

RN BOOT CAMP

Compliance and Ethics

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OVERVIEW

Requirements of Participation

Compliance Officers

Focus Areas



“COMPLIANCE”

- What is it?
- What is the goal?



ROPS

ROPS (F895)

Required elements for all facilities

- Written compliance and ethics standards policies
- Assignment of specific “high-level” personnel to oversee;
- Sufficient resources and authority for person chosen;
- Due care not to delegate to a person that facility knows or should have known has propensity to engage in illegal acts;
- Communication of standards - Employee training;
- Reasonable steps to assure compliance, including routine monitoring
- Appropriate response to violations;
- Consistent enforcement of standards and discipline of employees who fail to follow standards;
- Respond Appropriately to all detected violations.
- Annual Review

Additional requirements for chains (5+ SNFs)

- Mandatory annual training
- CCO
- Compliance liaisons at each facility

SURVEYOR CHECKLIST



Does the SNF have evidence that it applies its compliance policies to its vendors, contractors and volunteers, in addition to employees?



Did the SNFs facility assessment address sufficient allocation of resources to the CEP?

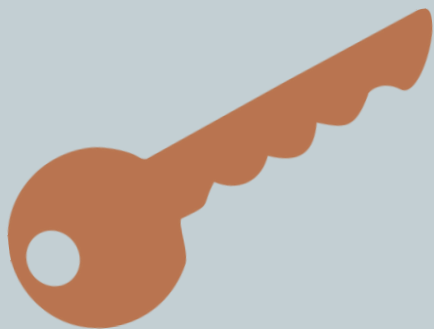


Does the SNF have evidence that the CCO is not subordinate to the general counsel, CFO or COO?



**Staff member
interview**

Aware and understand how to make anonymous reports of suspected violations?
Does the SNF have a clear policy of non-retaliation for making reports?
Can staff name the CCO and the compliance liaison, if appropriate?



**COMPLIANCE
OFFICER**

COMPLIANCE OFFICER

Why so important

Who should it be

What should they do

Arming for success

**WHO
SHOULD
IT BE?**

Education

Background

Responsibility

Temperament

Skillset



**PRIMARY RESPONSIBILITIES OF A
COMPLIANCE OFFICER**

WHAT SHOULD
THEY DO?



