Compliance Simplified:
Learn to Manage the Pains and Complexities of Compliance with an Effective Compliance Plan for Your Practice

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Dixon and Laurie have the following financial interests or relationships to disclose:
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A True Story…
The Practice
- 2 physician practice
- Small group trying to provide good healthcare
- Aggressive billing

The Repercussions
- 2 Million in fines
- Corporate Integrity Agreement
- Reputation damage
- No jail time

The Informer
- Whistleblower
Compliance

**Compliance**
- A state in which someone or something is in accordance with established guidelines, specifications, or legislation.

**Modus**
- It's doing things right and doing the right things

**OIG**
- Prevent the submission of erroneous claims and combat fraudulent conduct.

Struggles of Compliance

- It doesn't make money
- I don't have time after all the important stuff
- No one will ever audit us
- I don't understand it, so I ignore it
- It's too complicated
- I'm afraid of it

Compliance

- **Our annual ISO 9001 audit is next week.**
- **We can pass the audit if we put all of our non-conforming documents in the trunks of our cars.**
- **Doesn't that defeat the purpose of a voluntary audit? And then torch the cars.**
Non Compliance Risks

- Fines
- Exclusions from healthcare plans, including Medicare
- Lengthy audits and investigations
- Unhealthy culture
- Errors and poor quality

A Change of Perspectives Can Be Helpful

Transform our Perspective

Compliance has the reputation of "what we have to do"... Evolve into best practices that result in efficient and effective workflows for our business operations
Process Improvement

Errors ➔ Quality ➔ Improved Outcomes

A True Story...Revisited

The Process
- Reviewed policies for relevance
- Training for owners / staff
- Established open communication
- Established monitors and process for correction

The Result
- Improved morale
- Improved quality
- Improved efficiency
- Changed culture

Positive Aspects of Compliance

- Meeting legal and contractual requirements
- Promotes a safe work environment
- Efficient operations
- Higher quality of process throughout clinic
- Financial security
- Reduced errors and waste (efficient and effective)
- Lowering of anxiety around risk
- Process improvement
Compliance - Areas of Focus

- Meeting legal and contractual requirements
- Efficient operations
- Financial security
- Lowering of anxiety around risk

Make it your own!

Developing an **office-specific** plan for compliance matters.
OIG Compliance Plan Guidance

1. Designate a compliance officer or contact
2. Implement compliance and practice standards
3. Conduct appropriate training and education
4. Conduct internal monitoring and auditing
5. Respond appropriately to detected offenses and develop corrective action
6. Develop open lines of communication
7. Enforce disciplinary standards through well-publicized guidelines

https://oig.hhs.gov/authorities/docs/physician.pdf

Policies and Procedures

Plan for accomplishing tasks
- Protocols, standards, guidelines

Examples:
- Front Desk Collections
  - Improved initial collection results in less time and costs later
- Anti-kickback
  - When can we provide discounted services or receive gifts?
- Accurate Documentation and Billing
  - What is required for good documentation?
  - Well thought out billing process with fewer denials and good A/R management

Examples:
- Making Policies Electronic
  - Goal: make them meaningful and accessible
  - Laminated flow charts posted at stations
  - Attestations to track and verify that staff who need to know have read and understood it
  - Review and update them relevant

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Policy and Procedures Can Have Different Formats

Train Employees

- Teach processes and skills that lead to success
- Track your training - mitigates risk / effective education
- Regular schedule for important trainings
Training methods

**IN-SERVICE**
- Pros/Cons
  - Face to face interaction and feedback
  - Teams learn
  - Hard to coordinate
  - Challenge with several offices
- When to Apply
  - Clinical skill updates

**COMPUTER BASED**
- Pros/Cons
  - Can be done anytime
  - Easily tracked
  - Easy to schedule
  - Quiz for understanding
  - No face to face interaction
- When to Apply
  - Yearly HIPAA trainings
  - Sexual Harassment training
  - For staff in several locations and different work hours

**ONE-ON-ONE**
- Pros/Cons
  - Very effective and specific for individual needs and concerns
  - Time intensive
- When to Apply
  - Incorrect coding
  - HIPAA violation

