

# Compliance for Your Medical Practice

Presented by:

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# Panic May Have Set in . . .

- ME?
- HOW?
- NO?
- I CANT!
- WELL, I HAVE TO!
- NO, NO, NO!!!
- Are you kidding?



But Wait . . .

I CAN DO IT

I WILL do it

# Today's Objectives

- Organize your approach
- Examine compliance as a concept
- Learn the 7 elements of an effective practice compliance plan
- Consider practical steps

# Incorporate *Stephen R. Covey's ...* *"The Seven Habits of Highly Effective People"*

- ▶ Be Proactive
- ▶ Put First Things First
- ▶ Begin with the End in Mind
- ▶ Think Win-Win
- ▶ Synergize
- ▶ Sharpen the Saw
- ▶ Seek First to Understand before you can be Understood

# A culture of Compliance

- Start at the top
- Create a culture of compliance
- Everybody's business
- Make compliance a condition of employment

# Everyone



- ❖ Knows applicable rules & regulations
- ❖ Does what we think they are doing
- ❖ Has a way to ask questions
- ❖ Has a way to report suspected/perceived violations
- ❖ Is subject to corrective action

# Leading the Culture

## Compliance

Knowing the Rules

Following the Rules as they have been provided to you.

## Ethics

Understanding the Difference Between Right and Wrong

Choosing to do the Right Thing

## *Integrity*

*Consistently doing the right thing even when no one is looking.*



# Budget

- Adequate resources
- Ability to ask for more if needed
- Ability to retain outside experts if needed



# What is already in place?

- ▶ HIPAA
  - Privacy
  - Security
- ▶ OSHA
- ▶ CLIA
- ▶ PERSONNEL POLICIES



# The OIG's "Seven Fundamental Elements for an Effective Compliance Program"

1. Implement written compliance policies, procedures, and standards of conduct.
2. Designate a compliance officer and compliance committee, who will be responsible for monitoring compliance efforts and enforcing practice standards.
3. Conduct effective training and education on the compliance policies, procedures, and standards of conduct.
4. Develop effective lines of communication to facilitate communication with staff (updates and training) and allow anonymous reporting mechanisms.
5. Conduct internal monitoring and auditing by performing periodic self audits.
6. Enforce standards for employees through well-publicized disciplinary guidelines.
7. Respond promptly to detected offenses and develop corrective action.

# The Compliance Officer



# Qualities

- Good judgment
- Calm under pressure
- Good organizational skills
- Reasonably knowledgeable
- Approachable
- Respected
- Diplomatic - able to take a stand
- Respects others' confidences

# THE PLAN



# Standards of Conduct

# Something like . . .

It is the policy of our Medical Office that all individuals associated with the Medical Office conduct themselves in an ethical manner and in conformance with all federal and state laws and the policies and procedures of the Employer. To this end, our Medical Office's Code and Compliance Program have been prepared to provide employees, as well as those with whom our Medical Office does business and the general public, with a formal statement of commitment to the rules of ethical conduct as spelled out in this Code.

It is imperative that all our Medical Office personnel comply with the standards contained in the Code, immediately report any alleged violations thereof to the person/s listed in Appendix A, and assist in investigating any allegations of wrongdoing, as outlined in Appendix A, to the Compliance Program. It is our policy to prevent the occurrence of unethical or unlawful behavior, to halt such behavior as soon as



# The Statement



- Why are you in business?
- How will you attain your stated mission?
- Regulatory Dos and Don'ts
- Living Document
- Not a comprehensive statement
- Written in general terms

# The Statement

- Not an off the shelf product
- Reflect your practice
  - culture
  - needs
- Write after baseline assessment
- Write to your audience
- Build in a way to re-evaluate and modify if appropriate

# The Statement

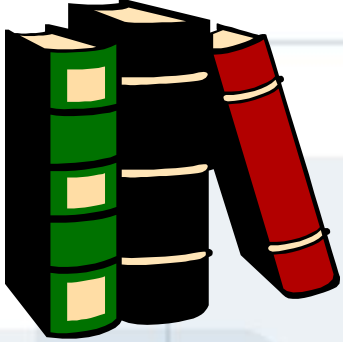
- One author vs. many reviewers
- Don't promise more than you can deliver
- Good communication may be brief
- Be sure the program is binding