Proper function of CCO



2019 goals

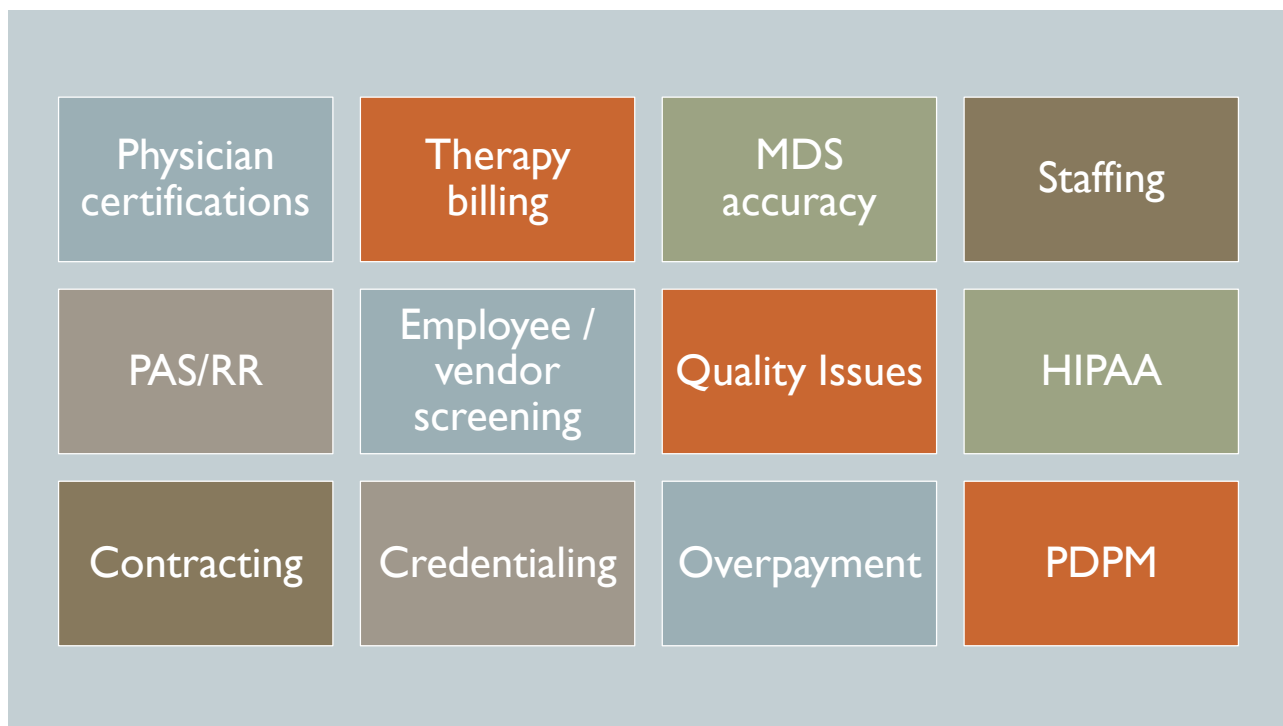


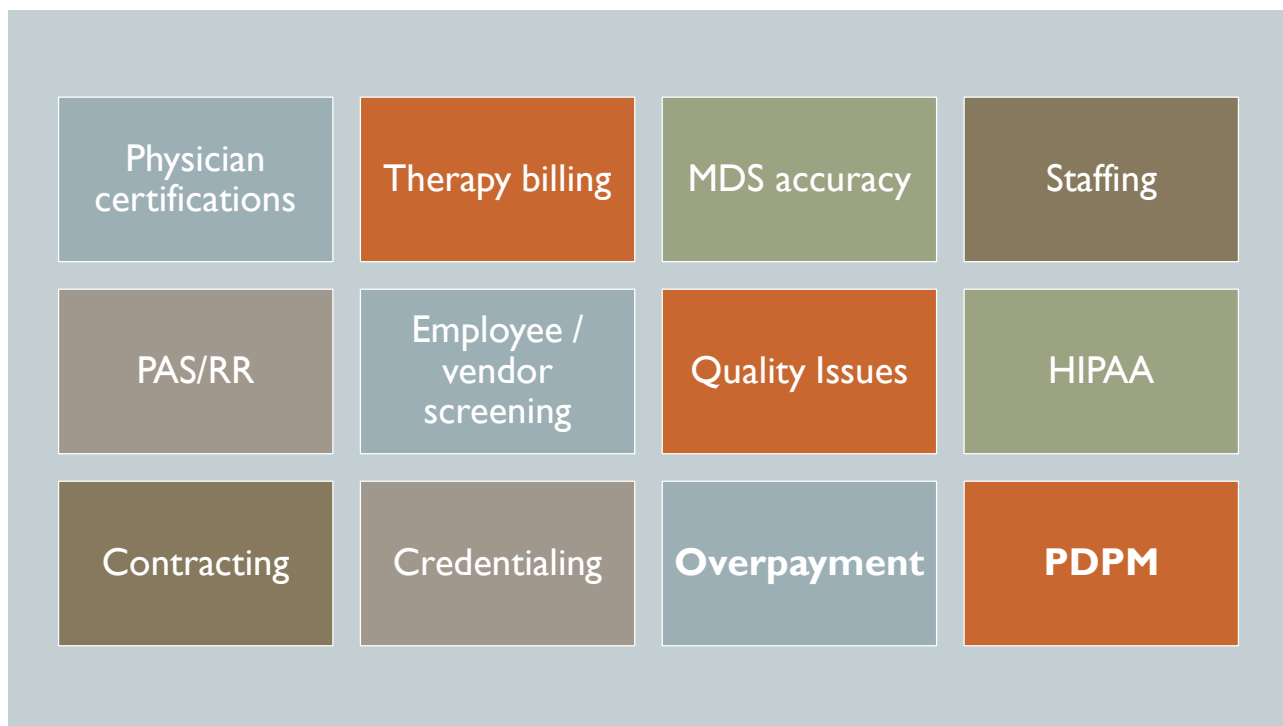
ARMING FOR SUCCESS

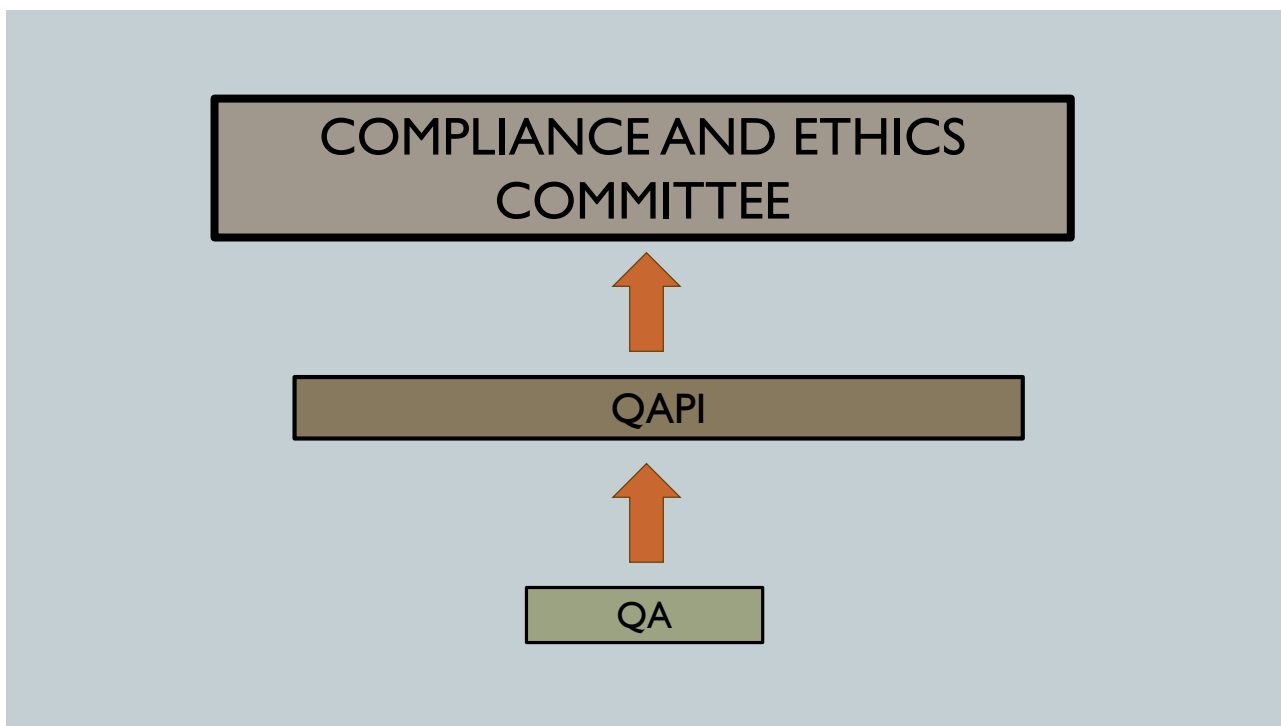
- Hire an Expert
- Create an Expert
- Send to Conferences
- Hire Attorneys & Consultants
- Draft / Buy Materials
- Subscriptions



FOCUS AREAS







COMPLIANCE V. QAPI

Compliance

- Focuses on prevention, detection and responses to noncompliance throughout the organization
- Monitors QAPI outcomes
- Analyzes system breakdowns which could lead to negative outcomes
- Analyzes data

QAPI

- Provides a more granular analysis of quality metrics/outcomes
- Executes Performance Improvement Plans as corrective action
- Significant negative outcomes should be reported to compliance
- Not generally responsible for facility compliance

COMPLIANCE V. QAPI

Compliance

- Provides higher level oversight and monitoring
- Make certain that systems are effective using audit analysis
- Reduces risk by monitoring system implementation
- Directs investigations and root cause analyses
- Reviews QAPI outcomes

QAPI

- QAPI concentrates on implementing action plans to fix negative quality outcomes

QUALITY ASSURANCE “PRIVILEGE”

- Routine Compliance meetings/activities are not privileged
 - The privileges associated with QAPI may be eroded if combined with compliance.
- Regulation States: A State or the Secretary may not require disclosure of the records of such Committee except in so far as such disclosure is relate to the compliance of such committee with the requirements of this section.
 - **Notice:** Regulation does not mention the QAPI Program



