

PHYSICIAN PRACTICE COMPLIANCE CONFERENCE



October 1-3, 2008 | Philadelphia, PA | Doubletree Hotel Philadelphia

Meshing Compliance Education for Physician and Hospital

Ronda Tews, CPC, CHC, CCP-P

St. John's Health System
Springfield, MO

Health Care Compliance Association
6500 Barrie Road, Suite 250, Minneapolis, MN 55435
888-580-8373 | www.hcca-info.org

Compliance Education- one of the seven elements

- Standards and Procedures
- Oversight
- **Education and Training**
- Monitoring and Auditing
- Reporting and Investigation
- Discipline and Enforcement
- Response and Prevention

SOE MR DR what are you going to do?



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The Importance of Compliance


How does this relate to your physician and the practice?

- Annual OIG Workplan
 - Share the workplan with the physician
 - Show the physician the things on the workplan that could be directly related to his/her practice
 - Share some of your states Medicare and Medicaid prospective audit findings that could be directly related to his/her practice
 - Track practice denials and share results
 - Audit the physician's documentation and share results

The Importance of Compliance

Most effective way to relate the importance of compliance to your physician-

- **Examples of physicians in your state that have been convicted**
- **Examples of CIAs (Corporate Integrity Agreements)**
- **Examples of physicians in the same specialty that have been audited**
- **Examples of the FINES imposed!**



NEWS RELEASE

OFFICE OF THE UNITED STATES ATTORNEY
WESTERN DISTRICT OF MISSOURI

TODD P. GRAVES

Contact Don Ledford, Public Affairs • (816) 426-4220 • 400 East Ninth Street, Room 5510 • Kansas City, MO 64106
www.usdoj.gov/usao/mow/index.html

FEBRUARY 24, 2006
FOR IMMEDIATE RELEASE

**FORMER KC DOCTOR PLEADS GUILTY
TO MEDICARE FRAUD**

KANSAS CITY, Mo. – Todd P. Graves, United States Attorney for the Western District of Missouri, announced that a former Kansas City physician pleaded guilty in federal court today to participating in a scheme to defraud Medicare of millions of dollars through a program that provides motorized wheelchairs to patients.

A Plan For Compliance Education

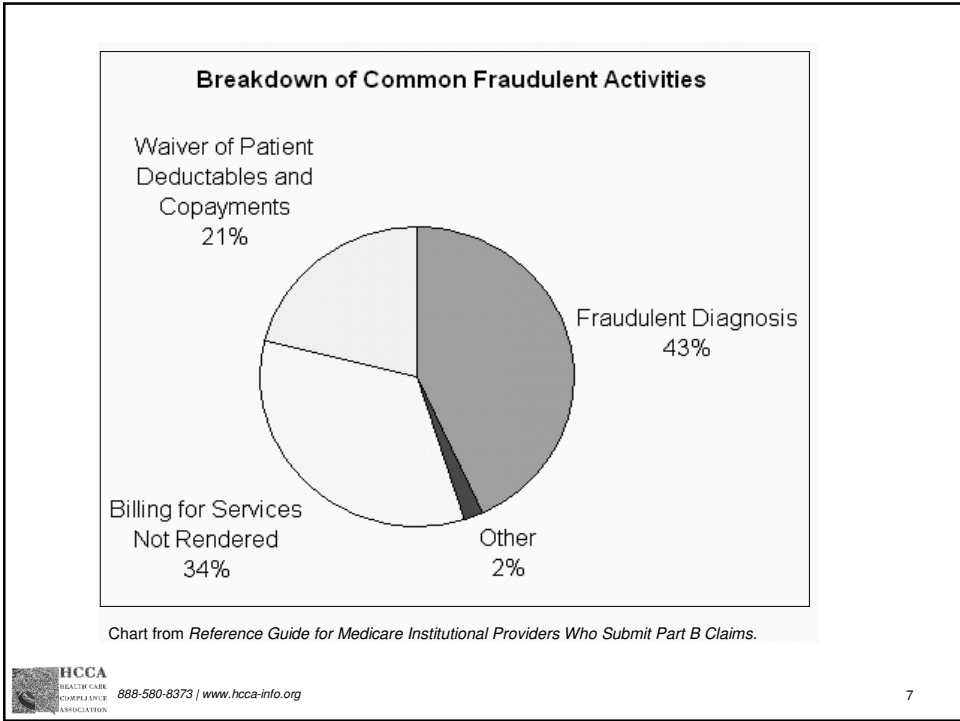
- Compliance policies
 - Do you have them?
 - Does everyone have access to them?
 - Are they up-to-date?
 - Examples of Compliance Policies:
 - Code of Conduct
 - Conflict of Interest
 - Compliance Plan



