



Smart decisions. Lasting value.™

# Is your compliance program adapting?

*It's time to put the pieces together.*



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# Presenters

Compliance Webinar



Rebecca Welker

314.802.2055

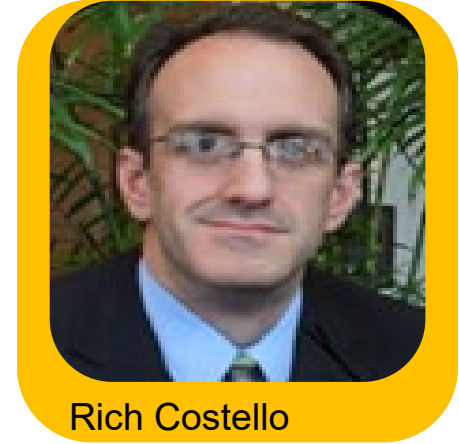
[Rebecca.Welker@crowehrc.com](mailto:Rebecca.Welker@crowehrc.com)



Amy Uldrick

864.554.2327

[Amy.Uldrick@crowehrc.com](mailto:Amy.Uldrick@crowehrc.com)



Rich Costello

314.802.2809

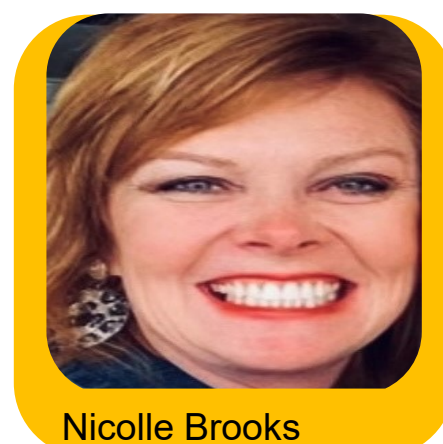
[Rich.Costello@crowehrc.com](mailto:Rich.Costello@crowehrc.com)



Kim Cusson

314.802.2089

[Kim.Cusson@crowehrc.com](mailto:Kim.Cusson@crowehrc.com)



Nicolle Brooks

314.802.2812

[Nicolle.Brooks@crowehrc.com](mailto:Nicolle.Brooks@crowehrc.com)

# Webinar Objectives



- Using essential elements of a compliance program, describe how to connect program elements.
- Identify examples of increased value from a cohesive compliance program.
- Assess where your organization's compliance program stands today and determine next steps for strengthening program effectiveness.

# Clinical Compliance





# What if...

Clinical Compliance

You received a complaint from a patient stating that they think they received an erroneous lab result that their provider discarded and re-ordered from another lab?

Upon review, you note you have seen several lab result related complaints. After meeting with the lab team, you discover:

- ⊘ There is a new specialty and new providers
- ⊘ There are new tests in the lab and radiology
- ⊘ There are new employees and outside contractors.

# Foundations of Clinical Compliance

## Regulatory requirements

- CMS
- CLIA
- State regulations

## Accreditation

- The Joint Commission
- DNV
- CAP or COLA

## Industry standards

- AORN
- ANSI
- ENA
- AAMI

# Check Your Alignment

- Practice Standards
  - Policy and procedures
  - Workflows
- Safety
  - Validation of practice to policy
  - Mitigation of risk
- Quality
  - Outcomes
  - Prevention of hospital acquired injuries



# Evaluation of Internal Controls



## Assessment

- Do we have controls?

## Validation

- Do the controls align with industry standards
- Are controls being used?

