Understanding Corporate Compliance: What’s Your Role?

Upstate University Hospital
including Community Campus
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Darlene Noyes, RN, CCEP
Institutional Compliance Officer for Hospital Affairs
What Will You Review Today?

Section 1: Meaning of Compliance
Section 2: Regulators/Enforcement Agencies
Section 3: Regulations
Section 4: Risks of Non-Compliance
Section 5: Our Efforts to Achieve Compliance
Section 6: Mechanisms to Contact the Compliance Office
Section 7: Ways to Help Insure Compliance
Section 8: Additional References/Resources
Words of Wisdom from the Compliance Creatures

- “Whoever is detected in Fraud is ever after not believed even if they speak the truth.”

- “No man has a good enough memory to be a successful liar.”
Straight from Local Headlines

“Oswego Hospital & Physician Pay Over $1.5 Million to Resolve Billing Improprieties”

“Oswego Hospital Pays $2.1 Million to Settle Alleged Stark Violations”

“Rochester Nurse Defrauded Medicaid Over $8000 for Services Never Provided”

“Rochester Area Contractor & State Official Defraud State of More than $400,000 in Overbilled Contracts”

“State Employee Convicted for $12,000 Theft Using State Credit Cards”

“State Employee Convicted of Stealing $6000 from the State Through Filing False Travel Claims”

“Supervisor Made at Least $2000 Selling State Owned Scrap Metal”

“Eye on Fraud: Small Time Thefts by State Workers Harms Taxpayers”

“Former Social Worker Admits to Working Out at Gym on State Time”

“State Fines Auburn Hospital $12,000 for Not Correctly Documenting Vital Patient Information”

“Cayuga Medical Center to Pay More than $3 Million in False Claims Settlement”
SECTION 1

MEANING OF COMPLIANCE:
What’s it All About?
Corporate Compliance

- Upstate University Hospital, including the Community campus has an active institutional (corporate) compliance program because we are committed to identifying and preventing potential compliance problems such as Fraud & Abuse.

- We operate in a highly regulated environment, so we must ensure that we maintain high legal and ethical standards not only with the care we provide to our patients, but also with our other business activities.
“Compliance” Means...

- Corporate compliance means we pledge to follow all the rules, regulations and policies set by:
  - State, Federal & Local Government
  - SUNY Board of Trustees
  - Professional Standards
  - Government & Private Insurance
  - Hospital Administration
  - Binding Contracts
Compliance Efforts

Compliance efforts are outlined in our Hospital Compliance Plan and are designed to establish a culture within the hospital that promotes the...

*Prevention, Detection & Resolution*

...of FRAUD & ABUSE and other types of conduct that do not conform to Federal, State and Private payer health care program requirements, as well as the hospital’s ethical and business policies.
What is Fraud?

- Fraud is an intentional deception (lie) or misrepresentation that a person or business makes while knowing the lie could result in some type of unauthorized benefit to that person or business.

- Knowing means:
  - You had actual knowledge of the lie
  - You acted in deliberate ignorance of the truth
  - You acted in reckless disregard of the truth
What is Abuse?

- Anything that directly or indirectly results in:
  - Unnecessarily increased costs
  - Providing unnecessary services/products
  - Overuse of medical services and/or products
  - Failure to conform to professionally recognized standards
  - Unfair and unreasonable pricing
  - Restrictions of patient choice
  - Restrictions of competition
  - Failure to provide quality services
Examples of Fraud & Abuse
(Include, But Are Not Limited To):

- Billing for services/supplies not provided
- Misrepresenting facts (Type of Service, Date of Service, etc.)
- Failing to return overpayments
- Duplicate billings
- Accepting kickbacks/bribes, including accepting certain gifts
- Misusing grant funds
- Getting paid for more than one job during the same business hours (double-dipping)
- Performing services you are not licensed, credentialed or certified to perform
- Taking free drug samples or business supplies for your own use or for family and friends use
- Misusing parking stickers or permits (Not paying, Allowing others to use your ID or parking permit, etc)
- Offering certain incentives for patients to receive care here
- Falsifying information on timesheets, applications, medical records or any other document
SECTION 2

REGULATORS & ENFORCEMENT AGENCIES:
Who’s Watching?
Who Is Monitoring Healthcare Compliance?

- Government agencies/contractors and private insurers are on the look-out for healthcare fraud & abuse.

