

The Consequences of Complacency

By

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An Unspoken Reality

- There are certain activities in our offices that make us money and certain activities that cost us money.
- Examples of activities that generate income:
 - Adjusting Patients,
 - Performing Examinations,
 - Taking X-Rays,
 - Performing Therapy and Rehab,
 - Performing other medically necessary procedures.
- A few examples of activities that cost us money are:
 - Training Staff,
 - Documenting Patient Visits,
 - Attending Seminars and Webinars,
 - Coding and Claims,
 - Almost every administrative and record keeping activity.
- Most doctors recognize this reality.
- As such many doctors focus on those activities that generate income that only they can do and delegate those activities that cost money to staff.
- Many times the doctors develop protocols that the staff follow resulting in a system that works every time.
- Or does it?

Protecting Ourselves

- Now that we know how bad the consequences can be, how do we protect ourselves?
 - Develop protocols that ensure that:
 - Claims are reviewed before they are sent,
 - Services billed match services actually performed,
 - All services performed are properly documented,
 - All Laws, Rules and Regulations are properly complied with.
 - The protocols need to be codified in your office as policies and procedures.
 - Should you be investigated you need to be able to prove that these policies are in effect in your office.
 - You also need to be able to prove that you have educated your staff on these policies and procedures.
 - You need to have consequences for those staff that do not follow procedures.
 - What I am describing is an office compliance program.
 - An office compliance program contains policies and procedures that are developed for your practice that include:
 - Double checking claims before they are submitted,
 - Educating your staff on all appropriate policies and procedures,
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- The consequences of not following written policies and procedures,
- And many more.

The Office Compliance Program

- The office compliance program is mandatory for those enrolled in Medicare.
- It is recommended for everyone.
- There are specific elements that make up an office compliance program.
- They are:
 - 1: The development and distribution of written policies, procedures and standards of conduct to prevent and detect inappropriate behavior.
 - 2: The designation of a chief compliance officer and other appropriate bodies (for example a corporate compliance committee) charged with the responsibility of operating and monitoring the compliance program and who report directly to high-level personnel and the governing body.
 - 3: The use of reasonable efforts not to include any individual in the substantial authority personnel whom the organization knew, or should have known, has engaged in illegal activities or other conduct inconsistent with an effective compliance and ethics program.
 - 4: The development and implementation of regular, effective education and training programs for the governing body, all employees, including high-level personnel, and, as appropriate, the organization’s agents.
 - 5: The maintenance of a process, such as a hotline, to receive complaints and the adoption of procedures to protect the anonymity of complainants and to protect whistleblowers from retaliation.
 - 6: The development of a system to respond to allegations of improper conduct and the enforcement of appropriate disciplinary action against employees who have violated internal compliance policies, applicable statutes, regulations or Federal health care program requirements.
 - 7: The use of audits and/or other evaluation techniques to monitor compliance and assist in the reduction of identified problem areas.
 - 8: The investigation and remediation of identified systemic problems including making any necessary modifications to the organization’s compliance and ethics program.
- What does an Office Compliance Program cover?
 - CMS
 - OIG
 - HIPAA
 - OSHA
 - CLIA
 - Antikickback and Stark Laws
 - State Laws
- What does it take to establish an effective Office Compliance Program?
 - Review of the facility.

- Review of HIPAA manual and procedures.
- Review of OSHA manual and Exposure Plan.
- Review of office procedures and policies.
- Review of 10 randomly selected records for each doctor with 5 of the records from Medicare patients.
- Review of the claims for the selected records.
- Review of the EOBs for the selected records.
- As a result of these reviews you will receive:
 - A list of deficiencies identified for the facility with recommended corrections.
 - A list of deficiencies identified for the documentation with recommended corrections.
 - A compliance manual for your practice
- Audits and reviews are increasing, especially with Medicare.
- Having an office compliance program in place before you are reviewed or audited will offer you substantial protection and will be a mitigating factor in the imposition of fines and penalties.
- Now is the time to protect yourself and your practice.
- When there is a problem the doctor is to blame.