## Verification

- Controls are working as intended
- Laboratory services
- HAIs

## Monitoring

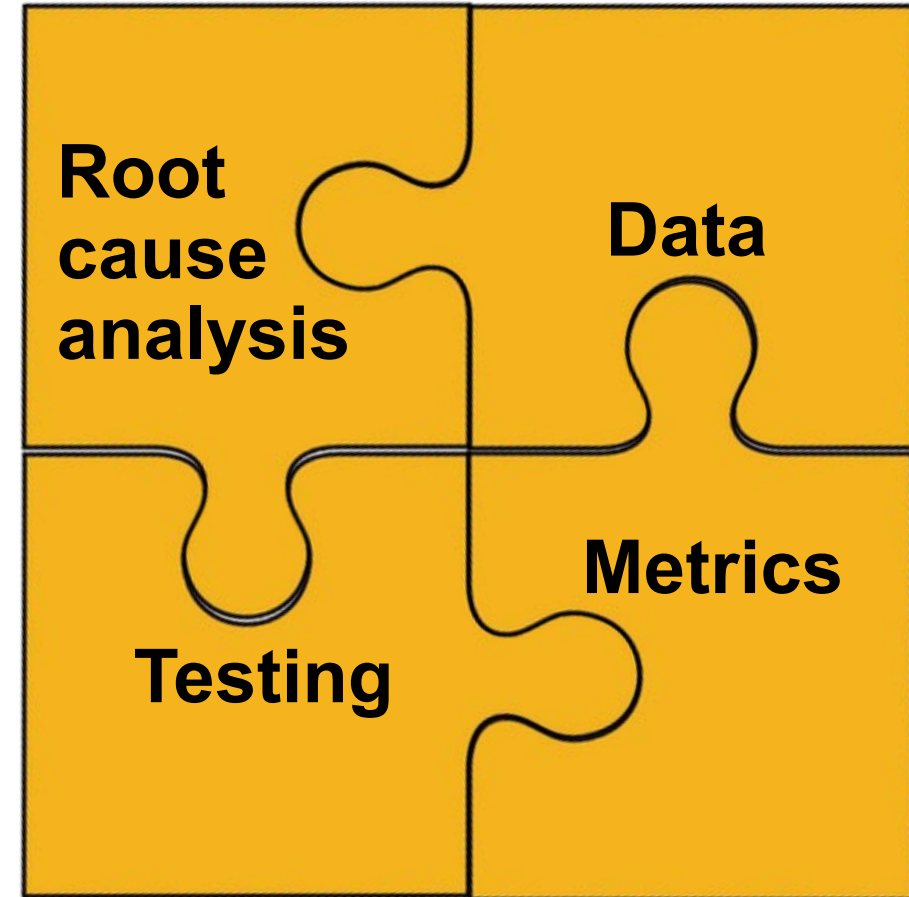
- Intentional
- Routine



# Auditing & Monitoring



# Auditing & Monitoring



# Data – Waiting to be Analyzed



- Know your data
- Data increases efficiency
- Gives deeper insight
- Use of tools helps simplify the process

# Putting Your Data To Work

Auditing & Monitoring



# Exclusion Screening



# Exclusion Screening Guidance

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- Section 1128 of the Social Security Act: Exclusion of Certain Individuals and Entities
- Section 1156 of the Social Security Act: Obligations of Healthcare Practitioners and Providers
- Center for Medicaid and State Operations: States must require providers to screen all employees and contractors monthly

# Fines and Penalties

- Section 1128A of the Social Security Act: Civil Monetary Penalties
- Section 1128B of the Social Security Act: Criminal Penalties for Acts Involving Federal Health Care Programs



## 2021 Enforcement Actions without additional criminal penalties levied:

- One organization agreed to Pay \$250,000 for Allegedly Violating the Civil Monetary Penalties Law Submitting Claims for Services by an Unlicensed Individual; and
- One hospital and one medical center agreed to Pay \$371,000 for Allegedly Violating the Civil Monetary Penalties Law by Employing an Excluded Individual.

In both instances, a simple screening of the organizations' providers, employees, and vendors could have mitigated these losses.

