

Compliance and Ethics Committee

Chief Compliance Officer's Report

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Agenda

- Recent Enforcement Actions
- OIG – General Compliance Program Guidance (“GCPG”) Overview – Nov. ‘23
- Privacy Report

01 | Recent Enforcement Actions

University of Iowa - 2023

- The University of Iowa agreed to implement new training and repay \$16,444 received for x-ray interpretations by residents that were then reviewed by physicians. Under the law, the physicians had to interpret the x-rays themselves for the payment to be made under the physician fee schedule. Mandatory physician training was implemented regarding Medicare requirements for physician fee payment for interpretation of diagnostic radiology in teaching settings.

University of Pittsburgh Medical Center - 2023


- The University of Pittsburgh Medical Center, University of Pittsburgh Physicians, and an affiliated surgeon entered into a settlement agreement related to allegations of double booking patients for surgery. The settlement totaled more than \$8.5 million dollars.
- The practice, “running two rooms”, involves the senior attending surgeon who delegates a trainee, usually a resident, to complete a surgery while the senior attending surgeon moves on to another patient in another operating room.

University of Pittsburgh Medical Center - 2023

- “Running two rooms” has been a common practice in many teaching hospitals. However, the Centers for Medicare and Medicaid Services (“CMS”) requires that the surgeon be “present or immediately available for all of the critical parts of an operation.” In addition, this resulted in quality and patient safety concerns because the patients were left under anesthesia too long.

Key Takeaways

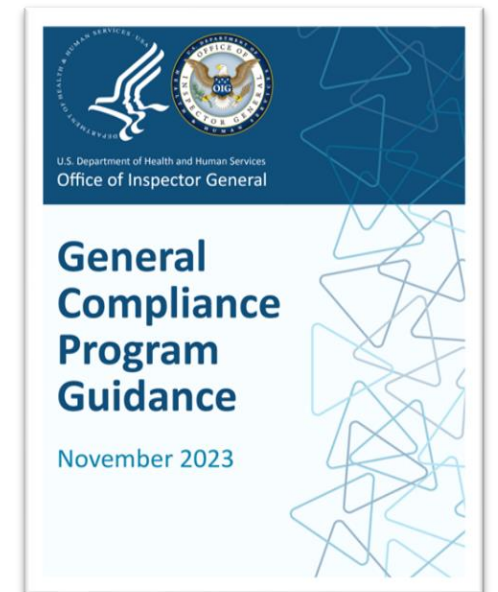
- Because of their busy schedules, physicians' time is always highly valued. For this reason, they sometimes interpret rules and regulations broadly, in the interest of efficiency. This sometimes results in “bending” the rules, such that their intent is no longer met, which can create a risk for the organization.
- Reviews (audits) should be conducted on a regular basis to ensure compliance with necessary rules regarding supervision, physical presence and resident involvement.



02 | OIG General Compliance Program Guidance

GCPG Overview

- OIG released this guidance document (91 pages) in November 2023
- Initial phase of a larger plan for the OIG to update guidance for each component of the healthcare sector (e.g., acute care hospitals, long term care facilities, laboratories, etc.)
- Key sections of the guidance document include:
 - Health Care Fraud Enforcement and Other Standards
 - Compliance Program Infrastructure
 - Compliance Program Adaptations for Small and Large Entities
 - Other Compliance Considerations



Key Changes of Note

- Revised 7 Elements of a Compliance Program

| Previously | Now | Result |
|--|-------------------------------------|--|
| Written Policies and Procedures | Written Policies and Procedures | No Change |
| Designated Compliance Officer and Compliance Committee | Compliance Leadership and Oversight | Transition from focus on Officer to focus on responsibility of all in Leadership |
| Training and Education | Training and Education | No Change |

Key Changes of Note

- Revised 7 Elements of a Compliance Program (cont'd.)

| Previously | Now | Result |
|--|--|---|
| Enforcing Standards Through Well-Publicized Disciplinary Guidelines | Enforcing Standards: Consequences and Incentives | Recognizing that both the carrot and stick can be effective |
| Internal Monitoring and Auditing | Risk Assessment, Auditing and Monitoring | Increased emphasis on a formal risk assessment process as necessary |
| Responding Promptly to Detected Deficiencies and Undertaking Corrective Action | Responding to Detected Offenses and Developing Corrective Action Initiatives | “Thinking on this one” |

Key Changes of Note

- Inclusion of Quality and Patient Safety Oversight
- Financial Arrangement Monitoring
- New Entrants in the Health Care Industry

How are we measuring up?

| Expectation | Evaluation |
|---|------------|
| Policies and Procedures are effectively created, coordinated and maintained | Meets |
| Independence of the Compliance Officer | Exceeds |
| The Board exercises oversight | Exceeds |
| Training plan that is responsive and tailored | Developing |
| Open Lines of Communication | Meets |
| Incentives for compliant behavior | Developing |
| Risk Assessment Process | Developing |
| Immediate responses to reported concerns | Meets |

03 | Privacy Report

Privacy Report

- Privacy Program Highlights & Opportunities

“Ethical behavior is doing the right thing when no one else is watching...” Aldo Leopold

