

The Office Compliance Program 2020

By

Dr. Ron Short, DC, MCS-P, CPC, CPCO

The Office Compliance Program

- In October of 2000, the OIG printed their recommendation for a voluntary small office compliance program in the Federal register.
- The article consumed 19 pages with triple column fine print bureaucratese.
- A properly executed and maintained office compliance program offers you substantial protection.

The Office Compliance Program Benefits

- You have a program in place to systematically review your policies and procedures to ensure that they comply with the laws, rules and regulations that they must comply with.
- You have a program in place to systematically audit your records to ensure that they prove medical necessity

Mandatory Office Compliance Program

- From the Affordable Care Act:
- “(A) IN GENERAL.—On or after the date of implementation determined by the Secretary under subparagraph (C), a provider of medical or other items or services or supplier within a particular industry sector or category shall, as a condition of enrollment in the program under this title, title XIX, or title XXI, establish a compliance program that contains the core elements established under subparagraph (B) with respect to that provider or supplier and industry or category.”
- “(C) TIMELINE FOR IMPLEMENTATION.—The Secretary shall determine the timeline for the establishment of the core elements under subparagraph (B) and the date of the implementation of subparagraph (A) for providers or suppliers within a particular industry or category. The Secretary shall, in determining such date of implementation, consider the extent to which the adoption of compliance programs by a provider of medical or other items or services or supplier is widespread in a particular industry sector or with respect to a particular provider or supplier category.”
- The eight elements of an effective compliance and ethics program described in the Federal Sentencing Guidelines are proposed to be used as the basis for the “core elements” of the required compliance program for Medicare.
- These elements 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.
- There are some myths surrounding compliance.
 - Myth: “I don’t need a compliance program yet because CMS has not set a deadline.”
 - Answer: False. CMS is currently addressing some letters “attn: compliance department”. They expect doctors to have some type of compliance program in place.
 - Myth: “I have a HIPAA manual. That means that I am in compliance.”
 - Answer: You may be in compliance with HIPAA regulations depending on how well you have followed your policies but there is much more to an effective office compliance program than HPA
 - Myth: “I can make my own compliance program.”
 - Answer: For a small one doctor office it is possible but only with a manual written by a certified compliance professional. For larger offices or those with multiple doctors then you need to call in a certified professional.
 - Myth: “I can get a compliance program real quick if I have a problem.”
 - Answer: To be effective an office compliance program needs to be in place and operating before the doctor is under investigation.
- One of the biggest myths is happening in our schools.
- It seems that it is common among the schools to assign compOliance tasks to existing staff with little compliance training and no compliance certification.
- If they do not have a graduate DC with compliance training and certification as a chief compliance officer in a VP level position reporting directly to the board then they do not have an effective compliance program.

- In today’s environment one of the most important things that a school can teach is the importance of compliance and how to achieve it.
- The student graduating today should be familiar with compliance procedures.
- Quote from HEAT Provider Compliance Training Seminar:
- “If you cannot afford to hire someone in-house to oversee your compliance program then outsource it to a consultant.”
- They also said, “Compliance Programs will be mandatory, why wait?”
- CMS, OIG and DOJ are **very** serious about an Office Compliance Program operating in your practice.
- Compliance programs are complex.
- When you have an effective compliance program operating in your practice it will serve as a mitigating circumstance to the imposition of fines and penalties.
- You can’t develop an effective compliance program from an off the shelf manual written by someone who is not trained or certified.
- 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
- An office compliance program is customized to each office.
- Due to the detailed nature of the office compliance program it cannot be put into a standardized format.
- You will need a certified Medical Compliance Specialist to develop an effective Office Compliance Program.