# The Plan

- Written
- Conforms with the Standards of Conduct
- Complies with all applicable Federal and State rules and regulations
- Duty to report known or suspected violations

# The Plan - state 7 goals

- Establish & maintain standards followed by all
- Assign an officer
- Provide education and training
- Effective and open communication
- Enforce through publicized disciplinary guidelines
- Monitor effectiveness through periodic audit
- Respond to detected offenses, correct deficiencies



# The Plan - Policy & Procedures

## Written policy

- Commits the organization
  - Accurate coding
  - Accurate billing
  - Relationships with vendors
- Distribute annually to all employees
  - Employee affirms agreement by signature
  - Maintain in employee record

# Policies & Procedures Manual

- Include:
  - Use of charge documents
  - Physician responsibility
  - Process for obtaining accurate, updated demographic and insurance information
  - Description of the coding check and balance process
  - Collection of co-pays
  - Payment processing (i.e., receipting, balancing, credit balances)

# Policy Sample . . .

## Medical Record Documentation

Timely, accurate, and complete documentation is critical to nearly every aspect of a physician Medical Office. Physician documentation is necessary to determine the appropriate medical treatment for the patients and is the basis for coding and billing determinations. It is the policy of our **Medical Office** that medical record documentation comply, at a minimum, with the following principles:

- The medical record should be complete and legible. When two practitioners (e.g., physician and ARNP) have both contributed to the service, documentation will be clear as to who provided what portion of



# Some Coding Risk Areas

## CODE SELECTION FOR & DOCUMENTATION OF:

- ~ E/M levels of service
- ~ Consultations
- ~ Preventive medicine
- ~ Global surgery
- ~ Modifiers
- ~ Bundling issues

# SCREENING



# Not Voluntary

- May not employ sanctioned individual
- May not employ person with criminal conviction related to health care

## List of Excluded Individuals/Entities Search

Search up to 5 names

Last Name

First Name

\*or\* Business Name

Prillaman

Charla

Najjar

Samir

Search >>

Clear >>

<http://exclusions.oig.hhs.gov/>

[Return to Search](#)

# Search Results

Total Records: 1

No results were found for Last Name = Prillaman First Name = Charla

Last Name	First Name	Middle Name	Business Name	General	Specialty	Exclusion	State	<a href="#">SSN/EIN</a>
NAJJAR	SAMIR	SHIBLY	N/A	MEDICAL PRACTICE, MD	ENDOCRINOLOGY	1128(b)(4)	MS	<a href="#">Verify</a>

Search conducted 2/14/2013 12:58:03 PM EST on OIG LEIE Exclusions database.

Source data updated on 2/6/2013 10:05:13 AM EST

## Detail Results

Verification for SAMIR NAJJAR

Name:	SAMIR NAJJAR
Business:	N/A
UPIN:	No data
DOB:	09/17/1947
General:	MEDICAL PRACTICE, MD
Excl Type:	1128(b)(4)
Specialty:	ENDOCRINOLOGY
Address:	2225 HALEY BARABOUR PKWY YAZOO CITY, MS 391240000
Date:	04/18/2002
Reinstmt:	No data

This record does NOT match SSN/EIN 123456789 in our database.

SSN/EIN:

Verify



# TRAINING



# Training

- Communicate commitment to compliance
  - employees
  - contractors
  - agents
- Develop and document training
  - physician and clinical staff
  - coding and billing staff
  - All new hires - including physicians



# Training

- New staff orientation to the coding and billing rules
- Training programs for physicians
- Periodic training on coding accuracy for staff members

# Educate all staff


- Proper coding & billing procedures
- **Ensure** that all staff understand
  - compliance is expected and a condition of employment
  - effects of following procedures
  - effects of not following procedures
- Employee review form affirming adherence to practice compliance
- Compliance is a condition of employment



# Resource Development

- Internal library
  - Medicare Advisories & Manuals
  - Other payer instructions
  - Other commercially available publications may be useful
  - Fraud Alerts
- Standardized forms
- Current CPT®
- Current ICD-9 (vol 1-2)
- Current HCPCS II
- Revenue capture tools
  - registration forms
  - release of information
  - ABN
- Charting tools

# Keep Track of training attendance.

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## Employee Training Attendance Sheet

Practice Name: \_\_\_\_\_

Training: \_\_\_\_\_

Date: \_\_\_\_\_

Instructor Name: \_\_\_\_\_

### Employees:

By signing this document, I certify that I have received the following training and understand my responsibility to protect patient's health information.

