies, will:
 - Assess the quality and effectiveness of companies' corporate compliance programs under scrutiny by the DOJ
 - Help the DOJ tailor remedial compliance measures as part of legal resolutions with companies

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"DOJ Announces New Compliance Counsel and Outlines Metrics for Evaluating Corporate Compliance Programs Under Scrutiny", *Ropes & Gray Alert*, November 2, 2015.

U.S. Sentencing Commission Federal Sentencing Guidelines (FSGs)

- Effective November 1, 1991
- Seven Elements of a Compliance Program (Chapter 8)
- Set out a uniform sentencing policy for individuals and organizations convicted of felonies and serious misdemeanors in the United States federal courts system
- Federal prosecutors and regulators use the FSGs to determine if charges are warranted once an investigation concludes, and if so, the severity of the civil enforcement action.
 - Controls sentencing of organizations for most federal criminal violations
 - Sentencing “credit” for “effective programs to prevent and detect violations of law”

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U.S. Sentencing Commission Federal Sentencing Guidelines (FSGs)

2004 Amendments to FSGs included key recommendations for compliance programs

- “Culture” of ethics and compliance
- Defining ethics and compliance standards, procedures and obligations
- Adequate resources
- Employee screening practices
- Training as an essential element
- Means for anonymous reporting
- Ongoing risk assessments

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OIG Compliance Program Guidance

- The OIG developed a series of voluntary compliance program guidance documents directed at various segments of the health care industry:
- Purpose: to encourage the development and use of internal controls to monitor adherence to applicable statutes, regulations, and program requirements.
- These guidance documents provide greater details and commentary from the OIG on how to implement the 7 elements of an effective compliance program.

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OIG Compliance Program Guidance

- **Compliance Program Guidance for Hospitals**
- Compliance Program Guidance for Clinical Laboratories
- Compliance Program Guidance for Home Health Agencies
- ☆ **Compliance Program Guidance for 3rd-Party Medical Billing Companies**
 - Compliance Program Guidance for DME
 - Compliance Program Guidance for Hospice facilities
 - Compliance Program Guidance for Small Group Physician Practices
 - Compliance Program Guidance for Nursing Facilities
 - Compliance Program Guidance for Pharmaceutical Manufacturers
 - Compliance Program Guidance for Ambulance Suppliers
 - **Supplemental Compliance Program Guidance for Hospitals (2005)**
 - Compliance Program Guidance for Recipients of Public Health Service Research Awards

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An Effective Compliance Program Should Have Eight Active Elements

1. Employee Input, including anonymity.
2. Investigation and Remediation of Identified Systemic Problems and Sanctioned Parties.
3. Use of Audits and/or other evaluation techniques to monitor compliance.
4. Authority to address illegal activities and violations of federal Requirements or internal policies.
5. Education and Training Programs for all affected employees.
6. Designation of a Chief Compliance officer & Appropriate Bodies.
7. Written Standards of Conduct, including Policies and Procedures.
8. A Corporate Culture of Compliance and Ethics.

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A Comprehensive Compliance Education Program

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What is Compliance Education?

“The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program ... by conducting effective training programs and otherwise disseminating information appropriate to such individuals’ respective roles and responsibilities.”

~ U.S. Federal Sentencing Guidelines

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EDUCATION

ARE THE COMPANY'S **TRAINING AND COMMUNICATIONS**

- DELIVERED FREQUENTLY
- GIVEN TO THIRD PARTIES
- PRACTICAL: TELL "WHAT TO DO"
- PRACTICAL: TELL "WHO TO CALL"

COURTESY OF  BROADCAST

Source: Infographic included with express written approval of Broadcast (www.thebroadcast.com)

Why is Education Essential to an Effective Compliance Program?

In the February 2017 Department of Justice (DOJ) report entitled “Evaluation of Compliance Programs”, the DOJ makes clear their expectation that health care organizations provide resources that:

- “Provide guidance relating to compliance policies” and
- “Assess whether its employees know when to seek advice”.

DOJ’s Evaluation of Compliance Programs:
<https://www.justice.gov/criminal-fraud/page/file/937501/download>

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Compliance Education that is Effective

What it should be

- Responsive
- Engaging
- Job-focused
- Timely

What it should not be

- Single delivery method
- “Check the box”
- Only annually

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General Compliance Training: Who & When

- Employees at all levels – *At least* annually
 - Requirement to effectively communicate standards and procedures
- Length – Varies by organization
- Methodology
 - Live training with case studies is most effective
 - Computer-based training and distance learning are most economical
- Timing – within the first 30-60 days for New Employees, although within 1-2 weeks is recommended
- Code of Conduct should be a major component, including a certification of employee commitment

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The Health Care Compliance Professional's Manual, Wolters Kluwer.

