



CCQC Compliance Training

**Compliance Officers
Community of Practice**

Provider Actions

- **Develop your compliance program's action plan for this year using the OIG Workplan.**
- **Determine the effectiveness of your compliance program and beef it up if necessary.**



3 Characteristics of a Compliance Program

- They should help employees understand what is appropriate behavior and how to comply with the laws and regulations that apply to your work
- Once people know what is acceptable they should encourage compliance
- They should check to make sure the message has been received and that employees are complying

3 Reasons for a Compliance Program

- **To prevent unwanted events from happening - intentionally and unintentionally**
- **To help the organization learn about these unwanted events first**
- **If they do occur and the organization does not learn about them first, an effective plan can help mitigate or reduce negative effects by showing that they are exceptions.**

US Sentencing Guidelines

- **Written standards of conduct**
- **High level individuals responsible to oversee compliance**
- **Due care taken not to delegate to those who may engage in illegal activity**
- **Effective training and education**
- **Monitoring systems and hotlines**
- **Disciplinary systems**
- **Reasonable steps taken to respond appropriately to detected offenses.**

First Steps

- **Board Resolution in support of program**
 - Board training
 - Allocation of initial resources
 - Elements of the compliance budget?
- **Management training**
- **Appointing a Compliance Officer**
 - Permanent or temporary appointment
 - More than one person
 - External or internal appointment

First Steps

- Appointing members of the implementation committee
 - Temporary or permanent
 - Usually internal only
 - Board representation?
- Baseline risk assessment to identify high risk areas

The Approach

- **Two-pronged:**
 - Development of infrastructure
 - Mitigation and management of risk
 - Management's decisions are key to balance

The Approach

- **HCCA – to evaluate your compliance program analyze two dimensions:**
 - **Effort: time, money, resources, commitment to building infrastructure and on-going work**
 - **Outcomes: impact of the effort of the organization in creating real change in high risk areas.**
 - **practices**
 - **culture**

The Plan: Key Issues

- **Written**
 - **Generic: what you are doing now and what you plan to do**
 - **Culturally appropriate**
 - **Accessible**
 - **Reviewed for modifications, changes in law**
 - **Approved by Board of Directors**
 - **Policy or plan**

The Action Plan

- **Separate from generic compliance plan or policy**
- **Action oriented**
- **Year 1: describes your timeline and activities for design and implementation**
- **Year 2 and on: based on prior year's findings, activities**
- **Approved by the Board**

Element 1: Standards, Policies and Procedures

- **Code of Conduct: organizational values and expectations**
- **Compliance Policy and Procedure: concerned specifically with compliance infrastructure**
- **Operational Policy and Procedure: address principal legal and regulatory risks of organization**

Element 1: Standards, Policies and Procedures

- **Code of conduct**

- **The standard list:**

- **Regulatory compliance: emphasis on billing**
- **Reporting of non-compliant behavior**
- **Confidentiality**
- **Documentation**
- **Conflicts of interest**
- **Business relationships**

Element 1: Standards, Policies and Procedures

- **The standard list continued:**
 - Workplace relationships
 - Using company resources
 - Health and safety
 - Government billing
 - Political contributions
- **Are there unique issues for behavioral health?**
- **Are there unique issues for CO?**

Element 1: Standards, Policies and Procedures

- **Compliance Policy**
 - Policy describes implementation of elements
 - Acknowledgements
- **Operational Policy, especially in high risk areas, add compliance issues**
 - Include:
 - Monitoring and auditing – how will you do?
 - Discipline – what will be the consequences?
 - How to report instances of non-compliance – reinforcing duty to report

Element I: Responsibilities

- **Board: review, assist in development, oversee**
- **Management: cheerleaders, trainers, developers of policy, implementation in areas of responsibility**
- **Compliance Officer and Committee: coordinate, implementation strategy, trainers, developers of policy and procedure**