- These agencies are well-funded and have become more aggressive in identifying and investigating potential issues.
Fraud & Abuse Enforcers

- **Office of Inspector General (OIG)**
  - Primary investigative and enforcement arm of the federal Department of Health and Human Services

- **Office of Medicaid Inspector General (OMIG)**
  - Investigates New York State healthcare providers for Medicaid fraud

- **Centers for Medicare & Medicaid Services (CMS)**
  - Responsible for the Medicare and Medicaid programs across the nation

- **Department of Justice (DOJ)**
  - Federal lawyers who civilly and criminally prosecute organizations for healthcare fraud/abuse

- **Federal Bureau of Investigation (FBI)**
  - Federal agency that assists the DOJ and OIG with investigations of suspected healthcare fraud/abuse
SECTION 3

REGULATIONS:
What are the Laws?

F.Y.I.
FRAUD & ABUSE REGULATIONS

3 Main Laws

1. False Claims Act
2. Anti-Kickback Statute
3. Stark Statute

Ignorance of the law is not a defense!
1. False Claims Acts (Federal & State)

- Originally enacted during the Civil War as a way to deal with profiteers who were providing the Union Army with shoddy equipment and defective ammunition.

- Today, both the Federal and New York State government use this law to pursue those who actually submit or conspire to submit false (fraudulent) claims, records or statements to the government for payment of healthcare services.

- Therefore, no hospital employee, agent, medical staff, resident, student or affiliate shall present or conspire to be presented to the United States, New York State government or any other health care payer a claim for medical or other items/services that such person knows or should know was not provided as claimed.

- If you want more information about this law, please refer to the Hospital Compliance Plan HCP F-02 - “False Claims Laws”:
  www.upstate.edu/policies/documents/intra/HCP_F-02.pdf
2. Anti-Kickback Statute

- Hospital employees, agents, medical staff, residents, students and affiliates shall not accept or offer, for themselves or for the hospital, anything of value in exchange for referrals of business or the referral of patients.

- This law prohibits in the healthcare industry some practices that may be common in other business sectors.

- If you want more information about this law, please refer to the Hospital Compliance Plan HCP C-07 - “Anti-Kickback”: www.upstate.edu/policies/documents/intra/HCP_C-07.pdf
3. Stark (Physician Self-Referral)

- Prohibits physicians or their immediate family from referring patients to any healthcare entity in which the physician has a financial interest unless certain exceptions are met.

- If you want more information about this law, please refer to the Hospital Compliance Plan HCP S-01 - “Stark Statute”: www.upstate.edu/policies/documents/intra/HCP_S-01.pdf
SECTION 4

RISKS OF NON-COMPLIANCE: What are the Repercussions?
Suspicions

- Hospitals suspected of committing Fraud and Abuse must deal with:
  - Government audits
  - Reviews from outside agencies
  - Employees being interviewed by the government
Hospitals or employees found not to be in compliance with certain government rules and regulations face harsh penalties that could result in:

- **Civil Monetary Penalties**
  - Money penalties & Fines

- **Criminal Conviction**
  - Prison and/or Fines
  - Payment of restitution
  - Possible loss of professional license

- Government imposed mandates on the hospital

- Exclusion of you and/or your employer from being able to bill for services provided to Medicare and/or Medicaid patients
9 Most Terrifying Words

http://amms.upstate.edu/m/vidprod/NineMostTerrifyingWords.mp4
Additionally:

- Outside investigations are not only costly, but can disrupt hospital operations.

- Hospitals may have to operate under a government designed compliance program which is not only very time-consuming, but also very expensive to meet the requirements.
SECTION 5

EFFORTS TO INSURE COMPLIANCE:
What Do We Do to Insure Compliance?
Here’s What We Do at University Hospital

We have:

1. A Compliance Plan
2. A Compliance Officer
3. Compliance Education & Training Sessions
4. A Monitoring & Auditing Program
5. Enforcement of Disciplinary Standards
6. Open Lines of Communication to the Compliance Office
7. A Process to Respond to Detected Offenses
1. Compliance Plan

- Our Hospital Compliance Plan includes several policies and procedures, and a Code of Conduct, to help guide employees in carrying out their job functions in compliance with Federal and State healthcare program requirements and the mission and objectives of the Hospital. All information discussed in this presentation may be found in greater detail in the Hospital Compliance Plan.

- The Hospital Compliance Plan deals generally with certain important principles, however, the mention of certain topics rather than others is not intended to minimize the importance of other applicable laws, rules, regulations, performance standards, professional standards or ethical principles which may be covered by other University Hospital polices.