Additional Compliance Training

- Laws and regulations governing the day-to-day activities of employees in the following areas necessitate additional training specific to their job duties:
 - Corporate Officers
 - Managers
 - Those working to submit claims
 - Marketing & sales
 - Medical Records
 - Information Technology
 - Finance or Cost-Reporting
- Frequency – *At least* annually

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The Health Care Compliance Professional's Manual, Wolters Kluwer.

Documenting Compliance Training

- Record compliance training
 - Attendance logs
 - Material distributed
- Best Practice: Incorporate requirement for annual compliance training into annual employee performance evaluation process

Example: Documenting Education

Education Summary Report	
Education Topic/Request:	
Facility Name:	Educator:
Date of Visit:	Site Participating Staff:
Length of Visit:	
Educational Objectives/Purpose:	
1.	
2.	
3.	
4.	
Summary of Educational Training:	
Educational Recommendations:	
Educator's Signature:	
Date:	

Compliance Education Topics

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General Compliance Training Content

1. Federal and State statutes, regulations and guidelines
2. Policies of federal, state and privacy payers
3. Corporate ethics
4. Company commitment to comply with legal requirements and policies
5. Highlights of the company compliance program
6. Summary of fraud, waste and abuse statutes and regulations
7. Coding requirements
8. Claim development and submission process
9. Marketing practices
10. How to report an actual or potential problem
11. Patient rights and patient education

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Don't reinvent the wheel!

OIG has great education resources available on their website, including:

- Compliance Program Guidance
- Presentations from OIG leaders
- Podcasts
- Provider Training
- Compliance for Health Care Boards



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Approaches to Compliance Education

- Proactive
 - OIG expectation: upon hire and annually thereafter
 - Good for the organization
- Reactive
 - To make improvements where errors have been identified
 - In response to audits/investigations

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Proactive Compliance Education

- Basic Compliance Education – target audience is general employee, topics include:
 - Conflicts of Interest
 - Fraud, Waste & Abuse
 - EMTALA (basic)
 - Documentation & Billing
 - Reporting concerns & hotline
- Focused Compliance Education
- Education “tools” – 5 chart self-audit tool

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Example: short articles

Have you heard this conversation?

- Employee 1: Hey, how long did it take you to read all that information for Annual Mandatory Education (AME) and the documents for signing off on your self eval? It seemed to take me FOREVER! And all those “hover over” and “click here for more information” drive me crazy! I could have done it in half the time if the information was not so “interactive”!!
- Employee 2: Well I just answered the questions and clicked “yes” I read. I didn’t really READ anything.
- Employee 1: Do you know you are accountable for all the information, and your attestation is like your word that you have met the regulatory requirements for reviewing?
- Employee 2: I have never thought of it that way. I was just trying to get it done fast since we are so busy. I will go back and make good on my responsibilities!

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Example: short article

Applies to:

Action required: Use the most specific ICD-10 diagnosis code supported by the medical record.

Requested by:

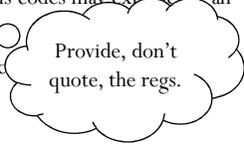
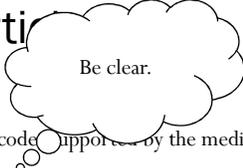
Why: With ICD-10 implementation, CMS indicated it would not initially deny claims for lack of ICD-10 specificity prior to October 1, 2016. This “grace period” for the use of unspecified diagnosis codes ended September 30, 2016.

Providers must use the most specific diagnosis codes that are supported by the medical record. Medical record documentation should be specific as well. While there are a few instances where unspecified ICD-10 codes may be appropriate, unspecified diagnosis codes should be the exception and not the rule.

It is possible that clinics submitting unspecified ICD-10 diagnosis codes may experience an increase in post-payment audits and quality reporting errors.

How: Click here for more information on diagnosis codes.

Questions: Email questions.



Example: audit tool considerations

- Excel
- Keep it simple
- Share as an educational opportunity

Patient Name	DOB	MRN	Acct #	SSN	DOS	DX Code	CPT Billed	Modifier	QTY
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CPT Billed Correctly (Y/N)?	CPT Should Have Billed?	Comments	Service Provider Name	Billing Provider Name	Payor Name
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Reactive Compliance Education

Reactive

- Investigations provide opportunities to educate on various services
- Availability:
 - Education “blast” – regulatory/billing guidance in practical terms
 - Education “guidance” – optimization/operations specialist teams assist clinic with workflow improvement; review workflows to regulatory requirements

Practical for end users?

