Driving Compliance: How to Manage Compliant Activities Without Authority

2020 HCCA Managed Care Conference
Agenda

How to Communicate & Motivate
Angela Muncy, CHC, Director & Medicare Advantage Compliance Officer at BCBSKC

How to Prioritize & When to Escalate
Michelle Rigby, CFE, CHC, Director, Client Services, Health Plan Services Consulting at BluePeak

Recap/Questions
Effective Ways to Communicate and Motivate Business Owners

Survival Tips, Tools, and Best Practices
Building a Culture of Compliance

- Everyone is responsible for compliance!
- Assign compliance partners. Get to know how business departments operate and put yourself in their shoes.
- Make a connection. – How are you?
- Compliance Champions – You cannot do it alone.
- Open Door Policy
- Keep an open mind.
Communicating Effectively

• Communicate early and often.
• Get to the point!
  - When sending an email, cut out the noise.
  - Clearly articulate if action is required.
  - Provide examples if applicable.
• Meetings
  - Draft Agenda/Meeting Minutes
  - Clearly document action items and agree to document turnaround times.
• Be a good listener.
• Ask questions and do your homework.
• What’s at stake?
• What’s in it for me?
Cadence of Accountability

Regulatory Review Committee

- Review recent guidance and interpretation.
- Discuss risk, impact, and possible solutions.
- Collaborative meeting.
- Safe space.
Sample Governance Structure

- Board of Directors
- Audit Committee
- MA Compliance Committee (Quarterly)
  - Fraud, Waste, and Abuse Work Group
  - Regulatory Review Committee
  - Delegated Vendor Oversight Committee

Quality Mgmt Committee (Quarterly)
- Medical Mgmt Committee
- Pharmacy Oversight Committee
- Stars Oversight Committee
- Peer Review Committee
- Credentialing Committee

Quarterly

Key business owners present status reports to Compliance Committee

Day to Day Oversight and Monitoring

- Internal Operational Reviews / Working Teams
  - Physician Financials
  - Monthly Ops Leadership Reviews
  - Pharmacy Operations
  - Mbr/Physician Advisory Panel
  - Risk Adjustment Workgroup
  - Sales Complaints Review

Weekly / Bi-Weekly / Monthly

Partnership Oversight
- Executive Committee (Quarterly)
- Management Committee (Monthly)
Guidance Life Cycle

1. Identify New/Change Regulation/Guidance
2. Interpret, Assess, and Identify Internal/External Business Owners
3. Distribute to Business, Meet w/Business if Complex
4. Business Imposes (includes solution, policy changes, test plan, and reporting/monitoring, member communication)
5. Business Assesses Impact/Risk
6. Compliance implements oversight (if applicable)
7. Compliance gathers documentation (including test results, policies, and reporting/monitoring plan)
8. Grow Culture of Compliance Organically
Prioritizing Issues and Workload Balancing

Best Practices to Drive Compliance without Overwhelming Business Partners
How to Prioritize Work

• Be clear on the request to include:
  • Why- what is the risk to the organization if task is not completed?
    • Member impact
    • Regulatory impact
    • Financial impact
    • Reputational impact
  • Required Action
  • Timeframes to build, fix and monitor
  • Staffing
  • Make sure this is communicated to the staff doing the work so they understand why and time commitments.
• Open Communication with Management
  • Do timeframes need to be tweaked?
    • Short term vs. Long term
  • Do additional staff need to be hired (temps, interns, repurpose current staff, consultants)?
Overwhelmed?

• Can Compliance or another department assist?
• Think outside the box.
• Praise hard work and milestones being met.
• Celebrate the small wins.
• Build a team and let staff see that everyone is working together to meet the goals-roll up your sleeves.
• Communicate with Senior Leaders on progress and get them involved to help alleviate roadblocks.
When and How to Escalate
(Internally/Externally)

Getting Back on Track
When is the right time to escalate?

• When to Escalate
  □ Member Impact
  □ Cannot receive services or prescriptions timely
  □ Had to go through unnecessary steps to get the benefit (delay PA or more stringent PA process)
  □ Had to pay more for services than the benefit stated
  □ Communication was unclear to a member on what next steps were

• Financial Impact to the Company
  □ Civil Money Penalties
  □ Loss of Membership
  □ Unable to Market

• Risk to the Reputation of the Company
  □ Media Coverage
  □ Word of mouth
Assessing the Issue

**Deep breath** - Verify the issue and impact

- Is this a trend?
- New staff or new processes?
- Contractual Steps
  - ✔ Escalation Process
  - ✔ Performance Guarantees
- What is the impact?
- What caused the impact?
- Short term vs. Long term fixes and how to prevent it from happening again?

Once you have an understanding of the above you can decide your escalation path.
Be Prepared and Plan Ahead

• Document an escalation path for both internal and external issues that may arise. Keep current.

• Escalation may not always be up the chain of command it may be the need to go across your organization to confirm everyone has the same message.

• Each organization will have a different risk tolerance and process for escalation-document what is best for you.
# Who do I escalate to (internal)?

<table>
<thead>
<tr>
<th>Role</th>
<th>Escalation Guidelines</th>
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<tbody>
<tr>
<td>Management</td>
<td>• When questioning if something should be escalated go to your management first</td>
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<tr>
<td>Senior Leadership</td>
<td>• Management will go to SL and decide next level of escalation</td>
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<tr>
<td>Board/Compliance Committee</td>
<td>• When harm to the Company is known for member impact, monetary or reputation</td>
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<td></td>
<td>• Report to the Board may be considered escalation</td>
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<tr>
<td>Legal</td>
<td>• Senior Leadership may want to involve Legal to discuss further escalation and organizational risk.</td>
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<td></td>
<td>• Go to when contractual issues arise, reputational harm to the Company</td>
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<tr>
<td>Marketing</td>
<td>• May need to work on member notices or materials for members impacted by an issue</td>
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<tr>
<td>Customer Service</td>
<td>• May need specific scripting to handle calls from members and/or providers based on issues identified</td>
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Who do I escalate to (external)?

Vendors
- Seeing a trend in non-compliance
- Performance Guarantees are not being met
- Member impact

CMS or State Regulators
- Based on your risk tolerance
- Timely
- Member impact
- Clear on impact numbers, root cause and corrective action

Law Enforcement and/or MEDIC
- Timely
- What you have found as part of your investigation
Summary

Key Points for the Day
Key Points

- Build Relationships
- Communicate Early and Often
- Be Concise in Communication
- Be Open Minded
- Create, Maintain/Evolve, and Follow Repeatable Processes

Remember to breath!
Questions?
Thank You

Contact Information:

Angela Muncy
angela.muncy@bluekc.com

Michelle Rigby
mrigby@bluepeak.com