# Risk Assessment







# What have we heard so far?

## Risks

- Clinical
- Coding and Billing
- Excluded Provider

## Risk Coverage

- Continuous Auditing & Monitoring

# Where does Risk Assessment fall in the elements of a Compliance Program?

## Office of Inspector General Guidance

### Supplemental Compliance Program Guidance for Hospitals

“Has the hospital developed a risk assessment tool, which is re-evaluated on a regular basis, to assess and identify weaknesses and risks in operations?”

Does the risk assessment tool include an evaluation of Federal healthcare program requirements, as well as other publications, such as the OIG’s CPGs, work plans, special advisory bulletins, and special fraud alerts?”

70 Fed. Reg. 4858, 4875 (Jan. 31, 2005).

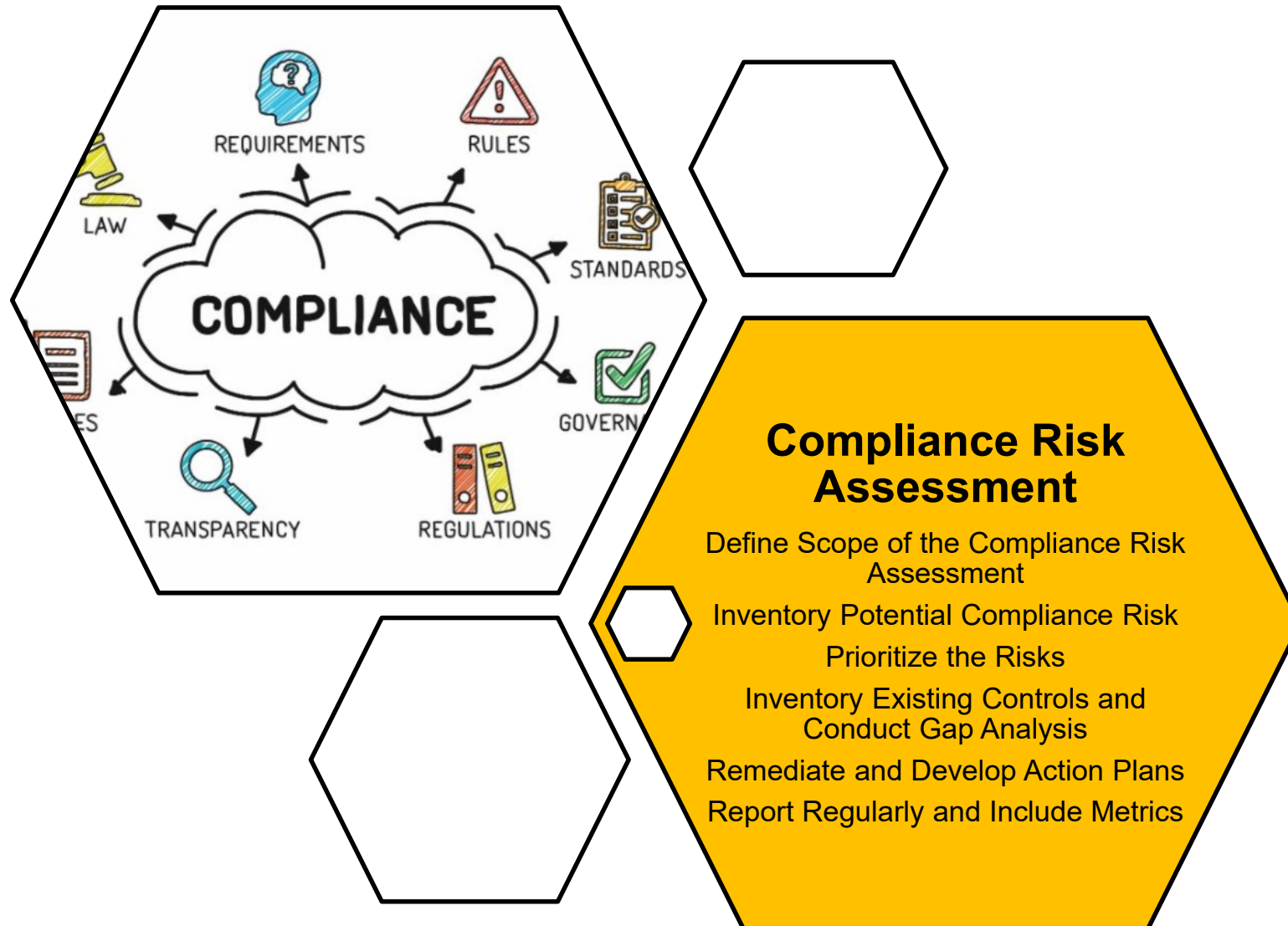
## Department of Justice Guidance

### DOJ 2020 Guidance

#### ***Is the Compliance Program Well Designed?***

- Risk Management Process
- Risk-Tailored Resource Allocation
  - Updates and Revisions
  - Lessons Learned

