

RN BOOT CAMP

Compliance and Ethics

Margaret A. Chamberlain

Mchamberlain@MajesticCare.com

517.896.8729

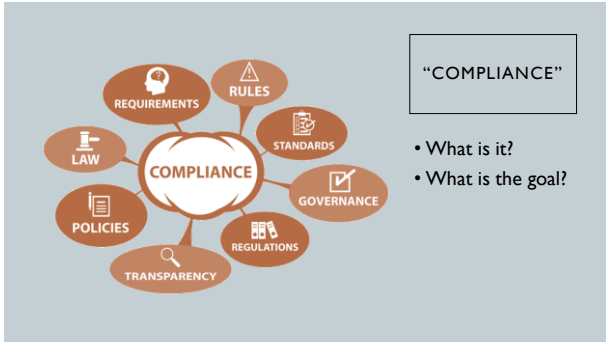
www.MajesticCare.com

OVERVIEW

Requirements of Participation

Compliance Officers

Focus Areas









ROPS (F895)

Required elements for all facilities	Additional requirements for chains (5+ SNFs)
<ul style="list-style-type: none">• 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	<ul style="list-style-type: none">• 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 team, 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

- Oversight
- Reporting and Planning
- Revise Compliance Program
- Training
- Contractor Communication
- Personnel Screening
- Investigation
- Self-Reporting
- Perpetuating Compliance
- Billing Audits

WHAT SHOULD THEY DO?

-  Proper function of CCO
-  2019 goals



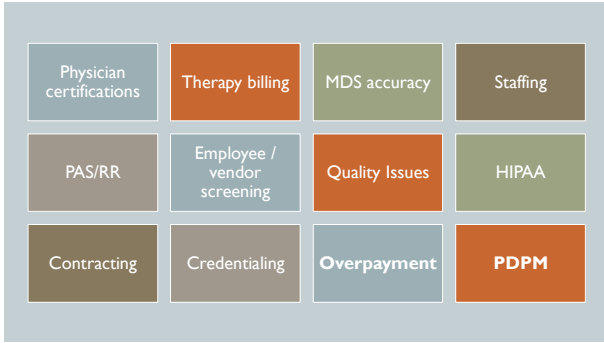
ARMING FOR SUCCESS

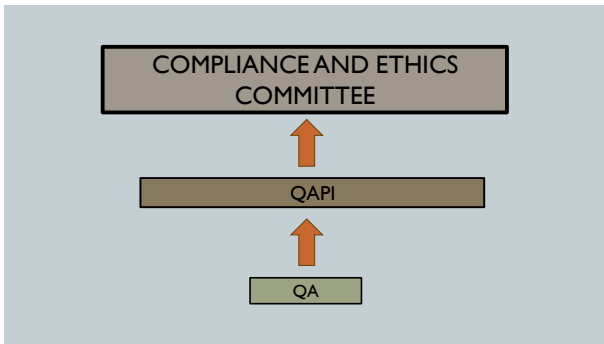
- Hire an Expert
- Create an Expert
- Send to Conferences
- Hire Attorneys & Consultants
- Draft / Buy Materials
- Subscriptions

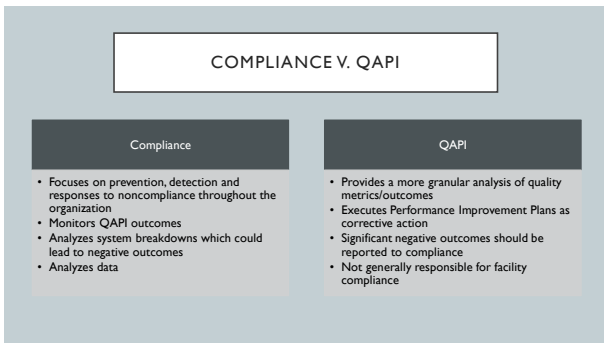


FOCUS AREAS

Physician certifications	Therapy billing	MDS accuracy	Staffing
PAS/RR	Employee / vendor screening	Quality Issues	HIPAA
Contracting	Credentialing	Overpayment	PDPM







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



OVERPAYMENT RULE

PDPM

- Changes in Therapy Utilization
- Ramp-Down
- Potential for Worthless Services
- Consider Monitoring

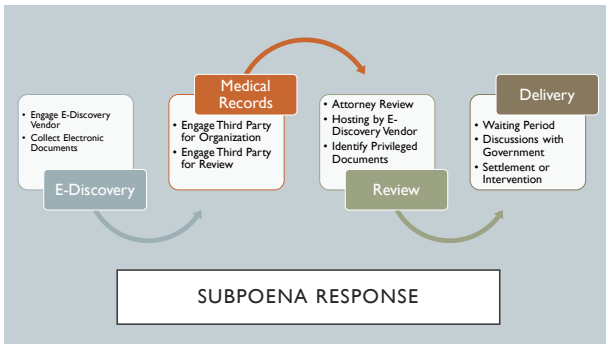


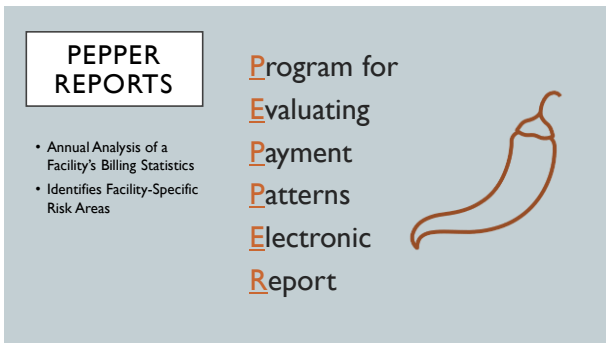
GOVERNMENT INVESTIGATIONS



Word cloud containing: UPIC, FBI, QIO, NURSING, MIC, OAC, PHARMACY, POLICE, CMS, AGING, ODH, OCR, OIG, MAC, DOJ



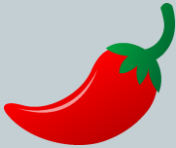






TARGET AREAS

- 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.

12

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?