Employee Name	Position	Signature

# HIPAA \_ OSHA Training Log Sample

## Employee Compliance Training Log

(Practice Name)

<i>Employee Name</i>	<i>Hire Date</i>	<i>HIPAA Overview</i>	<i>HIPAA Privacy</i>	<i>HIPAA Security</i>	<i>OSHA</i>	<i>Hand Washing</i>	<i>Informed Consent</i>	<i>Fire Extinguisher</i>	<i>Environment of Care</i>
		(date)	(date)	(date)	(date)	(date)	(date)	(date)	(date)

# COMMUNICATION



# Communication Records

- Document coding and billing department communication with physicians
  - Pertinent coding changes
  - Individual coding behaviors
  - Consider comparison reports by individual physician on a quarterly basis
  - Consider comparison with published frequency data



# Reporting Mechanism

- Encourage employees to report perceived problems in coding or billing practices
  - Corporate compliance statement
  - Regular meetings
  - Encourage/require continuing education
- Provide anonymous method to report
- Protect employee from repercussions



# Respond Promptly



# Have a plan

- IMMEDIATELY investigate all reported perceived problems
- Consistently enforce rules
- Discipline those who do not follow them
- Measure effectiveness

# Action plan

- Establish response procedures
- Physician coding peer review
- Implement problems logs
  - coders
  - payment processors
- Describe follow-through actions
- Document steps taken and solutions

# Keep a record . . .

All communication resulting in a finding of non-compliant conduct will be documented in the compliance files and should include:

- The date of the incident
- Name of the reporting party
- Name of the person responsible for taking action
- The follow up action taken

# DISCIPLINE



# Disciplinary action

- Investigate all reported problems
- Consistently enforce rules
- Discipline those who do not follow them

# Disciplinary Policy ~ Sample

The operations of our Medical Office are governed not only by laws and outside requirements, but also by these policies and procedures. We are committed to consistent compliance with all applicable regulatory requirements. As our employee, it is your personal duty and responsibility to comply with all regulatory requirements, professional standards, and our policies and procedures which apply to you. Your compliance is a condition of your continued employment with our Medical Office. Your failure to comply with these requirements will result in prompt and appropriate disciplinary action which may include:

- An oral warning
- A written reprimand
- Probation
- Demotion
- Temporary suspension without pay