One-on-one training

Audits

Assess your effectiveness or adherence to a standard:
- Accuracy of data entry
- Accuracy of documentation
- Accuracy of claims submission

Benchmarking results:
- Identifies gaps and areas for improvement
Audits and Monitoring

Annual work plan
- Flexibility to add items as they come up
Use compliance calendar to schedule audits
- Internal and external
- Assignments, reminders
Take action directly from the audit
- Training, new policy, additional audits, incident reporting

Front Desk Monitor (Audit)

Documentation and Coding Audit
Audit Tools

Examples:
- Paper forms to use in house
- Online software
- Outsourced to audit professional

Communication – Error Reporting

A method by which inappropriate behavior, errors, or inefficient processes can be reported and addressed

Important Elements:
- Ability to effectively identify and communicate an error
- Willingness of staff to communicate
- Efficient template for consistency
- Analysis of causal relationships
- Ability to follow up and make corrections
- Assignments and reminders for proper follow-up
- Tracking: Report → Investigation → Correction → Follow Up
Communication Methods

Examples:
- Anonymous comment box
- Open door policy
- Incident report form (electronic submission)
- Expectation of no retaliation

Follow Through

Examples:
- Policies: review and update when necessary
- Audits: use findings to modify policies and procedures, educate staff
- Training: verify skill sets, confirm knowledge, subsequent trainings
- Communication: respond to concerns, use information to affect change and improvement

Getting Organized

Calendar your compliance activities:
- Do not retranspose the wheel each year
- Organization helps reduce stress
  - Structure breaks things down into manageable pieces
  - Ensures important activities are not forgotten
- Provide easy accountability
- Add new items to one document, to ensure you stay on track
Getting Organized

Develop Your Annual Compliance Activities Plan:

- Set up compliance calendar each year
  - Only make necessary updates/changes each year
- Add any compliance activities specific to your practice
- Delegate assignments where possible
- Open the calendar each month to check progress
- Work the plan
- Enjoy a bit less stress each year around compliance!

Policies and Standards as Tools

Assign Tasks

You can effectively delegate tasks:

- Assign responsibility for tasks within the calendar
- Document delegations for the year
- The delegate enters the task completion date
- Double check easily from a shared drive to see that work is being completed as you assigned
More True Stories…

In the past two months, the Health and Human Services, Office of Inspector General (OIG/HHHS) has announced the imposition of over $4 million in penalties in cases involving excluded employees. The OIG/HHHS has accounted to more than $2 million in Civil Money Penalty (CMP) assessments. Under the CMPs, three hospitals paid a combined share of $1.64 million in CMP penalties: $675,000, $600,000 and $360,000.

The hospitals were each required to pay CMP penalties as a result of the OIG/HHHS finding that they had failed to properly review and report excluded individuals to the OIG/HHHS. The excluded individuals were: one individual on the excluded list in the state of New York, two individuals on the excluded list in the state of New Jersey, and two individuals on the excluded list in the state of New York. The OIG/HHHS also imposed CMP penalties on the excluded individuals themselves. The excluded individuals were: one individual in the state of New York, two individuals in the state of New Jersey, and two individuals in the state of New York. The OIG/HHHS also imposed CMP penalties on the excluded individuals themselves.

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Remember…you must not bury your head in the sand

Remember:
- Businesses must take a proactive approach to their compliance plans
- Management must be prudent in protecting the practice by lowering compliance risk
- A compliance plan is an ongoing team effort
- Make it as efficient as possible!
**Practice success:**
- Compliance is not a nasty word
- Develop a culture of constant practice improvement
- Activities are spread out throughout the year
- Compliance activities are non-negotiables which are performed with regularity
- The priority is high
- Culture is these activities are needed to rest assured we are working correctly
- People feel more confident in their work
  - Safe work environment is high on employees’ needs list for job satisfaction

**Reality**

**Getting organized benefits you!**
- Greater peace and confidence
- Improved efficiency
- Improved communication
- Organized follow through
- Greater awareness – less fear of the unknown
- Reduced risk

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**Thank you!**

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