The Compliance Function

Compliance Function

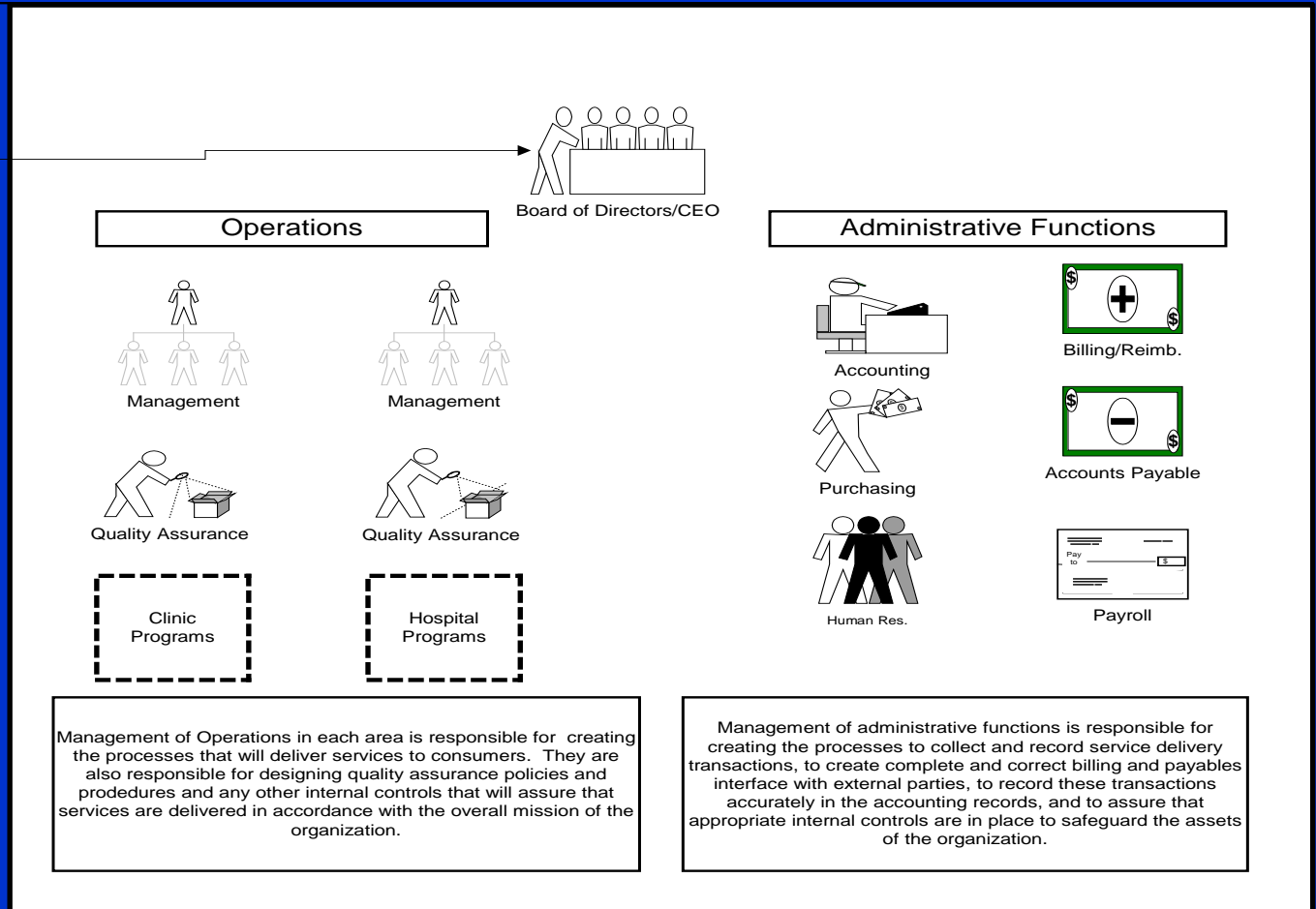
Maintain compliance plan and program and associated policies and procedures

Conduct independent auditing and monitoring procedures

Act as receptor for reports of non-compliance within both operations and administration