# Risk Assessment Process



# Ask Yourself This....

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When

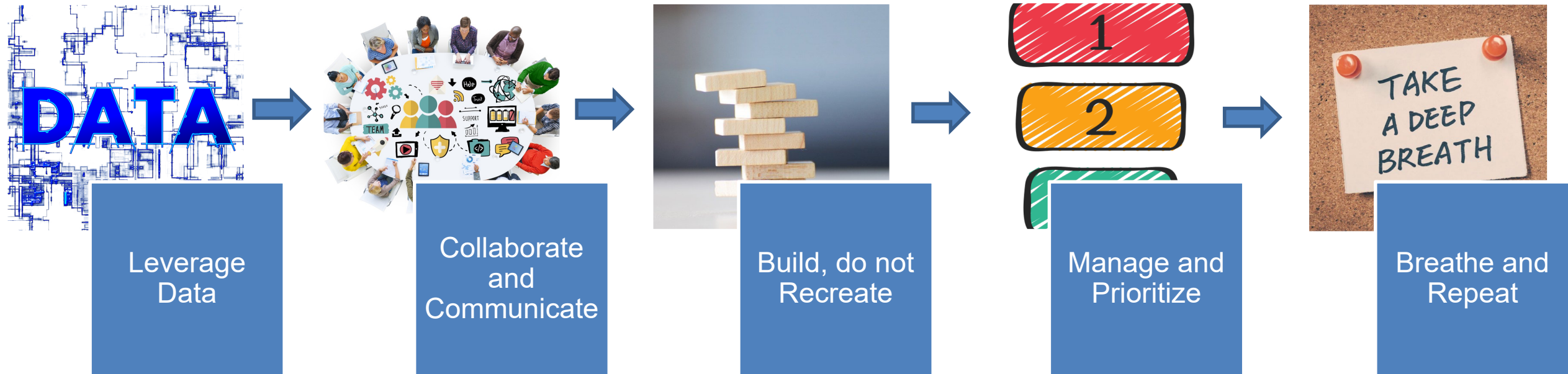
Why

Who

What

How

# Going From Good to Great!



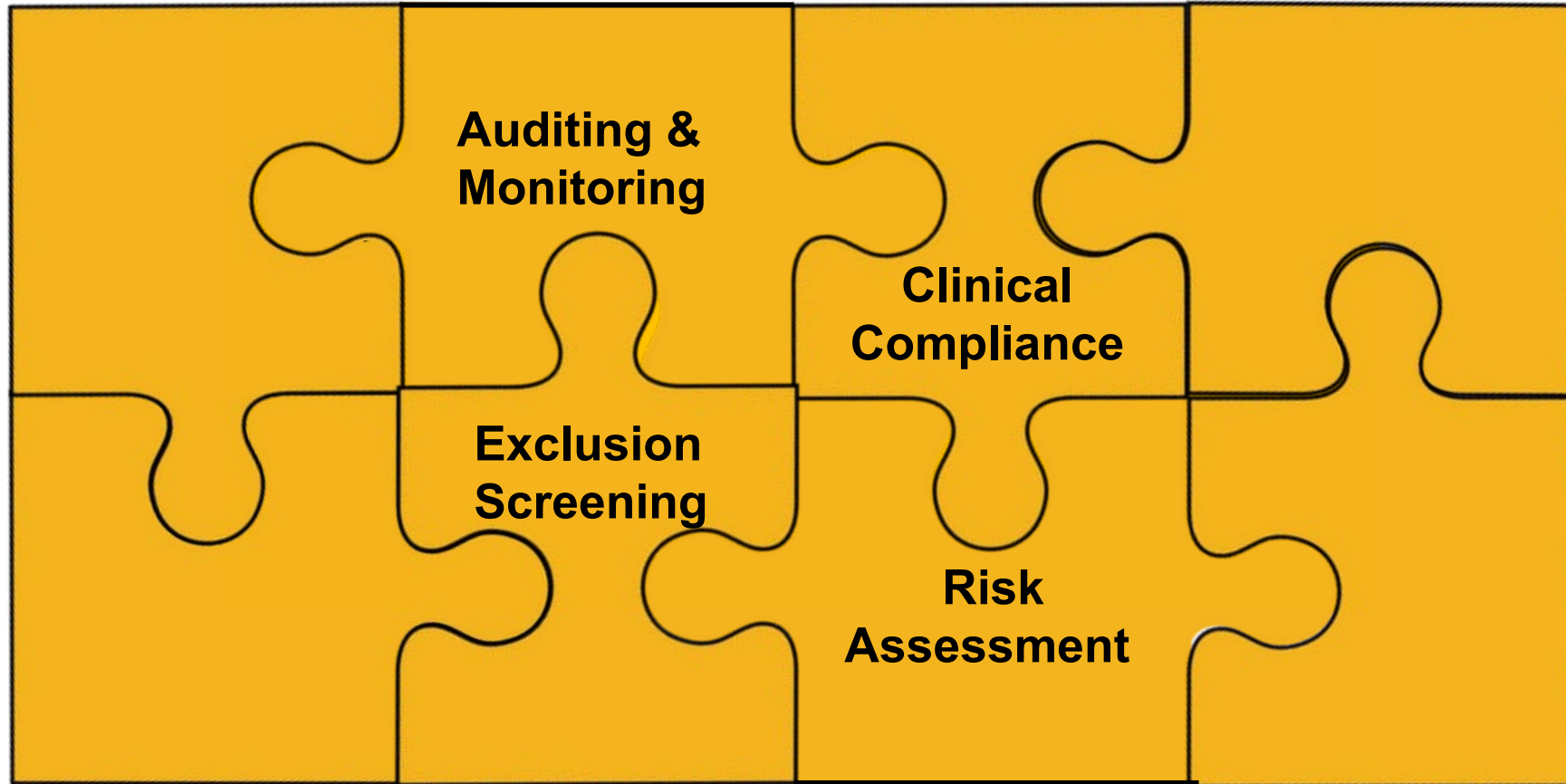
# Polling Question #6



How do you feel about your current risk assessment process?

- We have a great process!
- Generally or somewhat good
- Definitely have improvement opportunities
- Haven't updated it in a while
- Not sure

# Bringing it All Together



# Smart Decisions. Lasting Value.™

**For more information, please contact:**

Rebecca Welker – [Rebecca.Welker@crowehrc.com](mailto:Rebecca.Welker@crowehrc.com)

Amy Uldrick – [Amy.Uldrick@crowehrc.com](mailto:Amy.Uldrick@crowehrc.com)

Rich Costello – [Rich.Costello@crowehrc.com](mailto:Rich.Costello@crowehrc.com)

Kim Cusson – [Kim.Cusson@crowehrc.com](mailto:Kim.Cusson@crowehrc.com)

Nicolle Brooks- [Nicolle.Brooks@crowehrc.com](mailto:Nicolle.Brooks@crowehrc.com)