A Plan For Compliance Education

- Hot Topics of Concern for Physician's Practices:
 - Consultations
 - PhRMA Code updates
 - ABNs (Advanced Beneficiary Notice)
 - Evaluation and Management levels
 - Electronic Medical Records
 - False Claims Act
 - Stark Law
 - Anti-kickback Statute
 - Unbundling
 - Non-Allowable vs. Non-Covered
 - Midlevel providers and Incident-to billing
 - MSP (Medicare Secondary Payer)





False Claims

The False Claims Act defines “knowing/knowingly” to mean that “a person, with respect to information...

1. Has actual knowledge of the information-
2. Acts in deliberate ignorance of the truth or falsity of the information;
or
3. Acts in reckless disregard of the truth or falsity of the information, and no proof of specific intent to defraud is required”. 31 U.S.C. 3729(b)

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False Claims

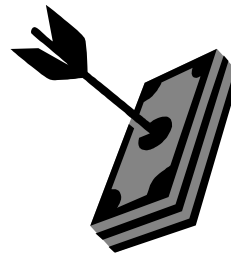
- If information is knowingly submitted that is not complete or accurate, a false claim may exist. Monitoring should be in place to check claims for accuracy and completeness.
- Examples of potential false claims:
 - A billing system that has automatically been programmed to insert a diagnosis code on a claim to pass Medicare edits.
 - A physician's office that routinely enters charges for services that will be performed the following day, but does not verify that the services entered were actually performed.
 - A coder has been instructed to always code a physician's services a certain way, even if the documentation does not support the charges.
 - Submitting physician's charges for payment without the supporting documentation being complete.

Preventing Fraud and Abuse

- One of the best ways to prevent fraud and abuse in the physician's office is to establish policies and procedures, train physicians and staff, and develop and implement appropriate auditing and monitoring processes within the office.
 - Train staff and physicians; scenario training works well to get a clear understanding when relating compliance to their job duties.
 - Trend identification; identifying patterns of denied claims is a way to monitor potential fraudulent activities and provide you with where to begin focused education.
 - Communication; documentation, medical necessity, coverage and denial concerns should be communicated thoroughly to correct the errors.
 - Open door policy; allowing everyone the right to question any billing practices and to seek clarification regarding its integrity.

Implementing Compliance Education

- Scenario training so they can relate to it
 - Example for a physician: *An employed physician receives a rebate check made out to him from a medical supply distributor for supplies that he orders and pays for out of the clinic's budget. Is he entitled to the rebate?*
 - A: Yes, since he is employed by the clinic.
 - B: Yes, he works hard and deserves it.
 - C: No, since it may qualify as a kick-back from the distributor.**
 - D: None of the above.



Implementing Compliance Education

- Scenario training:
 - *You are a manager of a family practice clinic and you have identified a significant compliance problem in your office. What should you do?*
 - A: *Immediately call the OIG to report the problem.*
 - B: *Contact your VP first and then the Compliance Officer to discuss the issue.***
 - C: *Report the issue to the Better Business Bureau.*
 - D: *Hold a staff meeting to find out who caused the problem.*

Of course, you need to tailor your choices to the correct action for your practice- possibly the correct step for your practice is to call the compliance report line and report it...

Implementing Compliance Education

- Scenario training:
 - You work in the lab and have received an order to perform a blood panel via a standing order. You notice that the standing order has expired. What should you do?

A: Contact the provider and have them write a new standing order.

B: Provide the service and ask for an updated order later.

C: Ignore the expiration date and perform the service.

D: Refuse to perform the service and send the patient away.