- If you would like to view the entire Hospital Compliance Plan, please refer to: www.upstate.edu/compliance

If you would like to view the Hospital Code of Conduct, please refer to: www.upstate.edu/policies/documents/intra/HCP_C-01.pdf
2. Compliance Officer

- The Hospital has an Institutional Compliance Officer for Hospital Affairs. Her name is Darlene Noyes.

- This position has the authority to plan, implement, educate and monitor the Hospital compliance program.

- If you would like more information about the Compliance Officer, please refer to the Hospital Compliance Plan HCP D-01 – "Institutional Compliance Officer for Hospital Affairs": www.upstate.edu/policies/documents/intra/HCP_D-01.pdf
3. Compliance Education & Training Sessions

- The Hospital provides ongoing training and education regarding healthcare compliance, like this session, in order to insure all employees are familiar with those areas of applicable Federal, State and local laws which have an impact on how you go about conducting your job legally and ethically.

- If you would like more information, please refer to the Hospital Compliance Plan HCP E-01 - “Education & Training Plan”:
  www.upstate.edu/policies/documents/intra/HCP_E-01.pdf
4. Monitoring & Auditing

- Auditing and monitoring helps the hospital avoid submitting incorrect bills to payers.

- In order to catch errors before they happen, we are always looking for potential problems, so you may see our Compliance Auditors in your Department sometime.

- If so, please be as helpful as possible and if the Compliance Office performs an audit in your Department, it is a great opportunity to ask our Compliance Auditors questions and learn more about the rules.
5. Enforcement of Disciplinary Standards

- Our intention is to promptly correct any potential violations of law which are discovered, make disclosure when necessary and appropriate, cease such violations, apply corrective action, educate employees to proper procedures and monitor situations so as to prevent future violations.

- Some examples of non-compliant actions or omissions that may subject employees to discipline, sanction or other appropriate actions may include, but are not limited to:
  - Breach of hospital policies
  - Participating in any type of non-compliant behavior, regardless of what it is
  - Failure to report suspected, actual or potential violations of law, regulations or policy
  - Failure to complete or falsification of your Compliance program training
  - Lack of attention to or lack of due diligence on the part of supervisory personnel that directly or indirectly leads to non-compliant situations
  - Direct or indirect retaliation against any personnel who report a suspected, actual or potential compliance concern
  - Encouraging, directing, facilitating or permitting active or passive non-compliant behavior
6. Open Line of Communication

- Open communication increases the hospital’s ability to identify and respond to compliance problems.
  
  - All Hospital employees have an obligation to report known or suspected incidents of potential fraud, abuse, non-compliance or other violations of the law, regulations, polices, procedures, professional standards or ethical principles to your immediate Supervisor, Hospital Administration and/or the Compliance Officer.

  - If you would like more information about this obligation, please refer to the Hospital Compliance Plan HCP G-02 – “Employee Obligation to Report”:
Communication- cont.

- Under no circumstances shall the good faith reporting of any information serve as the basis for any retaliation or reprisal in any form against any employee as a result of that person participating in the compliance efforts at this hospital.

- If you would like more information about “Non-Retaliation” and “Whistleblowing”, please refer to the Hospital Compliance Plan HCP G-03 – “Non-Retaliation”:

  www.upstate.edu/policies/documents/intra/HCP_G-03.pdf
7. Response to Detected Problems

- If we learn of a possible compliance problem through a report, hotline call, audit or some other way, we need to take steps to correct the problem.

- Our response will depend upon the situation.
Right Observation, Wrong Perception

Because healthcare rules and regulations are so complex, sometimes after an investigation what you may have suspected as fraud is revealed not to be as such, but rather issues that can be corrected via training and education.
SECTION 6

MECHANISMS TO CONTACT THE COMPLIANCE OFFICE:
How Can You Receive Info or Report Issues?
Generally...

- No compliance program, however comprehensive, can anticipate every situation that may arise regarding compliance issues.

- Responsibility for compliance with our program, including duty to seek guidance when in doubt, rests with each individual employee of the hospital.

- Every employee is required to comply with all applicable laws, policies, procedures, etc, whether or not they are specifically addressed in the Hospital Compliance Plan.
How Can You Contact the Compliance Officer?

