

Preparing an Effective Compliance Work Plan

Panelists

Lisa Adkins | Children's National Health
System

Steve Hinkle | Ardent Health Services, Inc.

Ami Sparano | VNA Health Group, Inc.

Julia Tamulis | Bass, Berry & Sims

Moderator

Taylor Chenery | Bass, Berry & Sims

Reducing Risk Through Compliance

◆ Functions of an Effective Compliance Program

- ▶ Prevent
- ▶ Detect
- ▶ Resolve

How Do You Get There?

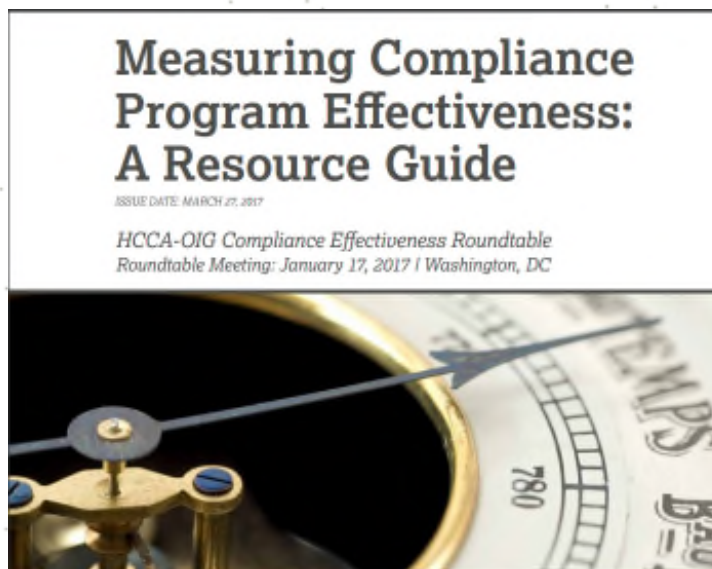
- ❖ Know General Compliance Requirements and Requirements Specific to Your Business
- ❖ Identify Risk Areas
- ❖ Implement Written Policies, Procedures, and Standards of Conduct
- ❖ Promote Transparency and a Culture of Compliance
- ❖ Designate a Compliance Officer and Committee

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)



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

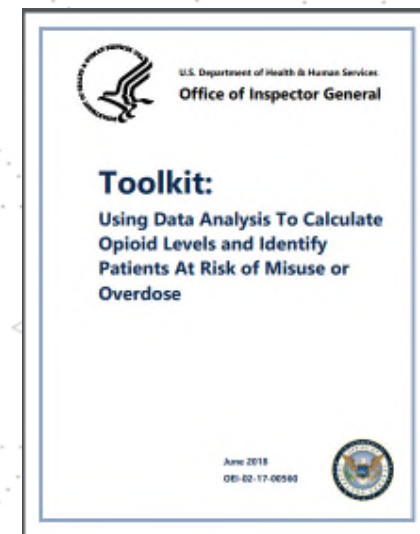
- ❖ Rod Rosenstein, Deputy Attorney General, ABA National Institute on White Collar Crime:
 - ▶ “Things go wrong in every organization. When something does go wrong, the greatest consideration should be given to companies that do not just adopt compliance programs, but incorporate them into the corporate 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: HIPAA 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

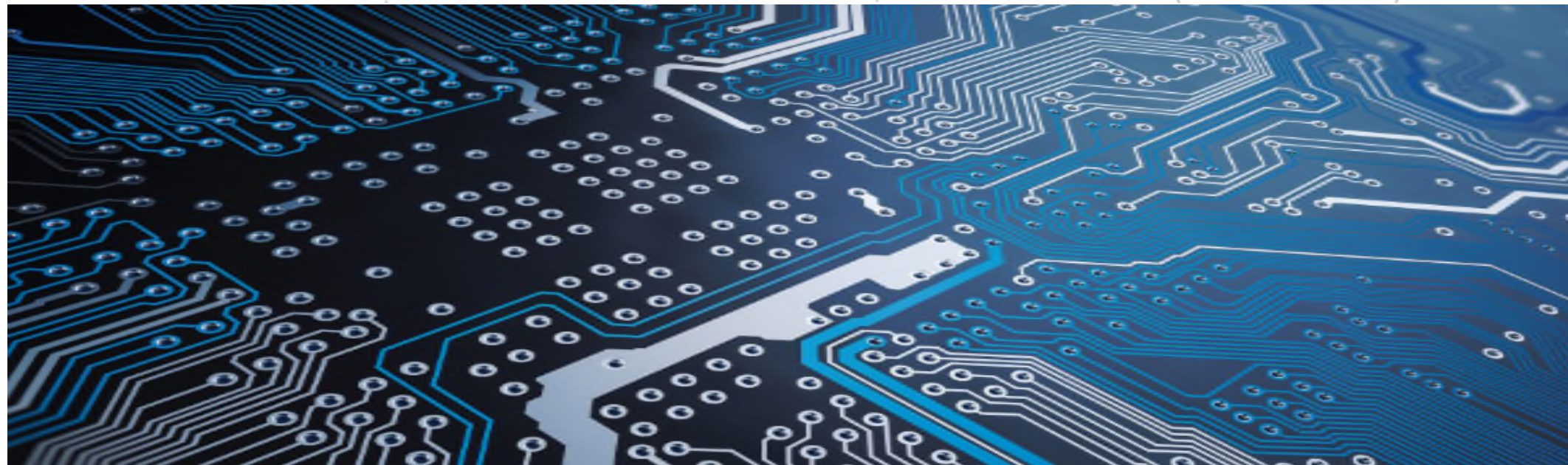
OIG Opioid Misuse Identification Toolkit

