Corporate Integrity Department

New Employee Compliance Training
Introduction

This self-guided training module will educate you on CoxHealth’s Corporate Compliance Program, The Code of Business Conduct and Ethics, and other healthcare regulations.
Why is Compliance Important at CoxHealth?

- Meet the federal and state regulations that govern healthcare practices
- Prevent Fraud, Waste and Abuse
- Detect, correct and prevent errors that might result in a violation
Compliance and all related policies apply to:

Everyone doing business with CoxHealth

- Physicians
- All Staff (including management)
- Vendors
- Contractors
- Board
What is fraud?

Making false statements or false representations of material fact to...
- Obtain some benefit or payment
- For which no entitlement would otherwise exist

Includes obtaining something of value through...
- Misrepresentations or
- Concealment of material facts
What is abuse?

Abuse describes practices that:

- Result in unnecessary costs
- Are not medically necessary
- Are not professionally recognized standards
- Are not fairly priced
CoxHealth has two core policies that make up the compliance program

- **Corporate Compliance Program:**
  Structure of compliance administered by the Corporate Integrity Department to prevent and correct errors

- **Code of Business Conduct and Ethics:**
  Defines work rules and behaviors for those who work at CoxHealth
COXHEALTH
CORPORATE COMPLIANCE PROGRAM

CORPORATE INTEGRITY
The Purpose of the Compliance Program

To establish a mechanism to:

- **Detect, correct** and **prevent** errors which could result in violations of the laws and regulations governing health care
- **Report** possible violations of the laws and regulations or CoxHealth policies
The Office of Inspector General recommends 7 core requirements for an effective Compliance Program…

These 7 requirements are part of the CoxHealth Corporate Compliance Program
OIG requirements –
Designate a Corporate Compliance Officer and have a structure for compliance

- CoxHealth has designated a System Corporate Compliance Officer and Compliance Managers for the entities
- CoxHealth has multiple compliance committees to review the structure and compliance at CoxHealth
Designate a Corporate Compliance Officer and have a structure for compliance

- The System Corporate Compliance Officer is Betty Breshears who develops, implements and monitors the compliance program and appoints compliance managers for the entities.

- Betty also serves as the compliance officer for HPS, Home Support, Oxford and Cox HealthPlans.

- Betty can be reached at 417-269-8806 or at Betty.Breshears@coxhealth.com.
OIG requirements –
Designate a Corporate Compliance Officer and have a structure for compliance

Abby Craigmyle is the Assistant Compliance Officer for the system and the Compliance Manager for Cox Medical Center Branson
Abby can be reached at 417-269-5296 or Abby.Craigmyle@coxhealth.com

Angela Hoffman is the Compliance Manager for Cox Monett
Angela can be reached at 417-269-7621 or Angela.Hoffman@coxhealth.com
OIG requirements –
Designate a Corporate Compliance Officer and have a structure for compliance

CoxHealth has multiple compliance committees that help make up the structure of compliance at CoxHealth

**Board of Directors** has a subcommittee for audit and compliance that provides oversight and guidance

**Executive Compliance Committee** advises and assists with the operation of the Corporate Compliance Program and supports the Corporate Compliance Officer
CoxHealth Compliance Committees

- Springfield Newsletter and Billing Compliance Committee
- CoxHealth Branson Compliance Committee
- Cox Monett Compliance Committee
- Oxford Compliance Committee
- Home Parenteral Services & Home Support Compliance Committee
- Corporate Privacy and Security Council
- IT Governance and Oversight Committee
- Contract Compliance Committee

These committees are made up of the department leaders throughout the organization.
Board Compliance Committee

Charity Elmer, Chief Legal Counsel

Betty Breshears
VP of Corporate Integrity
Compliance Officer & Privacy Officer

Executive Compliance Committee

Billing Compliance Committee

Audit and Compliance Department

Corporate Privacy and Security Council

Contract Compliance

Affiliate Entities’ Boards

Affiliate Entities’ Compliance Committees
**OIG requirements -**

Establish Open Lines of Communication

- CoxHealth has a **Hotline** for reporting suspected concerns without fear of retaliation
- Calls are confidential – you **DO NOT** have to leave your name
- Staff can report to anyone in management, speak directly to the Corporate Compliance Department or the Legal Department

**HOTLINE:** 417-269-5297 (COX-LAWS)
Toll free: 1-888-340-5297
OIG requirements - Provide Education and Training

- Annual compliance training for all employees, physicians, board members and vendors
- Annual HIPAA training
- Training regarding Stark and Anti-kickback
OIG requirements - Conduct Internal Audit and Monitoring