# Outside counsel

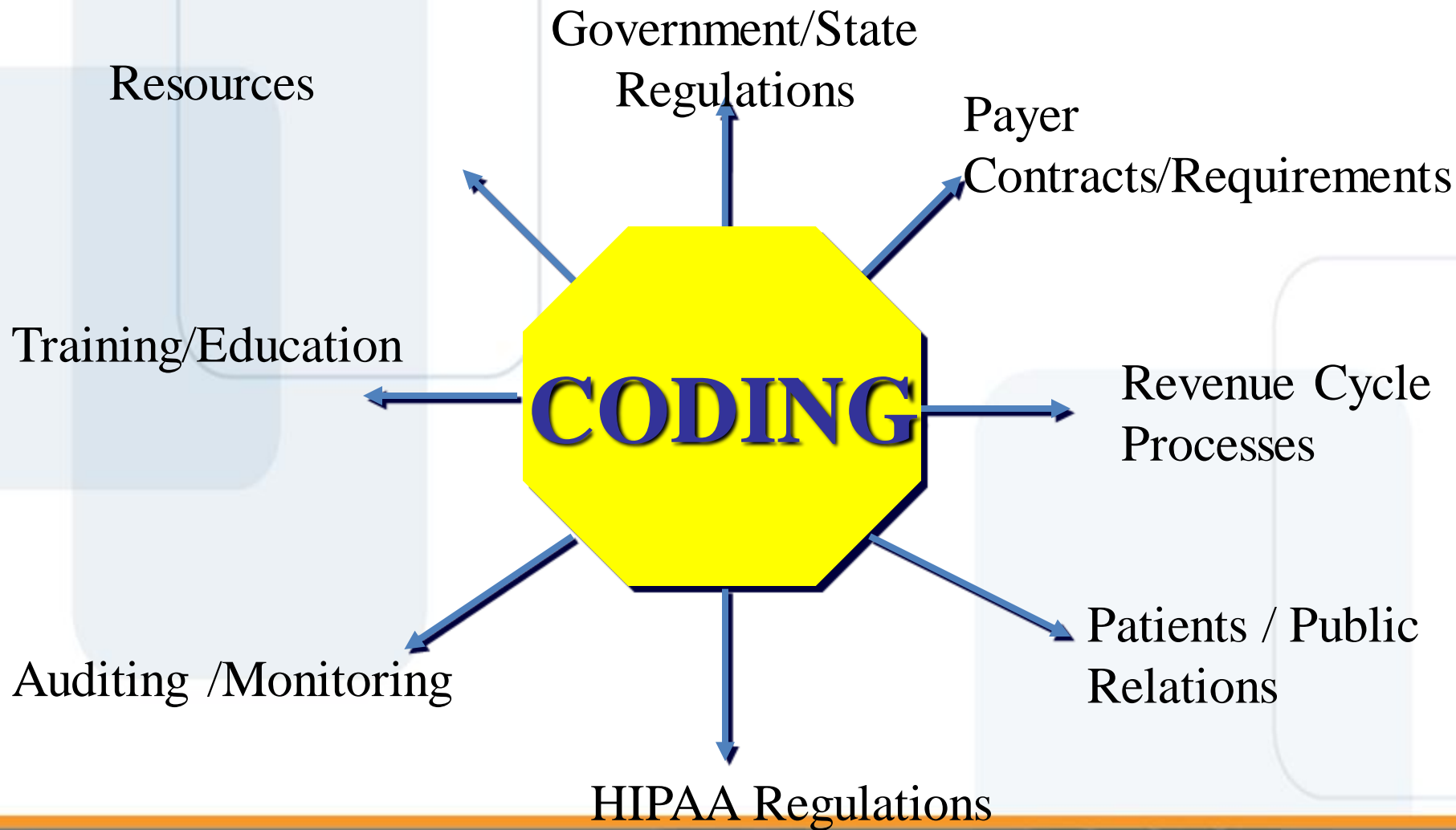


- Contact outside counsel immediately if
  - Significant billing problems are discovered
  - If investigators begin to make inquiries or request records



# *Monitoring and Auditing*

# Coding – The Center of it ALL



# What is the difference?

- Observe and check the progress or quality of (something) over a period of time; keep under systematic review
- Conduct an official examination of (an individual's or organization's accounts).

MONITOR

AUDIT

# Coding/Documentation Audit

- CPT®/HCPCS II/ ICD-9 CM accuracy
- Signature issues
- DOS inaccuracies
- “Cloning” or other questionable documentation practices
- Correct use of ABN
- Correct usage of modifiers
- Accurate assignment of billing units
- Incident to billing