Education That Works For Your Practice

- Power point presentation given to group face-to-face
- Power point presentation available to view and answer questions electronically on intranet
- White paper education including required education such as Deficit Reduction Act
- Education burned to CD to be viewed in each individual's own time frame
- Education specifically for physicians vs. education specifically for coworkers
 - Allows you to include specific laws and regulations that apply to physicians
 - Allows you to include scenario specific training for each

Easy Access to Compliance Education

St. John's Co-worker Intranet
CrossRoads

Contact | Site Map | Login

Search Mercy Go

Coworkers Physicians Clinical Staff Sites A-Z Regional Facilities Joint Commission Education COMPASS

WORK ESSENTIALS

- Approved Abbreviation List
- Capital Equip Payment Hold Form
- Corporate Compliance
- Easy Access to MSDS
- EasyNet Work Request System
- ePocrates RX Online (includes Formularies)
- Genesis - Springfield
- HBI
- JDPE Tool

QUICK LINKS

- Asset Health
- Cafeteria Menus
- Carpool Sign up Sheet
- Corporate Shopping Program
- Co-Worker Store
- Creative Idea Form
- Credit Union
- Crisis Fund Application
- Dell Employee Discount Program
- Employee Assistance Program

UPCOMING EVENTS [View All]

09/27/08, 10:00 AM - 10:00 PM
Co-Worker Picnic

10/5/08, 2:00 PM
NICU Reunion

10/11/08
Sunshine Run

10/19/08 - 10/25/08
St. John's Respiratory Therapy Department Appreciation Week

11/14/08 6:00 AM - 11/15/08 2:00 AM
Code Blue/Dysrhythmia Testing

11/14/08 - 11/16/08
Totally Healthy Woman Retreat

POLICIES AND FORMS

- Clinic Policies
- Durable Power of Attorney Form
- Emergency Information
- Hazardous Materials
- Health Center
- Health System
- HIPAA Forms
- Infection Control
- Miscellaneous Forms
- News and Announcements

MERCY DIRECTORY

Last Name:

Search Advanced Search

ADDITIONAL RESOURCES

DOCCONNECT
A Physician's Guide to the EHR System

MISD Clinical Quality

The Genesis Project

Make a DIFFERENCE
MERCY SERVICE

Asset Health

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Example of Coworker Education

St. John's Co-worker Intranet
CrossRoads

Contact | Site Map | Login

Search Mercy Go

Coworkers Physicians Clinical Staff Sites A-Z Regional Facilities Joint Commission Education COMPASS

Corporate Compliance

St. John's Corporate Compliance Department is committed to helping co-workers do the right thing. We are available to assist any co-worker who may have a compliance concern.

Click on logos to participate

Question of the Month

Fraud Alert

Regional Hospital Fraud Alert

CodeIT

?

To report a Compliance concern, please call the Report Line at 1-866-690-0700. This line is available 24/7 and all reports are confidential. The call cannot be traced and you can choose to remain anonymous. You may also contact the Corporate Compliance Department directly at 417-820-8758.

Compliance Concern?

click here to REPORT it online

To check on the status of a concern you submitted online click here .

Annual Corporate Compliance Education

Compliance Policies

Clinic Compliance

The Compliance Corner

Compliance Resources

Compliance Staff

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Corporate Compliance Presentation

Welcome to the St. John's Health System Corporate Compliance Educational Program.

Please Enter your Lawson Employee Number.

- OR -

Enter your legacy STAR Employee Number.

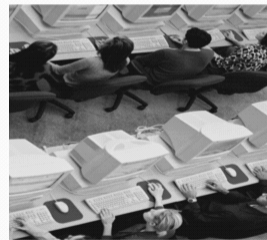
START

- Your coworker number can be found on your Mercy Payroll statement next to your name. You do not need to enter the leading zeros.
- Please do not enter the leading zeros.
- Once entered please click **"START"** to begin the presentation.

Thank you!

All St. John's coworkers must complete the Corporate Compliance Education annually.

- Your director or manager will inform you if you need additional compliance education for your job position and responsibilities.




Documentation of your participation

- At the end of the program you will complete an acknowledgement form that indicates you have read this entire program.
- You will print out the Acknowledgment form before you click on Acknowledge. Your name should print out at the top of the form and you can give this to your manager to verify you have completed the education.
- Records of Corporate Compliance education participation will be kept in the Corporate Compliance database.