Responsive to stakeholders?

Example: education blast

NEW: Documenting Infliximab Infusion Services at Non-Beacon Clinics

Topic: Documenting Infliximab (Remicade®) infusion services for NHmg clinics not using Beacon
Locations Impacted: Any NHmg clinic not on Beacon providing these services
Payers Impacted: All payers
Process: Avoid denials by reviewing documentation requirements for billing Infliximab (Remicade®) infusion services to ensure chart documentation meets guidelines

Topic	Date	Change Description	Resources
Recent reviews of claims for Infliximab (Remicade®) by Palmetto (our Medicare MAC) identify infusion service as a major risk service	Immediate	Ensure documentation requirements for Infliximab (Remicade®) infusion services are met: <ul style="list-style-type: none"> • Medical Necessity • Orders • Infusion documentation requirements 	<ul style="list-style-type: none"> • LCD: Infliximab (Remicade®) (Palmetto GBA) • Payment for Codes for Chemotherapy Administration & Nonchemotherapy Injections and Infusions; Medicare Claims Processing Manual, Ch. 12, Section 30.5 • CCRG Medical Necessity blast

NEW: Education

New, Update, Reminder

Topic:
Locations Impacted:
Payers Impacted:
Process:

Link to supporting documents

Topic	Date	Change Description	Resources
	Effective	.	.

Key information:

Purpose of this communication:

New information:

How does this impact me?

What do you need them to do with this information?

Document, document!

Who can they ask for assistance?

Send any questions you may have to:

Find more resources on the:

37 Issue Date:

Education & Influence

- Acute business office (NH RCS) denied denials for certain procedure due to incomplete/inaccurate form
- Denials team sends issue to RCS Compliance Workgroup to discuss
- Compliance Director also sits on community hospital business office workgroup (including CCRG); takes concerns to that team

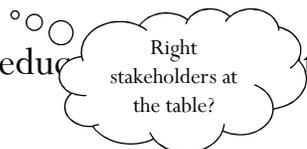
Mechanism to share concerns?

Available to stakeholders?

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Education & Influence

- NHmg CCRG workgroup reviews for coding & billing expertise
- Medical group operations leaders also sit on workgroup; provide input from a clinic workflow perspective
- Workgroup recommended education from all groups



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NHmg Coding Compliance Resource Group

The mission of Corporate Compliance, Coding, and Clinical Documentation Improvement is to collaboratively offer documentation reviews and comprehensive educational opportunities for the NHmg provider community.

Through pro-active education and on-site coding support, we assist providers in navigating the ever changing regulatory environment, by assessing documentation and offering suggestions for improvement.

Our goal is to provide a remarkable service to our physicians and non-physician practitioners in every interaction, every time.

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Education & Influence

- “How To” blast and face to face education
- Acute denials team tracking and reporting identified need for additional action
- Compliance brought key acute & ambulatory stakeholders together to develop a plan
- Blast and face to face education on

Measuring effectiveness?

Willingness to advise?

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Operationalizing Compliance Education

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Marketing Your Compliance Program

- Develop your key messages
 - Keep it simple
 - Keep it consistent
- Consider a “treatment” to make your message recognizable and memorable
 - Budget is a factor but does not have to limit you!
- Have a plan!
 - Easily implemented
 - Framework that can be replicated

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Marketing Your Compliance Program

- Make a list of your communication tactics
 - Code of Conduct
 - Meetings
 - Written communication options (emails, newsletters, etc)
 - Annual reports
 - Board Meetings and Annual Training
- Leverage Existing Communication Sources
 - Employee Newsletters
 - Company Intranet, Email
 - Payroll stubs, Special Mailings
 - Recognition Weeks
 - Posters/flyers

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Development & Delivery of Compliance Education and Communications

- Our Risk Assessment process has enabled us to determine where education resources can be most effective and where previous education initiatives have been successful.
- Risk Assessment results are utilized to develop and refine the annual Compliance Education & Communications Plan, a snapshot including:
 - List of education deliverables
 - Planned development timeframe
 - Estimated delivery timeframe
 - Delivery methodology

Development & Delivery of Compliance Education and Communications

- **Compliance Meetings:** live, in-person meetings that include Compliance Environment Review, Compliance Program Updates, Focused compliance education and case studies.
- **Education Roundtables:** live webinars featuring education on a specific compliance program feature or compliance risk area risk.
- **Compliance Newsletter:** bi-monthly publication of compliance news and developments (CHS, local, state and national), Compliance Program updates, Upcoming due dates and events and inspirational compliance perspectives from organization leaders.

