



Holding the compass of compliance in nine states — and across the world

an interview with Ruth Krueger

Enterprise Compliance Program Manager, Sanford Health

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COMPLIANCE 101

The seven essential elements, Part 3: Education

- » The three basic components for developing educational and training objectives are who needs training, what type, and how often.
- » Training for the compliance officer is continuous.
- » Engaging, educating, and empowering the compliance staff benefits the compliance program and the organization.
- » Several methods exist for educating and training an organization.
- » Provide online resources to the organization as self-study between formal training sessions.

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Congratulations, the orientation phase is complete. As compliance officer, you have exposure to the board of directors and senior leadership. Additionally, confirmation of compliance committee members is complete and subject matter experts established.

The next phase is generating awareness and promoting the compliance program. The Office of Inspector General (OIG) identifies three basic components¹ for developing educational objectives. The first component is to identify the individual(s) who require training. Next, is to identify the type of necessary training. Finally, determine the frequency of the training.

According to the Federal Sentencing Guidelines, conducting training programs and disseminating information focusing on roles and responsibilities is an element of an effective compliance program.² Each employee is responsible for knowing their role in the operation of the compliance program. In this article, the authors will address training and education from the perspectives of (1) the compliance officer, (2) compliance staff, and (3) the organization.

Compliance officer

Although each employee is responsible for compliance, the compliance officer (CO) leads the organization by providing compliance guidance in settings, such as operational meetings, hallway encounters, training sessions, and unscheduled visits. For the new CO, this may be slightly overwhelming.

To prepare for these encounters, the CO must be aware of regulations, industry trends, and organizational



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risks. In today's information-society, the CO may obtain information traditionally by attending webinars, conferences, workshops, and roundtable discussions. Additionally, the CO can subscribe to social media sites to review and/or participate in discussions on regulatory and industry topics. By dedicating just 30 minutes a day to personal study and professional development, the CO will become more efficient and effective at providing guidance to others in the organization.

Compliance staff

As the compliance profession continues to evolve, single-person Compliance departments are slowly becoming an item of the past. In many organizations, the board of directors is renewing their commitment to their corporate compliance programs. As a result, many COs are gaining budget approvals that enable them to increase resources.

For COs fortunate to have a team, it is important to engage, educate, and empower the staff. The compliance team is a reflection of the CO. The CO sets the tone or culture of the department. External departments (e.g., Billing, Customer Service, and Account Management) will observe the compliance team to determine whether the compliance team is demonstrating the model behavior communicated in enterprise-wide training sessions.

The compliance staff is an extension of the CO. When there is minimal investment in the compliance staff, there is potential for an ineffective compliance program.

According to Mortensen, leaders who do not invest in training for themselves rarely invest in training for their staff.³ Additionally, he states average performers invest between 1%–5% of their annual income in training, while top performers invest 5%–10%.

Once appointed, the CO is the orchestrator of the organization's effective compliance program. After receiving budget approval

to increase resources, it is important to continuously demonstrate how the organization benefits by adding and investing in these resources.

Engage

It is important for the CO to engage the compliance team as well as the rest of the organization. There are two approaches to engaging the compliance team.

The first is the private group approach. In a private group setting, the CO and compliance staff can discuss recent accomplishments, current initiatives, and future opportunities. A recent accomplishment may include that a recent billing audit reflects 10% improvement in comparison to last quarter. This may lead to a brief discussion on how to duplicate efforts in other areas and establish best practices. A current initiative may include reviewing compliance policies with revisions older than 24 months. This may lead to a brief discussion on the approach, timeline, and prioritizing policy reviews based on risk assessments. A future opportunity may include reviewing internal controls for contract renewals. This may lead to a brief discussion on process improvement and tracking tools. A few advantages of the private group setting are relationship building, open communication, reducing miscommunication among staff, and reinforcing commitment.

How frequently you engage your team is dependent on your organization. When determining frequency, the CO should consider the impact on efficiency. The objective is to achieve a balance that contributes to the effectiveness of the compliance program.

The second approach is the one-on-one setting. This approach allows the CO to have a warmer, friendlier discussion with the team member. In this setting, the discussion may take many directions; however, the authors propose focusing the discussion

on professional and personal career goals. The professional segment should include two subcategories: Compliance department and organization. Discussion topics for the Compliance department should focus on the status of the individual's annual goals, current activities, performance, and if applicable, areas requiring guidance or support. Discussion topics for the organization should focus on the individual's organizational contributions, such as generating compliance awareness, maintaining relationships, and providing compliance guidance. The personal segment should focus on the individual's professional interests. This may reveal that the individual has interests in other areas of the organization that are not in-scope for their current role. Discussing personal professional interests requires sensitivity; your approach should always be optimistic and encouraging. Exploring topics that focus on individual preferences may be beneficial to organizational performance, compliance visibility and awareness, employee empowerment, and retention.

