Institutional Compliance
New Employee Orientation
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What Is Compliance?

Upstate Medical University is committed to “Doing the Right Thing” LEGALLY & ETHICALLY

Being “compliant” means performing your job functions with anyone we do business with (like the government, contractors, insurers, SUNY, etc.) according to any...

- State, Federal & Local Laws/Regulations
- Professional Standards
- Guidelines, Policies & Procedures
- Insurance Company & Vendor Contracts

These laws/requirements are intended to help prevent healthcare fraud and submission of false claims for services we provide.
What is Fraud & Abuse?

- Fraud is the 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.

- If fraud and abuse is going on, you are NON-COMPLIANT with healthcare rules/regulations.
What is Ethics?

- A system of moral principles of conduct or values governing a group, profession or individual.

- Compliance is based on RULES.
  - Ethics are based on VALUES

- Ethics is not a choice.
  - It’s a responsibility

- It’s not just big scandals you see in the news, but the small decisions that add up.
Common Examples of Non-Compliance That Cause Fraud & Abuse

- Billing for services/supplies never provided or that were medically unnecessary (False Claims).
- Lying about patient care provided.
- Getting paid for more than one job at the same time.
- Performing services you aren’t licensed or credentialed to do.
- Falsifying info on time sheets (punching in/out for someone else), applications, etc.
- Taking business supplies or drug samples for your own use or for family and friends.
- Accepting certain gifts, kickbacks or bribes.
  - (Know about the NYS Public Officers Law and the NYS Code of Conduct – [www.jcope.ny.gov](http://www.jcope.ny.gov))
“Local Hospital to Pay $3.2 Million in Medicaid Fraud Claims”
“Former Syracuse CEO Whistleblower Lawsuit Settled for $9.8 Million”
“State Employee Arrested for Submitting Fraudulent Sick Leave”
“State Employee Pleads Guilty to Falsifying Resume with Fake College Credentials”
“Syracuse Physician Accused of Hiding Cameras in Hospital Toilet Dispenser”
“Local Hospital and Physician Pay Over $1.5 Million to Resolve Billing Improprieties”
“State Employee Convicted for $12,000 Theft Using State Credit Cards”
“State Employee Convicted of Stealing $6000 from the State by Filing False Travel Claims”
“State Maintenance Worker Removed Building Parts from Employer and Sold as Scrap”
“State Employee Feigning Disability Caught Power Lifting at Gym”
Who Commits Fraud & Abuse?

- Can be committed by anyone, including:
  - Doctors & Nurses
  - Any Health Care Worker
  - Hospitals
  - Patients
  - Vendors
Why Is Fraud & Abuse A Problem?

- Each year millions of taxpayer dollars are lost or wasted due to healthcare fraud and abuse across the nation.

- This $ is a resource that should be used to pay for services to keep people in good health.
Who Monitors Healthcare Fraud & Abuse?

- State and Federal government
- Private insurance companies

- These agencies are well funded and becoming more aggressive in identifying and investigating potential problems.
Laws Related to Fraud & Abuse

FEDERAL:
- False Claims Act (31USC §§3729-3733) & (31USC Chap. 38 §§3801-3812)

NEW YORK STATE CIVIL & ADMINISTRATIVE:
- NY False Claims Act (State Finance Law §§187-194)
- Social Services Law §145-b False Statements
- Social Services Law §145-c Sanctions

NEW YORK STATE CRIMINAL:
- Social Services Law §145 Penalties
- Social Services Law §366-b Penalties for Fraudulent Practices
- Penal Law Article 155 Larceny
- Penal Law Article 175 False Written Statements
- Penal Law Article 176 Insurance Fraud
- Penal Law Article 177 Health Care Fraud

- For specific information: www.omig.state.ny.us
Laws Related to Ethics

- New York State Public Officers Law §73 & 74
- Civil Service Law §107
- Ethics in Government Act (1987)
- [www.jcope.ny.gov](http://www.jcope.ny.gov)
Compliance efforts, as outlined in the Compliance Plan, are designed to establish a culture within UMU that promotes the...

**Prevention, Detection & Resolution**

...of any instances of conduct that do not conform to Federal/State law and Federal/State/Private Payer healthcare program requirements, as well as SUNY ethical and business practices.
What Does Upstate Medical University Do To Insure Compliance?

- Compliance Plan
- Policies & Procedures i.e. fraud & abuse policies
- Code of Conduct
  - [www.upstate.edu/compliance](http://www.upstate.edu/compliance)
- Compliance Officers
- Education & Training
- Monitoring & Auditing
- Enforcement of Standards/Laws/Regulations
- Open Lines of Communication
- Appropriate Response to Detected Offenses
How Does Compliance/Ethics Apply To Me?

- You are all part of the Compliance & Ethics Team now!

- **EVERY** employee is held responsible & accountable to make sure we are following the rules.

- You are **OBLIGATED** to expose unethical or illegal behavior if you are aware of or suspect it, even if you aren’t the cause of it!
  - Internal & NYS Codes of Conduct state your obligation.
  - Follow the chain of command if possible.
Where Can I Report Suspected Known Fraud/Abuse/Ethics Violations or Obtain Additional Information?

- **Compliance Office:**
  - Hospital Issues: Room 330 CAB
  - Physician Issues: Room 300 CAB

- **Anonymous Hotline:** 464-6444 (24 hours per day/7 days per week)

- **Compliance Office Phones:**
  - Hospital Compliance Officer: 464-4343
  - Faculty Practice Compliance Officer: 464-4793

- **E-Mail Officers:**
  - noyesda@upstate.edu
  - baxterd@upstate.edu

- **Compliance Website:**
  - www.upstate.edu/compliance
What Happens If You Report A Suspected Fraud & Abuse Violation?

- Hospital is obligated to investigate
- Hospital is obligated to remedy
- Retaliation strictly prohibited against reporter
Whistleblower Protection Against Retaliation

- Federal False Claims Act 31 U.S.C. §3730(h)
- NY False Claims Act (State Finance Law §191)
- NY Labor Law §740
- NY Labor Law §741

- Qui tam relators cannot be “discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of their employment

- For specific information: www.omig.state.ny.us or www.upstate.edu/compliance (Non-Retaliation)
You could be:
- Fined (Civil Monetary Penalties)
- Go to Jail (Criminal Conviction)
One Other Rule You Need To Know About: EMTALA

- Emergency Medical Treatment & Active Labor Act (COBRA – Anti-Dumping)
  - Federal law protecting patients from discrimination based on economic factors when they come to an Emergency Room...
  - But it also applies to anyone requesting emergency care at any property owned by the hospital campus that is located within 250 yards of the main building including in a parking lot, on a sidewalk, in a driveway, etc.
    - If we don’t provide assistance, at the very least, we can be fined.
    - Depending on location, call 4-4444 Downtown and 2211 at CC (or) 911 to send the response team out of the hospital to assist.
    - Check with your Supervisors when you start in your area for procedure.
    - Know policy “CM E-15 Emergency Medical Response Teams”
So Basically...

- No Lying, No Cheating, No Stealing... **unless** you want to end up on the Compliance Wall of Shame!