

MIDSOUTH MGMA

COMPLIANCE PROGRAMS FOR MEDICAL PRACTICES

COMPLIANCE PROGRAMS

7 elements of an effective Compliance Program:

1. Written policies, procedures, standards of conduct.
2. Designate a compliance officer/compliance committee.
3. Effective training/education.
4. Effective lines of communication.
5. Internal monitoring and auditing.
6. Well-publicized discipline.
7. Respond promptly to detected offenses and undertake corrective action.



COMPLIANCE PROGRAMS

- Not a One-Size-Fits-All
- A formal plan should be developed
- Board members are ultimately responsible for the compliance of the organization.



Interrelationships

- The Legal Function
- The Compliance Function
- Internal Audit
- Human Resources
- Cooperation



Legal Function

- Advises on legal and regulatory risks
- Defends in legal proceedings
- Collaborates with compliance officer
- Attorney-client privilege



Compliance Function



Compliance Function

- Prevent, detect and deter non-compliance
- Assist in developing policies
- Incentives to promote compliance
- Develop compliance work plans
- Develop effectiveness measures
- Conduct investigations
- Assure sanction checks are conducted
- Assure all 7 elements are in place and working

Internal Audit

- Ensures monitoring functions are working as intended
- Identify where management monitoring and/or additional oversight is needed
- Helps management enhance internal controls
- Internal audit should be providing reports and collaborating with Compliance in furtherance of annual work plans



How we approach Compliance

- _____ is our Compliance Officer.



Effective Training

- Ensure employees understand high risk areas, the structure of the compliance program, who the compliance officer is, ways to ask questions and report concerns, and the rule that no one will be retaliated against for raising good faith concerns.



10

Effective Training

- The Board must be trained as well.
- Training should be done annually and obtain/retain attestations from all who attend.



11

PRINCIPLES OF COMPLIANCE A Principle-based Compliance Program:

- PRINCIPLE 1: Integrity and Patient Care.** Commitment to providing and delivering quality care in an ethical and professional manner.
- PRINCIPLE 2: Integrity and Employee Relationships.** Valuing employees and physicians and is committed to protecting their integrity and professional success.
- PRINCIPLE 3: Integrity of Confidential and Patient Information.** Maintaining the confidentiality of patient, financial, and other confidential or sensitive information in accordance with applicable legal and ethical standards.
- PRINCIPLE 4: Integrity and Business Relationships.** Physicians and employees will comply with the Stark Law, the federal anti-kickback statute, relevant state anti-kickback statutes and all other applicable legal and regulatory requirements.
- PRINCIPLE 5: Integrity and Assets, Financial Transactions.** Employees and physicians will strive to preserve and protect the organization's assets through prudent and effective use of our organization's resources and appropriate, accurate reporting of financial matters.
- PRINCIPLE 6: Integrity and Legal Compliance.** Ensuring that all activity by or on behalf of the organization is in compliance with applicable laws.

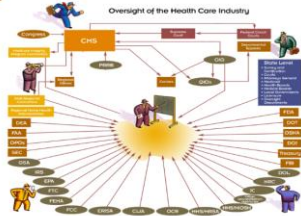
12

Personal Accountability

- Each workforce member must know they are personally responsible for:
 - Knowing and adhering to laws and regulations that affect the organization.
 - Knowing and adhering to the organization's Compliance Program and policies and procedures.
 - Our individual actions. No one will be excused for misconduct because it was directed or requested by a supervisor or any other person.
- Create an environment that will encourage open compliance discussions.
 - "Call if you have questions."
- However... Mistakes happen, who should you talk to? "Promptly discuss the issue with your supervisor or manager."
- You have a responsibility to foster open communication regarding issues and to act promptly when you learn of a violation or potential violation.

13

Major Enforcers and Oversight of Healthcare



Asking Questions and Reporting Concerns

Resources for Asking Questions and Reporting Concerns

- Resources
 - Supervisor or manager
 - Compliance Officer
 - Anonymously
 - All concerns must be addressed.



14

Asking Questions and Reporting Concerns

- Is there a mechanism to report concerns to the board?
- The Board must have a clear understanding of the reporting system.
- Annual reports should be made from the Compliance Officer to the Board, with provision for reporting immediate high risks.



16

Asking Questions and Reporting Concerns



- Non-Retaliation for Good Faith Reporting**
 - No one can be punished for making a good faith report, even if they're wrong.
 - Anyone who takes action against another employee for making a good faith report is subject to discipline, including termination.
 - Immediately notify the Chief Compliance Officer if the employee believes action was taken against him/her for making a good faith report so it can be investigated and corrected.

17

RESPONDING TO INVESTIGATIONS

A commitment to appropriate responses to inquiries from the government and the media.



- Who should employees relay outside inquiries and requests to?
- Requests to respond to government interviews and non-routine requests for documents are referred to the Compliance Officer so that appropriate arrangements can be made to fully comply with legal obligations.
- Media inquiries are referred to the Compliance Officer.

18

Compliance Program Violations

Uniform disciplinary action for violations of the organization's Compliance Program

- The type of disciplinary action depends on the seriousness of the violation and prior violations
 - Verbal or written warning
 - Remedial training
 - Probation
 - Suspension
 - Termination
 - Other



Putting it Together: The Annual Work Plan

Set out annual objectives each year; record and track each of the 7 elements

- Policy & Procedure review and updates
- Training percentages
- Compliance reports
- Investigations
- Audits
- Discipline measures
- Continuing education



Questions?

