



Quality of Care and Compliance

Health Care Compliance Association Physician Practice Compliance Conference October 7, 2004

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Question Presented

- How can health institutions enhance quality of care to:
 - Better protect patients, and
 - Avoid today's increased enforcement risks?
- Related but distinct issues:
 - Unnecessary care, i.e., "substantially in excess" of patient need
 - Substandard care, i.e., "failure to meet professionally recognized standards."



Emerging Enforcement Paradigm:

- Government looking for:
 - Unnecessary care in hospitals
 - High physician billers
 - Administrators not asking questions



Quality of Care

- Government remedies:
 - False Claims Act
 - Monetary penalties for "Knowing" submission of claims for unnecessary care
 - Exclusion from Federal health care programs
 - Rendering items or services "substantially in excess" of a patient's need
 - Exception: where provider "not in a position" to determine medical necessity

Quality of Care - Defenses

- Hospitals do not practice medicine
- Peer review a medical staff function
- Peer review oriented to evaluating bad outcomes, not whether care is necessary

Quality of Care – Minimizing the Risks

- Enhance quality assurance indicators and mechanisms within the health system
 - Quality indicators
 - Utilization rate indicators
 - System to refer quality related complaints to peer review, or other formal process
- Increased attention to peer review
 - Functioning as intended?
 - Committees meeting as appropriate?
 - Major delays/backlogs?
 - Any reviews based on high utilization?

Tenet's Commitment to Quality

- Evidence-based medicine
- Patient safety
- Physician excellence
- Nursing excellence
- Utilization review and care coordination
- Capacity management
- Clinical resource management

Integrating Quality into Your Compliance Program
-Issues and Ideas-

- Policies
- Training
- Reporting
- Coordinating Reviews and Follow-up
- Monitoring/Auditing
- Corrective Action

What If's...

- Failure to meet Medicare conditions of participation
- Patterns of substandard care or medically unnecessary services
- Peer review not operating appropriately
- Lack of medical staff and/or governing board support