Conduct investigations of alleged non-compliant behaviors

Report to Board/CEO on the effectiveness of policies and procedures of operations and administration with regard to compliance matters



Element 2: Compliance Officer and Committee

- **The internal structure of the program**
 - Reporting relationships
 - CCO
 - CCO and committee
 - Relationship of Board to program
 - Relationship of program to senior management
 - Relationship of program to other structures, e.g. QI

Element 2: Compliance Officer and Committee

- **The internal structure of the program**
 - Single site Agencies
 - Multi-site organizations
 - Integrated Delivery Systems
 - Networks
 - Multi-agency

Element 2: Compliance Officer and Committee

- **Who should it be?**
 - **Qualifications?**
 - Credentials
 - Experience
 - Comfort at senior levels of the organization
 - Should not report to CFO , internal Council
 - One person or multiple people?
 - Shared with other agencies?
 - Full or part time?

Element 2: Compliance Officer and Committee

- **Compliance Committee - who should it be?**
 - Able to handle confidential information
 - Able to discern and manage risk
 - Willing to work to model compliance for organization
 - Able to keep compliance program on track
- **Do not have it mirror your senior management team if you can avoid it**

Element 2: Compliance Officer and Committee

- **The authority of the compliance officer:**
 - The ability to stop the submission of any data they believe is problematic
 - The authority to review any and all documents they need in order to perform their job

Element 2: Responsibilities

- **Board of Directors:** allocate resources, appoint a compliance contact, approve appointments, monitor efforts
- **Management:** appoint CCO/committee, participate on committee, incorporate compliance concerns into agenda
- **Compliance Officer:** organize committee, determine charter, develop relationships of program to management, documentation

Element 3: Due Diligence on Staffing

- **Due Diligence at Hiring and On-going Review of:**
 - Employees
 - Agents
 - Contractors, subcontractors
 - Large vendors
 - Board of Directors members

Element 3: Due Diligence on Staffing

- **At hiring: include primary source documentation of licenses, other key credentials; references; application**
- **On-going:**
 - Excluded and debarred lists – these will coordinate nationally and among health care programs
 - National Practitioner Data Bank
 - State lists: licensing, other

Element 3: Responsibilities

- **Board of Directors: approve policy; receive reports of any problems**
- **Management: ensures HR policy is carried out; monitors effort; disciplinary actions**
- **Compliance: receives reports of policy implementation and disciplinary actions; random audits of HR records**

Element 4: Training and Education

- **Compliance Training**
 - New Staff
 - Veteran Staff
 - Medical Staff Orientation and Compliance Training
 - Training independent contractors
 - Training subcontractors
 - Training temp staff
 - High risk areas

Element 4: Responsibilities

- **Board:** reviews reports on status of training, ensures there is an annual training plan
- **Management:** provides funding, enforces training requirements, disciplines those who do not comply with requirements
- **Compliance Officer:** organizes, trains, tracks, evaluates, modifies

Element 5 Pt 1: Effective Lines of Communication

- **The active and willing assistance of employees is critical**
 - Lines of communication to management and to the CCO must be visible, trusted
- **Tying the willingness of employees to report and/or self-report to organizational values**
- **Permeation to ALL levels of organization**



Element 5 Pt 1: Effective Lines of Communication

- **The Hotline**
 - Giving employees options
 - Getting the full loop if you can
 - Small organization/site issues
 - Make sure you track what you get

Element 5 Pt 1: Effective Lines of Communication

- **Employee Promises**
 - We will get back to people who call the hotline or report in good faith
 - We will protect their confidentiality for as long as we can
 - We will investigate all credible reports
 - We will make sure no one suffers any retaliation for good faith reporting.
 - Note: good faith

Element 5 Pt 1: Responsibilities

- **Board:** receives reports, provides oversight on issues identified, sets open communication tone
- **Management:** creates open culture, works with CCO on investigations, receives reports, acts on issues identified
- **Compliance Officer:** establishes and maintains mechanisms, investigates, reports, assists in development of open culture

Element 5 Pt 2: Auditing and Monitoring

- **Test compliance with internal standards, external law and regulation**
 - Goal is to identify weaknesses in systems
- **Test implementation of compliance program elements**
 - Goal is to identify adequacy of “effort” and measuring of outcomes of program

Element 5 Pt 2: Auditing and Monitoring

- **What would you audit?**
 - High risk areas only
 - Areas where a high degree of reliability is important
 - Areas where a one time snap shot of current ops is critical
 - Could be an area of monitoring
 - Are you getting good information?