- The Hospital Compliance Officer for both campuses and hospital outpatient areas is:

  Darlene Noyes, RN, CCEP
  NoyesDA@upstate.edu
  Direct Phone: 315-464-4343
  Office Location: Room 330 CAB

  If you would like more information about contacting the Compliance Officer, please refer to Hospital Compliance Plan HCP H-01:
  www.upstate.edu/policies/documents/intra/HCP_H-01.pdf
Other Ways to Contact Compliance

- Anonymous Hotline: 315-464-6444

  If you would like more information about the Hotline, please refer to Hospital Compliance Plan H-02: [www.upstate.edu/policies/documents/intra/HCP_H-02.pdf](http://www.upstate.edu/policies/documents/intra/HCP_H-02.pdf)

- Internal or External Mail Addressed to:
  - University Hospital
    Attn: Compliance Office
    750 East Adams Street
    (Room 330 CAB)
    Syracuse, NY 13210

- Direct Fax: 315-464-4342
SECTION 7

WAYS TO HELP INSURE COMPLIANCE:
What Can You Do to Help?
Ways You Can Help Insure Compliance

Your involvement can help maintain our culture of compliance. Here’s how:

- Be willing to take those extra steps concerning your compliance duties
  - Be vigilant
  - When in doubt, check policies or ask your Supervisor or other resources if there are uncertainties
  - The best way to prevent compliance issues is to identify problems early

- Follow our Hospital Compliance Plan Code of Conduct
  - Know what is in the Code of Conduct and strive to achieve and sustain those standards

- Feel free to contact the Hospital Compliance Officer and ask questions
  - It is better to ask questions and raise issues than to leave matters unresolved
  - If it feels wrong, it may very well be wrong – so check it out

- Actively request and seek training/education when you need it
  - Know, in general, about laws and regulations that are relevant to your duties
  - Learn from mistakes

- Regard auditing and monitoring findings as opportunities for improvement

- When new policies/procedures are implemented, take time to study them and incorporate them into your job.
  - Ask questions and be flexible
Simply Put…

No Lying, No Cheating, No Stealing!
SECTION 8

ADDITIONAL RESOURCES & REFERENCES
Although the Hospital Compliance Office has a process to accept and address all compliance-related concerns and encourages all employees to report those concerns without fear of retaliation to the Compliance Office, you also have a right to contact the following agencies such as those on the following page...
Contacting Other Agencies

- U.S. Department of Health & Human Services Office of the Inspector General
  - Medicare Fraud 1-800-HHS-TIPS (1-800-447-8477)
    - Addresses concerns regarding people or facilities who may be cheating the Medicare program.
  - Medicaid Fraud 1-877-87FRAUD (1-877-873-7283)
    - Addresses concerns regarding people or facilities who may be cheating the Medicaid program.

  - Addresses concerns regarding people or facilities who may be cheating the Medicaid program.

- State of New York Insurance Fraud Bureau: 1-888-FRAUDNY (1-888-372-8369)
  - Addresses concerns related to all types of NYS financial and insurance fraud.

- New York State Office of Inspector General: 1-800-367-4448
  - Addresses concerns regarding NYS employee and NYS agency conduct.

- State University of New York Research Foundation: 1-800-670-7225
  - Used to report suspected fraud, waste or abuse within the SUNY Research Foundation.

- State University of New York Administration University Audit: 1-518-320-1539
  - Used to report suspected fraud, waste abuse or irregularities within the entire SUNY system.

- New York State Joint Commission on Public Ethics
  - Investigates potential violations of NYS Ethics laws.
Additional Resources

- **Office of Inspector General**
  - [www.oig.hhs.gov](http://www.oig.hhs.gov)

- **Centers for Medicare & Medicaid Services**
  - [www.cms.hhs.gov](http://www.cms.hhs.gov)

- **NYS Office of Medicaid Inspector General**
  - [www.omig.ny.gov](http://www.omig.ny.gov)
We Need You!

- Upstate University Hospital places the highest importance upon its reputation for honesty, integrity and high ethical standards.

- YOU help ensure our culture of compliance.

- Our compliance program won’t work without YOU.
Do You
Want to Be the Headline?

Don’t do what you’ll have to find an excuse for.
So, Remember...

- Compliance is not just “someone else”, it’s YOU too.
- We need YOU on our Team to maintain those standards.
Post-Test

- You must now complete a POST-TEST to obtain credit for taking this course.

- **If you do not complete the Post-Test and achieve a score of 80% or greater, you will not receive credit for completion of this course.**

- To proceed to the Post-Test, please click onto “Post-Test” in the upper left corner of your computer screen.