The Source
Driving Our Understanding and Resources for Compliance Education

Outlook 2016
February 2016
Volume 2, Issue 1

Compliance Programs (Excerpted with permission from OUTLOOK 2016)

Developing an effective compliance program will continue to be essential in 2017. The Department of Justice (DOJ) and the SEC have both issued guidance on how to design and implement an effective compliance program. The DOJ's recent guidance on corporate compliance programs emphasizes the importance of a company's compliance program being an integral part of the company's business operations. The SEC's guidance on corporate compliance programs emphasizes the importance of a company's compliance program being an integral part of the company's business operations.

Increased enforcement actions against individuals is likely to grow due to a September 2015 report from Deputy Attorney General Stuart Gorman, an attorney with the law firm of Davis Polk & Wardwell LLP, who stated that the DOJ has increased its focus on individual enforcement, including the Director of the Federal Bureau of Investigation (FBI) and the Director of the Federal Bureau of Investigation (FBI) and the Director of the Federal Bureau of Investigation (FBI).

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More Examples: Development & Delivery of Compliance Education

- Face to Face:
 - Compliance Summit
 - Lunch and Learns
 - Classroom setting
 - Operational Workgroups (advisory role)

- Virtual:
 - Webinars – quarterly; just in time
 - Blogs

- Written:
 - FAQs
 - SBARQs
 - Check-lists
 - Compliance Year-in-Review

Accessing Education: Your Repository

Home
Search this site...

Surveys

Compliance Summit 2016

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Education Blasts

Provider-Based Clinic Resources

Anti-coagulation Resources

Hysterectomy & Sterilization

Medicare & Medicaid Bulletin Updates

Compliance News & Notes

NC Medicaid Billing Guidelines for Certain Items in the Physician's Drug Program

AWV, IPPE, and CPE Resources

TRICARE

NC Medicaid Resources

Clinic Form Resources

Sunshine Act/Open Payments Resources

Medicaid Resources

NHimg Lab Services Newsletters

NHimg RCS Payor Alerts

Medical Students

Our Teams Announcements

Explore the resources available for the Novant Health medical group!
by Simmons, Loree 7/27/2015 3:52 PM

The resources on this site are designed for use by the **Novant Health medical group**: our providers, clinic managers, coders, and coding compliance educators.

Use them to find key tips and tricks to improve coding and billing compliance.

Welcome to the NHimg Coding Compliance Resource Center
by Simmons, Loree 7/27/2015 3:51 PM

The mission of Corporate Compliance, Coding, and Coding Compliance Education is to collaboratively offer documentation reviews and comprehensive educational opportunities for the NHimg provider community. Through proactive education and on-site coding...

[Add new announcement](#)

Our Site Owner

Simmons, Loree
(HG1445) Mgr Corp Compliance Education

Our Teams Links

- Novant Corporate Intranet
- Novant Corporate WWW site
- NH Corporate Compliance I-Connect site
- NHMG I-Connect site
- Palmetto GBA, JM Part B
- NHMG Coding SharePoint
- TRICARE for Providers
- TRICARE Covered Services Look-Up Tool
- Open Payments (Sunshine Act) Resources
- Sunshine Act/Open Payments Data Search
- Palmetto Part B LCDs
- Palmetto Part A LCDs
- CMS NCDs
- Managed Care Access Newsletters
- Veterans Choice Program website

[Add new link](#)

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Celebrate Compliance Month!



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Compliance Education: Brief Recap

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Concluding Notes on Compliance Education

- Compliance education is an essential element of an effective compliance program.
- Compliance education activities don't have to be expensive, elaborate or all-encompassing. However, they should be documented.
- Compliance education is most effective when it is recognizable and visible.
- Develop key messages and have a plan for implementation. Leverage existing education tactics within your organization to accomplish more with existing resources.

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Session Objectives

- Discuss the considerations for a compliance education program that covers a wide array of care locations
- Review basic compliance education topics; and ideas for leveraging existing communication sources for compliance education.
- Explore how small to medium sized healthcare organizations can tailor and operationalize compliance education programs for their settings.

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Questions

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