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# Compliance 101

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# Why Compliance Programs Are Essential

- Raise Awareness
- Mitigating Factor
- Communicate Organization's Commitment
- Avoid CIA
- Reduce Threat of Qui-Tams

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# Compliance Programs

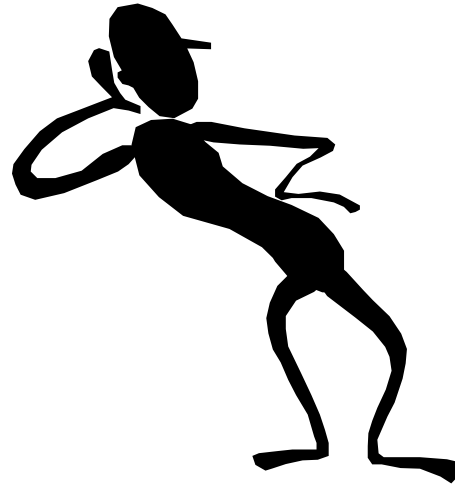
## How Comprehensive Should They Be?

- Billing Compliance (Medicare vs. All Payers)
- Employment/Labor Law
- EMTALA
- Stark
- Anti-Kickback
- HIPAA
- Research
- Other Federal &/or State Laws

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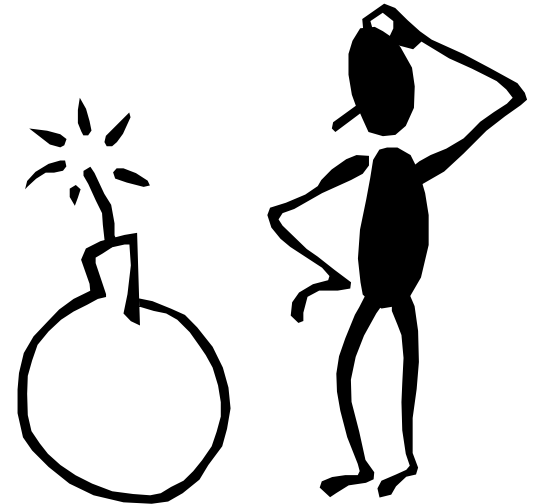
# How to Prevent Qui Tam Suits

- Create an atmosphere that encourages compliance
- Set up a hotline
- Listen to employees



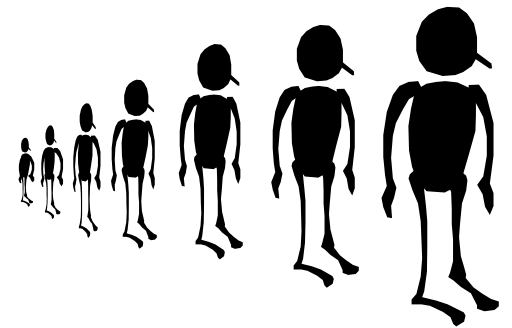
# A Compliance Program Provides:

- Education
- Prevention
- Early Detection
- Collaboration
- Enforcement



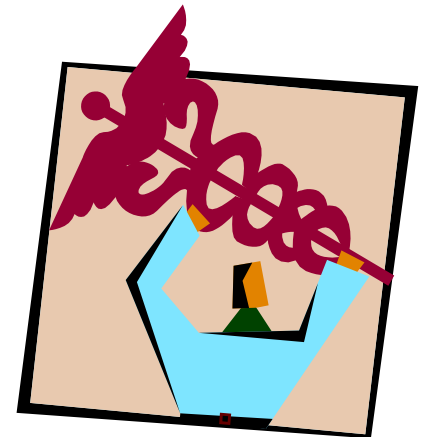
# What Is a Compliance Program?

- Recommended by the Government
- Ethical and proper way to do business
- Commitment
- Encourage problems to be reported
- A process with constant monitoring



# Who Needs a Compliance Program?

- Physician Practices
- Hospitals
- Laboratories
- Teaching Institutions
- DME Distributors
- Home Health Agencies/ Hospices
- Others



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# Organizational Steps to an Effective Compliance Program

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# Gain Support / Commitment

- Board
- Management
- Providers
- Staff



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# Financial Support

- Development/Start-up
- Educational Materials
- Staffing
- Ongoing Operations

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# Develop Code of Conduct

- Organizations ethical attitude
- Address weak areas
- Letter of endorsement
- Chain of command

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# Identify Staffing Needs

- Appoint compliance officer
- Develop job descriptions for staff
  - Supply vs. demand
- Oversight Committee
- Counsel