# Audits must lead to action . . .

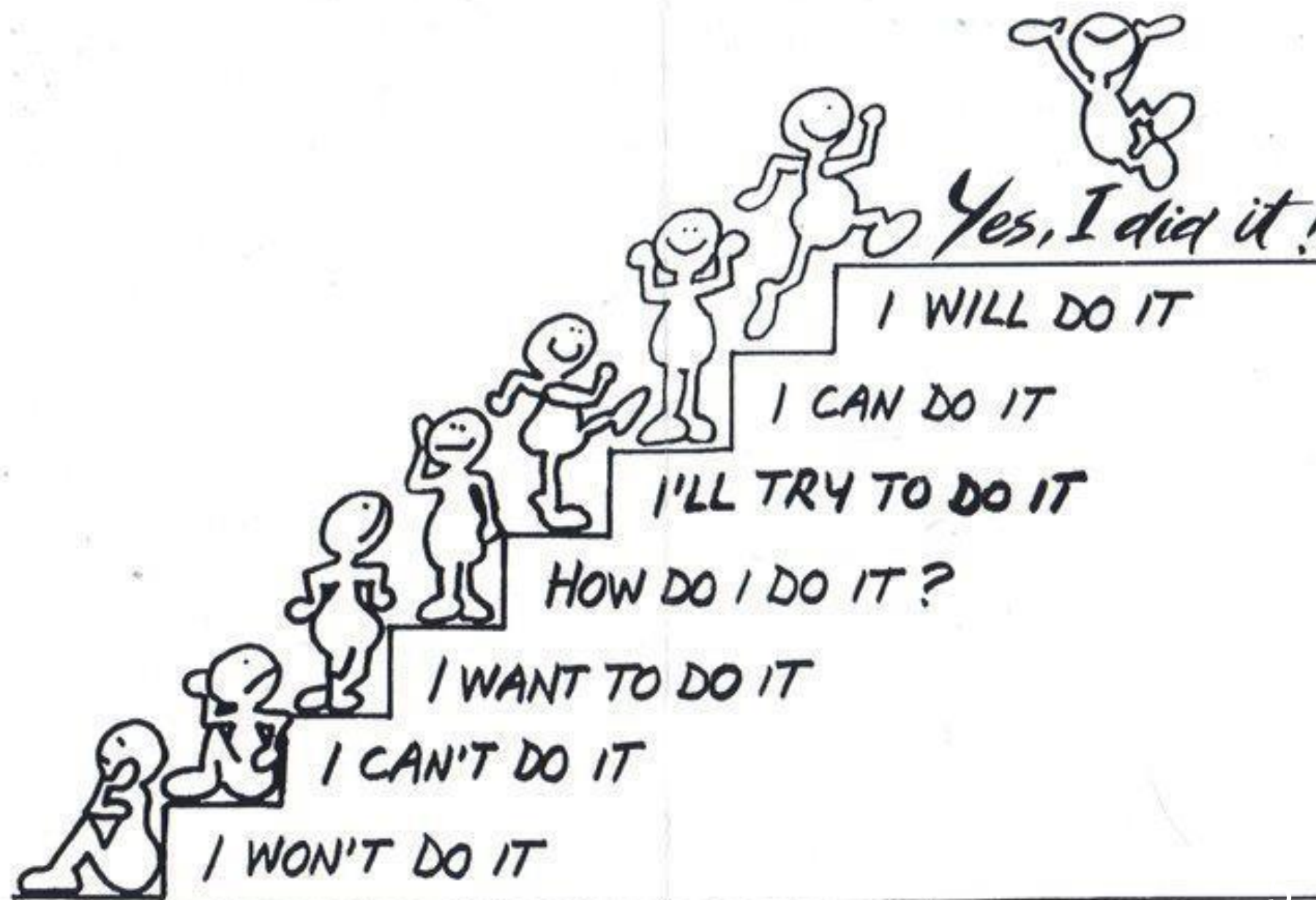
- Results must be shared with affected parties
- If gaps are identified, action plans for closing should be put in place.
- Education is a large part of improved coding/documentation.
- Re-audit and Re-measure results.



# Keys to Success

- ▶ Perseverance
- ▶ Dedication
- ▶ Compassion
- ▶ Commitment
- ▶ Teamwork





WHICH STEP HAVE YOU REACHED TODAY?

# Resources

- <https://oig.hhs.gov/authorities/docs/physician.pdf>
- [https://oig.hhs.gov/compliance/physician-education/roadmap\\_web\\_version.pdf](https://oig.hhs.gov/compliance/physician-education/roadmap_web_version.pdf)
- <http://www.ama-assn.org/ama1/pub/upload/mm/368/auditingflyer.pdf>
- <http://www.aapc.com/medical-auditing/medical-auditing.aspx>
- <http://www.healthit.gov/sites/default/files/pdf/privacy/privacy-and-security-guide.pdf>
- <http://www.aapcps.com/services/compliance-toolkit.aspx>