Educate

Formal education, training, and experience are attributes of successful compliance professionals. The compliance staff having a diverse background with a compliance foundation offers advantages to the compliance program. A staff with clinical, financial, and legal backgrounds offers various troubleshooting approaches to operational problems. The same staff with a compliance foundation offers various approaches with the sole objective to reinforce the compliance program.

Establishing a formal compliance continuing education program helps to develop a culture with a congruent foundation. One approach that demonstrates commitment and promotes retention is the staged continuing education program that offers educational resources at different employment stages. A

recent proposal offers a four-stage approach with 90-day, 180-day, 1-year, and over 1-year increments.⁴ In the first three stages, the CO selects the resources to distribute to the compliance staff. Providing identical resources in the first three stages establishes the foundation. Resource examples offered in these stages include professional journals (compliance, healthcare, medical), compliance manuals, and professional membership subscriptions. In the final stage, the compliance officer allocates a budget amount with guidelines and the compliance staff selects their resources. Resource examples offered in the final stage include books, electronic media (eBooks, CDs, DVDs), conferences (in-person, webinar, virtual), and continuing education courses (in-person, online) focusing on the compliance and/or legal profession.

Empower

As the compliance officer continues to engage and educate, it is equally important to empower the compliance staff. Remember, the board demonstrated their commitment by approving additional resources. The CO demonstrates this wise investment by empowering the staff. There is no need to play "Lone Ranger." The more the CO empowers the compliance staff to be creative, the better the decision-making ability of the team.

Education and training are instrumental in prevention and are the logical next step after identifying a problem.⁵ Focus on the organization when developing annual compliance training and department-specific compliance training. At a minimum, the compliance team should be involved with development and facilitation of in-person training sessions.

Organization

The organization needs to be prepared. It is the CO's role to be prepared and minimize risk to the organization. Training is important.

Education should reach all levels of the organization, including the board of trustees, C-suite, senior management, clinical leaders, clinical and non-clinical directors, supervisors, general staff, and clinical staff.

The organization may establish an ongoing electronic (online) training to provide education to all staff. This method provides ease of education, testing, and recording for audits, assists greatly in getting the word out, and provides a platform for employees to educate themselves.

Road shows are an excellent way to provide education. The CO should make time to meet and greet staff, and hold annual meetings with all departments. To keep road shows manageable, the CO can combine smaller departments or merge smaller departments with larger departments.

Regardless of the format of the meeting, it is important to keep the agenda simple. The CO reminds the staff of the definitions of compliance terms and the rationale behind compliance policies. Ask questions and ask the staff to think of one case in the past several months that may become a compliance issue. The CO must follow up with the staff. When staff have confidence in the Compliance department and the CO, they are more willing to approach the CO with any concerns.

Pose questions related to knowledge of privacy and security. Specifically ask staff what measures are used to ensure desired outcomes. Ask about audit methods and frequency, as well as results. These types of questions should be posed to all levels of the organization.

When compliance-training sessions are complete, the CO can provide self-study resources to the organization reinforcing commitment to compliance. Additional educational material is available at the following websites:

- ▶ www.cms.gov
- ▶ www.hhs.gov
- ▶ www.hhshipaasagtraining.com/agenda.php
- ▶ www.hhs.gov/ocr/privacy/hipaa/understanding/summary
- ▶ oig.hhs.gov/newsroom/video/2011/heat_modules.asp

These websites provide educational material in areas such as how to report fraud, self-disclosure protocols, importance of documentation, tips for implementing an effective compliance program, program basics, the Stark (physician self-referral) Law, False Claims Act, the federal Anti-Kickback Statute, and OIG exclusion.

Education and training is one of the few elements that requires CO engagement throughout the organization. Approaching education and training with defined objectives for the CO, compliance staff, and organization reinforces the compliance program, empowers staff, develops retention, and promotes awareness. ☺

1. Department of Health and Human Services, Office of Inspector General: OIG Compliance Program for Individual and Small Group Physician Practices, page 9. October 5, 2000. Available at <http://1.usa.gov/1np3hDY>
2. United States Sentencing Commission: Federal Sentencing Guidelines, Chapter Eight: Sentencing of Organizations Part B – Remedying Harm from Criminal Conduct, and Effective Compliance and Ethics Program, 8B2.1(b)(4)(B). Available at <http://bit.ly/113BnXI>
3. Kurt Mortensen: *Persuasion IQ: The 10 Skills You Need to Get Exactly What You Want*. New York: American Management Association, 2008.
4. Walter Johnson: "Onboarding Compliance Education Proposal." HCCA Communities, August 31, 2014. Available at <http://bit.ly/1EHj2yC>
5. *Ibid*, ref #1.

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