PDPM



Changes in Therapy Utilization



Ramp-Down



Potential for Worthless Services



Consider Monitoring



**GOVERNMENT
INVESTIGATIONS**





UPPING THE STAKES

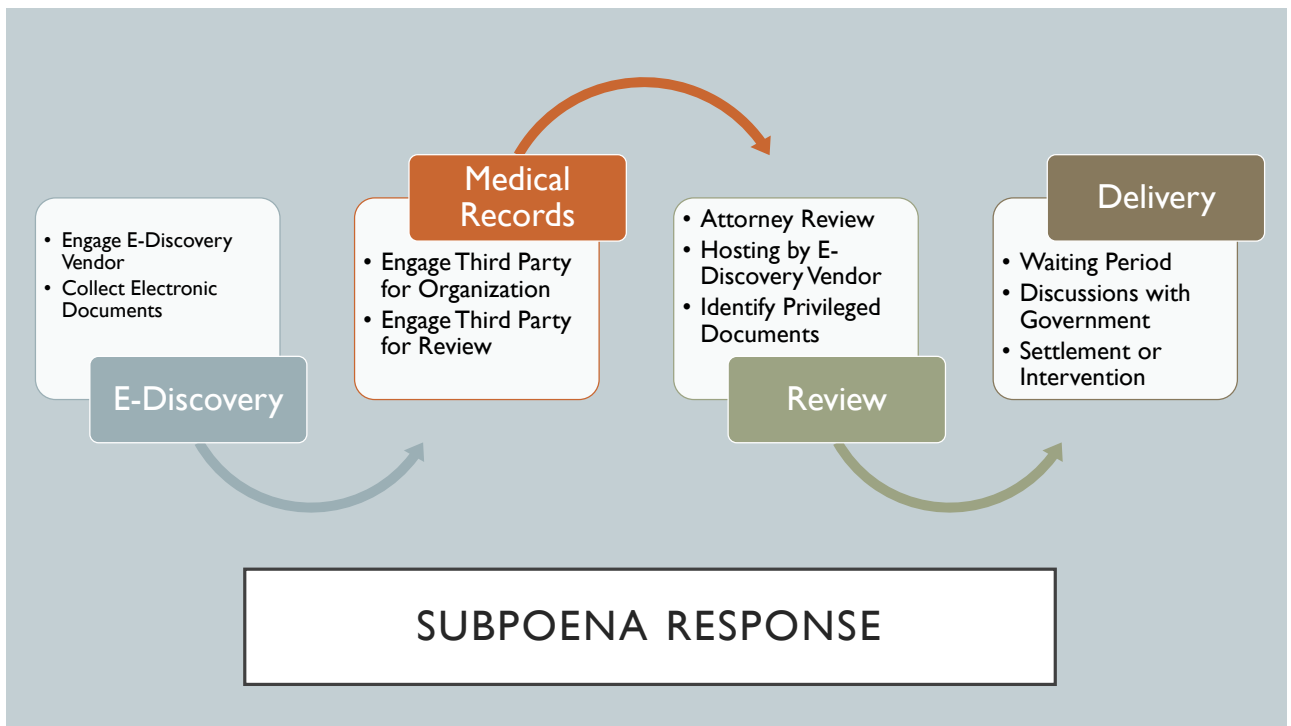


BEING READY



UNDERSTANDING
THE PROCESS

GOVERNMENT INVESTIGATIONS



PEPPER REPORTS

- Annual Analysis of a Facility's Billing Statistics
- Identifies Facility-Specific Risk Areas

Program for
Evaluating
Payment
Patterns
Electronic
Report

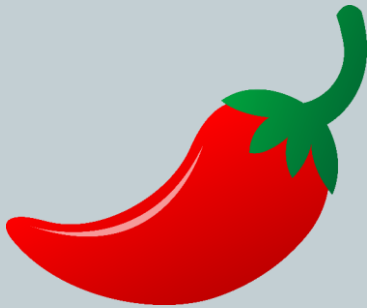




TARGET AREAS

- Therapy RUGs w/ High ADLs
- Non-Therapy RUGs w/ High ADLs
- Change of Therapy Assessments
- Ultrahigh Therapy RUGs
- 90+ Day Episodes of Care

PEPPER REPORTS



- PEPPER Categories for Target Areas
 - Within Normal Range
- OR
- At Risk for Improper Payments / Outlier
- “At Risk” Triggers Follow-Up Investigation and Response

EXCLUSION CHECKING



- Importance of Verification
- State Exclusion Lists
- Voluntary Self-Disclosure Protocol
- Calculation of Overpayment



PHYSICIAN RELATIONSHIPS

- Anti-Kickback Statute
- Physician Self-Referral Law
- Medical Directors
- Verification of Services



OUTSIDE AUDITS: RESPONSE

- Process
- Overpayment Identification
- Follow-Up Auditing

THE COMPLIANCE TEAM





RoP Requirement for Operators with at Least 5 Facilities



NOT Compliance Officers or Necessarily a Full-Time Position



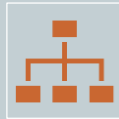
Assist Compliance Officer within Individual Facilities

COMPLIANCE LIAISON



Not an RoP Requirement

Recommended Element, Especially for Larger Organizations
Smaller Organizations should Consider Episodic Task Forces



Cross-Section of Operational Departments



Seniority and Experience Required to Effect Change

COMPLIANCE COMMITTEE

OIG ELEMENTS OF EFFECTIVE CCP

| | |
|--------------------|--|
| Written Standards | Implementing written policies, procedures and standards of conduct. |
| Compliance Officer | Designating a compliance officer and compliance committee. |
| Training | Conducting effective training and education. |
| Communication | Developing effective lines of communication. |
| Monitoring | Conducting internal monitoring and auditing . |
| Enforcing | Enforcing standards through well-publicized disciplinary guidelines. |
| Responding | Responding promptly to detected offenses and undertaking corrective action. |

ENGAGING EXTERNAL REVIEWS



D O J EVALUATION OF
CORPORATE COMPLIANCE PROGRAMS

- **The “fundamental questions”**

- Is the corporation’s compliance program well designed?
- Is the program being applied earnestly and in good faith? In other words, is the program being implemented effectively?
- Does the corporation’s compliance program work“ in practice?



QUESTIONS?