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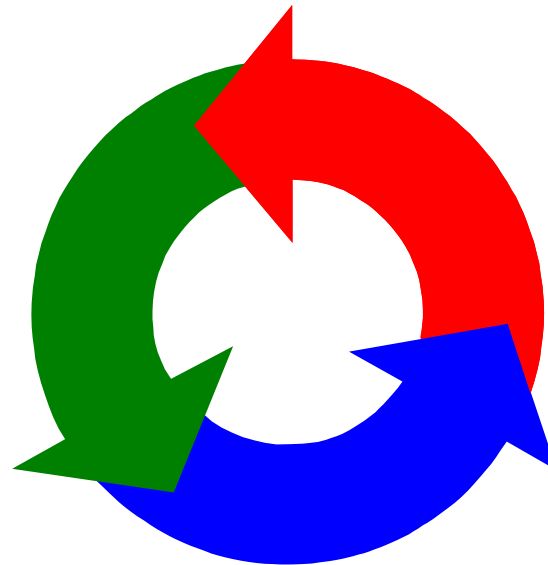
# Develop Mission and Goals

- Achievable
- Measurable
- Communicate



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# Continuous Improvement



# Seven Essential Elements of a Compliance Plan

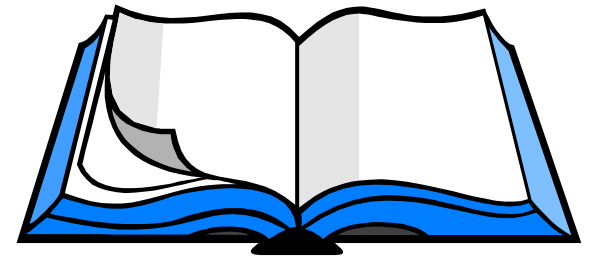
- Standards and Procedures
- Oversight
- Education and Training
- Monitoring and Auditing
- Reporting
- Enforcement and Discipline
- Response and Prevention  
(Risk Assessment)



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# Standards and Procedures

- Code of Conduct
  - Keep It Simple
  - Outline specific legal duty
  - Attestation
- Policies and Procedures
- Continuous Evaluation



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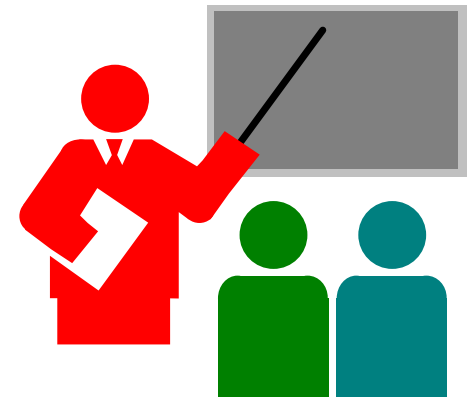
# Compliance Oversight (Appropriate Authority and Resources)

- Board
- Compliance Officer
- Oversight Committee
- Other Committees
- Field Compliance Positions
- Subject Matter Experts



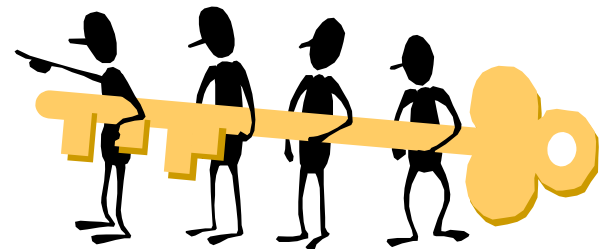
# Education and Training

- Communication Process
- Internal Vs. External
- Mandatory Vs. Voluntary
- Method for Training
- Proof and Documentation
- Sanctions



# Monitoring and Auditing

- Evaluate Program Effectiveness
- Audit Plan and Methodology
- Internal “Audits”
- Compliance “Reviews”
- Outline Audit Procedures
- Staff Training
- Results Reporting



# Reporting and Investigation

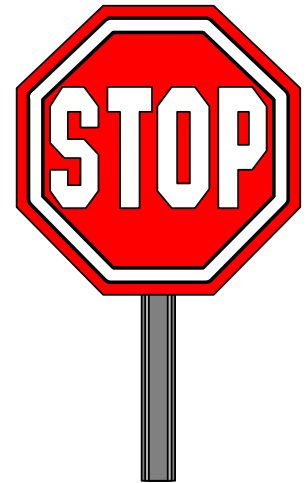
- Hotline
  - Policies and Procedures
  - Internal vs. External
- No Retaliation for Reporting
  - Privacy and confidentiality



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# Enforcement and Discipline

- Appropriate and Consistent Responses
- Disciplinary Measures
- Stand firm
- Background Checks
- Incentives



# Response and Prevention

- Internal Investigation
  - Is it really a problem?
  - How serious is it?
  - Are there enough facts to investigate?
  - What are the areas for concern?
- Contact Counsel
- Interview Process
- Create Policy



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# Government Released Programs

[www.dhhs.gov/oig](http://www.dhhs.gov/oig)

Laboratory

Home Health

Hospice

Medicare + Choice

Physician Offices

Third Party Billing

Hospital

DME

Nursing Facilities

Pharma

Ambulance

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# Health Care Fraud Efforts Continue

- Enforcement environment -- heightened scrutiny
- Enforcement activity – Recoveries
- Enforcement weapons