- ❖ 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



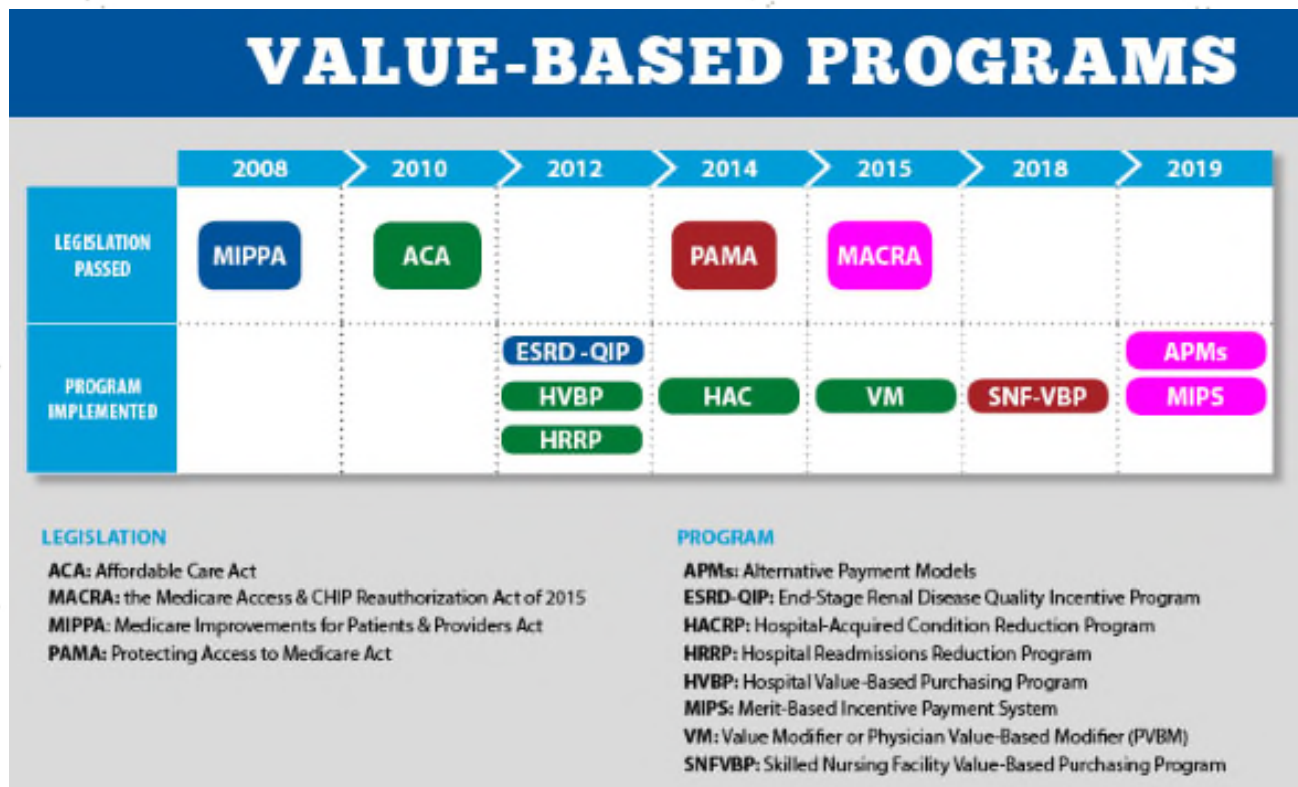
Technology's Effect on Compliance

- ◆ 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



QUESTIONS?



Taylor Chenery
BASS BERRY & SIMS PLC
150 Third Avenue South, Suite 2800
Nashville, Tennessee 37201
(615) 742-7925
tchenery@bassberry.com

Julia Tamulis
BASS BERRY & SIMS PLC
1201 Pennsylvania Avenue NW, Suite 300
Washington, DC 20004
(202) 827-2999
jtamulis@bassberry.com

<http://www.bassberry.com/services/practices/healthcare-regulatory/healthcare-fraud-and-abuse>