Element 5 Pt 2: Auditing and Monitoring

- **What would you monitor?**
 - Corrective action plans – did the intervention work?
 - Early identification of high risk areas
 - To confirm movement of behaviors
 - The effectiveness of the compliance program –self -assessment

Element 5 Pt 2: Auditing and Monitoring

- **If you look you will find – don't be taken by surprise**
 - Repayments policies need to be in place first
- **Integrating with training: getting behavior to change**
 - High risk areas
 - New regulation

Element 5 Pt 2: Responsibilities

- **Board:** receives reports of findings, ensures there are adequate resources, ensures organization is responding
- **Management:** participates as needed, reviews findings, works to implement corrective action
- **Compliance Officer:** establishes plan with management/QI, reviews findings, assists management with corrective actions

Element 6: Disciplinary Standards

- **Consequences: be honest – do they exist in your organization?**
 - Equally at all levels?
- **Holding management responsible for compliance in their area of responsibility**
 - The compliance function does not usurp management's role in ensuring compliance
 - The idea of foreseeable failure of subordinates

Element 6: Disciplinary Standards

- **Is the problem systemic or individual?**
 - Do you need to develop a corrective action plan
- **Is it fraud or not?**
 - Don't jump to conclusions or underestimate the seriousness of violations
 - Bring your attorney in on these – not just your labor attorney
 - Reporting to law enforcement
 - Licensing

Element 6: Responsibilities

- **Board: review of aggregate data**
- **Management: communicates standards, ties hiring and reviews to compliance, takes appropriate enforcement actions**
- **Compliance officer: not responsible for discipline, helps develop standards, oversees management's actions for consistency, reports to management of breaches of policies and procedures, ensures documentation retained**

Element 7: Responding to Detected Offenses

- **Inquiries and investigations:**
 - **Why do compliance investigations happen?**
 - Calls to hotline
 - Determining causes of increased denials or other potential problems uncovered by or reported to the compliance officer
 - Regular auditing and monitoring
 - Response to a known government investigation
 - Response to a known private payer investigation

Element 7: Responding to Detected Offenses

- **Inquiries and investigations:**
 - **When to involve an attorney**
 - If its not being conducted as a part of your routine auditing and monitoring – cannot be protected if a part of your routine
 - Err on the side of inclusion until the compliance officer is more experienced
 - This should be your fraud and abuse attorney

Element 7: Responding to Detected Offenses

- **Actions post-investigation**
 - Repayment; reversal of encounters
 - Disciplinary actions
 - Corrective action plan
 - Voluntary disclosure

Element 7: Responsibilities

- **Board:** assesses adequacy of response, collects input from CCO and attorney.
- **Management:** cooperates in investigations, commits appropriate resources to investigations, implements adequate corrective actions
- **Compliance Officer:** primary responsibility for investigations, recommending corrective actions, reports to management and board.

Element “8”: On –going Risk Assessment

- **Assess:**
 - Nature and seriousness of the risk
 - Likelihood of reoccurrence because of the nature of the business – take steps to detect
 - Prior history of the organization
- **Prioritize**
- **Modify your compliance efforts**

Element “8”: Responsibilities

- **Board of Directors:** understand and question the risk; understand the prioritization and approve – OIG Guidances
- **Management:** ensure periodic risk assessments completed; take action to reduce risk
- **Compliance:** assess risk; participate in developing the modifications to program

How Much Should It Cost?

- **Staff Costs**
- **Training Costs**
- **Some attorney costs**
- **Hotline if outsourced**
- **Audit costs – third party reviews**

Thank You!

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