# Preparing an Effective Compliance Work Plan

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## **Reducing Risk Through Compliance**

## Functions of an Effective Compliance Program

- Prevent
- Detect
- Resolve

## How Do You Get There?

- Know General Compliance Requirements and Requirements Specific to Your Business
- Identify Risk Areas
- Implement Written Policies, Procedures, and Standards of Conduct
- Promote Transparency and a Culture of Compliance
- Designate a Compliance Officer and Committee

## How Do You Get There?

- Educate the Board and Senior Management
- Conduct Effective and Ongoing Training
- Conduct Internal Auditing and Monitoring
- Respond Promptly and Enforce Standards through Well-Publicized Disciplinary Guidelines
- Evaluate and Measure Program Effectiveness Regularly

## Evaluating the Effectiveness of Compliance Programs

- DOJ Criminal Fraud Section published guidelines setting forth expectations for effective corporate compliance programs (Feb. 2017)
- OIG and HCCA issued a compliance guide for measuring a compliance program's effectiveness (Mar. 2017)



#### Introduction

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**Bangle Tuples and Questions** 

1. Antipia and Terrestinian of Underlying Masonikat

- Boot Generic Analysis What is the company's non-cause snatysis of the missionistic at increal? What systemic issues were identified? Whe in the company was involved in maning the analysis?
- Prior Indications Silver Here prior opportunities in defend the released on in question, such as audit reports intending entrum instead follows as allogations, completely, as intending insteading civiliar instead. What is the company's emigric of why such opportunities were existend?

#### Measuring Compliance Program Effectiveness: A Resource Guide

ASSUE DATE: MARCH 27, 2017

HCCA-OIG Compliance Effectiveness Roundtable Roundtable Meeting: January 17, 2017 | Washington, DC



## **Compliance Update**

- Three Notable Areas of Government Pronouncement in 2018
  - Department of Justice Attempting to Incentivize Self-Disclosure and Cooperation (Mar. 2018)
  - HHS Office for Civil Rights HIPAA Commentary and Guidance (Mar. and June 2018)
  - OIG Opioid Misuse Identification Toolkit (June 2018)

## Statements from DOJ

- Rod Rosenstein, Deputy Attorney General, ABA National Institute on White Collar Crime:
  - "Things go wrong in every organization. When something does go wrong, the greatest consideration should be given to companies that do not just adopt compliance programs, but incorporate them into the corporate culture. If you want us to treat a corporate entity as a victim, you should act like a victim who wants to see the perpetrators held accountable."
- John Cronan, Acting Chief, DOJ Criminal Division, ABA National Institute on White Collar Crime:
  - We intend to embrace, where appropriate, a similar approach and similar principles – rewarding voluntary self-disclosure, full cooperation, timely and appropriate remediation – in other contexts."

# **OCR HIPAA Guidance and Commentary**

Obligations with respect to vendors and third parties

- Serena Mosley-Day, OCR's Acting Senior Advisor for HIPAA Compliance and Enforcement: HIPPA requires some due diligence of vendors and contractors (National HIPAA Summit, Mar. 2018)
- OCR Guidance on HIPAA Authorizations for Ongoing and Future Research
  - Encourages reminders to research subjects about their rights under the Privacy Rule

# **OIG** Opioid Misuse Identification Toolkit

- OIG toolkit provides steps for using prescription drug claims data to analyze patients' opioid levels and identify patients at risk of opioid misuse or overdose
  - Provides the actual software code that OIG uses to find red flags for opioid abuse in claims data
  - Billing for medically unnecessary prescription drugs could constitute fraudulent billing



#### Toolkit:

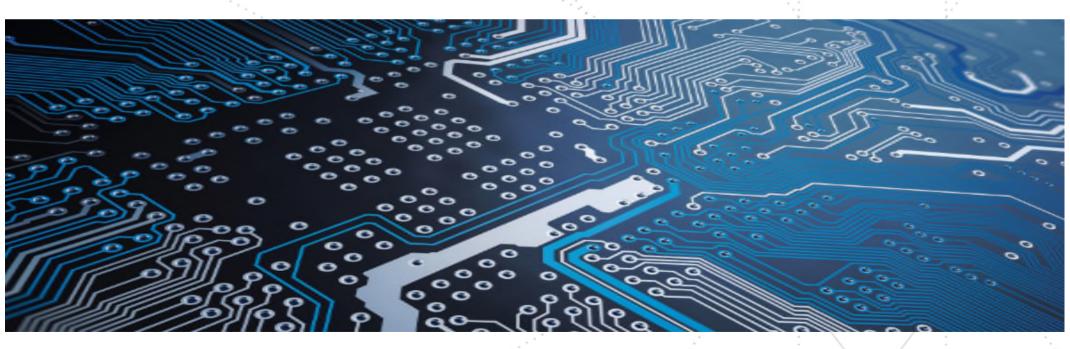
Using Data Analysis To Calculate Opioid Levels and Identify Patients At Risk of Misuse or Overdose

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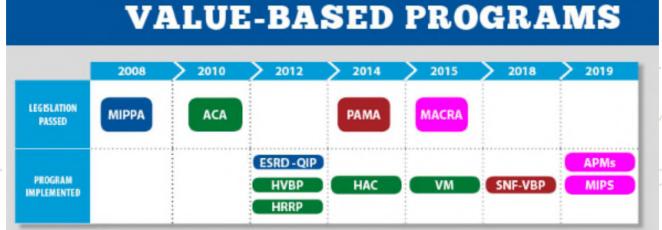
## Technology's Effect on Compliance

- Continuous technological developments have had an enormous impact on healthcare industry
- Technological advancements also can offer challenges for healthcare



## **Changing Reimbursement Models' Effect on Compliance**

- Continuing trend to move away from fee-for-service model to value-based care
- CMS offers increasing number of value-based programs



#### LEGISLATION

ACA: Affordable Care Act MACRA: the Medicare Access & CHIP Reauthorization Act of 2015 MIPPA: Medicare Improvements for Patients & Providers Act PAMA: Protecting Access to Medicare Act

#### PROGRAM

**APMs: Alternative Payment Models** ESRD-QIP: End-Stage Renal Disease Quality Incentive Program HACRP: Hospital-Acquired Condition Reduction Program HRRP: Hospital Readmissions Reduction Program HVBP: Hospital Value-Based Purchasing Program MIPS: Merit-Based Incentive Payment System VM: Value Modifier or Physician Value-Based Modifier (PVBM) SNFVBP: Skilled Nursing Facility Value-Based Purchasing Program

# **QUESTIONS?**



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