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Program Objectives

Upon completion of this program, you will be able to:

- Understand St. John's commitment to ethical business practices.
- Identify improper and unethical conduct and how it can relate to your job.
- Understand the importance of reporting healthcare fraud and abuse and who to call.

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Available Resources

The Corporate Compliance Department currently has the following resources available to each coworker:

- Report Line: 1-866-690-0700
- Educational Library- audio's, video's & materials can be checked out.
- Internet based education specific to medical coding, billing, claim denial, chagemaster, fraud and abuse, etc.
- Frequently Asked Questions
- Compliance links
- General Orientation education
- Annual coworker compliance education
- Physician/Provider compliance education
- Department specific compliance education
- Compliance Question of the Month



ST. JOHN'S

Corporate Compliance Presentation

Thank You!
RONDA TEWS

Please read the following statements. Once complete click the "Acknowledge" button located at the bottom of the page. Doing so will record your participation and agreement to the statements below.

- 1) I understand that St. John's Health System has a legal and ethical responsibility to comply with state and federal laws that regulate healthcare.
- 2) I am aware that, as part of the St. John's responsibilities described above, St. John's Health System provides corporate compliance training to its coworkers.
- 3) I acknowledge that I have received corporate compliance training provided by St. John's health System.
- 4) I certify that I know where to find St. John's Corporate Compliance policies and procedures and I agree to follow those policies and procedures.
- 5) I further agree that I will report promptly any known or suspected violations of St. John's corporate compliance policies and procedures to the St. John's Corporate Compliance Officer.

Acknowledge

Physician Specific Education

This program is required to be completed on an annual basis by all St. John's Clinic physicians/providers.

- **Course Objectives:**

- Understand St. John's commitment to ethical business practices.
- Define the Federal False Claims Act and Deficit Reduction Act of 2005.
- Define and explain healthcare business fraud and abuse.
- Understand how Stark regulations affect you.



Fraud & Abuse Example

Thomas A. O'Connor, M.D., is a physician licensed to practice in the State of Wisconsin, who participates in the Medicare and Medicaid programs as a provider of services. Between October 1, 1997, and July 31, 1999, he frequently billed the Medicare program for a sophisticated nuclear medicine procedure which, he admits, he did not provide. Instead, he provided a simpler and less expensive procedure, spirometry. The Inspector General for the Department of Health and Human Services (I.G.) charges that Dr. O'Connor knew or should have known that the claims submitted were false, and the services were not provided as claimed. The I.G. also charges that Dr. O'Connor knew or should have known that the spirometry services he actually delivered were not medically necessary. The I.G. proposes that he be excluded from participation in the Medicare, Medicaid, and all federal health care programs for a period of seven years, and that he pay a Civil Money Penalty (CMP) of \$126,000.

Covered Topics in Physician Specific Education

- Federal False Claims Act
- Examples of Fraudulent Billing
- Examples of Abuse in Billing
- Deficit Reduction Act
- Stark Regulations
- Antitrust
- Conflicts of Interest
- Discrimination and Harassment
- Political Contributions & Lobbying
- Gratuities from Outside Vendors
- Incentive Plan and Gifting Policy
- Medical Research

Covered Topics in Physician Specific Education

- Safety
- Personal Use of Equipment and Supplies
- Self Treatment or Treatment of Immediate Family Members
- Use of Midlevel Providers
- Confidentiality and HIPAA
- Intellectual/Copyright Property
- EMTALA
- Advanced Beneficiary Notice (ABN)
- Discounts
- Charitable Contribution Policy
- Medical Record Documentation
- Compliance Report Line

Meshing Compliance Education

- Utilize scenario training for each location – hospital and clinic
- Reference the policies and procedures for hospital and clinic
- Include compliance information that affects them in all aspects of their job duties
- As much education in one document as possible without making it too long
- Try to keep slides to a minimum (takes approx. 20 min. to read through 40 slides)
- Don't lose their interest by being too wordy
- Explaining laws and regulations can be confusing- good to use scenario training here or multiple choice “what would you do” or “how should you handle this”

Questions?

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Corporate Compliance Project Manager- Education
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