CoxHealth

- Develops an annual audit plan
- Conducts risk assessments of current practices
- Conducts audits on billing, coding and documentation to ensure compliance with the Medicare and Medicaid regulations and other applicable laws
- Conducts audits as part of an investigation
- Conducts audits for electronic security and privacy compliance
- Departments monitor practices for compliance such as:
  - HIM monitors coding
  - HR monitors the exclusion list
  - Each department monitors billing for their area
**OIG requirements**

Establish a Disciplinary Action Plan For Non-Compliance

- Employees of CoxHealth will be **disciplined** if they are aware of a compliance concern and **do not report**

- Employees of CoxHealth who do not complete **annual compliance training** will be subject to **discipline**

- Retaliation against others who report an issue in good faith is strictly prohibited
OIG requirements -
Investigate & Resolve Issues of Concern & Make Refunds As Appropriate

At CoxHealth
- Each concern is investigated thoroughly and a file is opened
- Identity of the person reporting the concern is NOT disclosed
- Data is evaluated and interviews are conducted as appropriate
- Resolution is determined and implemented
- Written report is placed in the file with back-up documentation
- Corrective action is taken if necessary as follows:
  - Self-reporting and refunding to a government agency
  - Modifying policies/procedures
  - Providing education
  - Disciplining staff
- Follow-up to ensure correction and compliance continues
CoxHealth meets this requirement by developing the following policies which are available in Policy Manager on the intranet. These policies are reviewed annually and updated as needed.

- Corporate Compliance Program
- Code of Business Conduct and Ethics
- Prohibition of False Claims Law
- Compliance with Stark & Anti-Kickback Statute
- Detection of Individuals and Entities Excluded from Government Programs

Program policies are available in Policy Manager on the intranet.
Compliance is Everyone’s Responsibility

Responsibility of Employees

- Understand how the Corporate Compliance Program applies to your job and ask questions when necessary
- Report any suspected violations you have by calling the hotline 269-5297 (COX-LAWS)
- Actively participate in compliance activities (e.g. training)

Responsibility of Supervisors and Managers

- Build a culture of compliance
- Prevent, detect and respond to compliance problems
- Prevent retaliation or reprisals against employees who report violations
Review of some of the significant Healthcare Laws
Significant Laws that address Fraud and Abuse

Deficit Reduction Act (DRA)
False Claims Act (FCA)
Fraud & Enforcement Recovery Act (FERA)

These Laws...
- Fight fraud and abuse
- Aim to reduce rising healthcare spending
- Require compliance programs at certain institutions which receive >$5 million in Medicaid payments
- Establish liability with penalty ranges around $10,781 - $21,916 + treble damages for presenting a false claim
- Encourage reporting by whistleblowers
- Prohibits retaliation against whistleblowers
Prohibition of False Claims
Whistleblower

A suit brought by an individual on behalf of the United States government is called a qui tam action.

A qui tam relator, often referred to as a **whistleblower** is someone who has first hand knowledge of an issue and reports that to the government. Generally, the issue is a suspected violation of a law, rule, regulation and/or a direct threat to public interest – fraud, health safety violations and corruption are just a few examples.
False Claims Act
Environment Free From Retaliation

- **Retaliation** is an act designed to cause harm, get even, or get back at another person…

- Retaliation against any person who reports a concern to the Corporate Integrity Department, in good faith, is *strictly prohibited*

- Report any concerns you might have with retaliation to the Corporate Integrity Department, anyone in management or call the hotline at 417-269-5297 (COX-LAWS)
Significant Referral Laws

Anti-kickback Statute
Stark Law

These laws...
Prohibits the offer or receipt of certain remuneration in return for referrals

Includes any kickback, bribe or rebate

The Federal Stark Law – regulates how hospitals may provide non-monetary compensation to physicians.

Notify Corporate Integrity prior to giving a physician or family member of a physician anything of value e.g. Cox Bucks, award plaques, tickets to an event, gift certificates. etc.
Stark Law

Known as the “Physician Self-Referral Law”

- Prohibits providers from referring Medicare beneficiaries' for...
  - Certain designated health services (lab, x-ray, admit)
  - To an entity in which the physician (or an immediate family member) has:
    - an ownership/investment interest in
    - a compensation arrangement or financial relationship, such as: Contract; Employment Agreement; Lease or Rental

- UNLESS certain EXCEPTIONS apply
Anti-Kickback Statute

The Anti-Kickback Statute Prohibits knowingly and willfully...

- Offering, paying, soliciting, or receiving remuneration
- Inducing or rewarding referrals of items/services reimbursable by a federal health care program

There are certain Safe Harbors within this statute

CoxHealth cannot offer anything of value or accept anything of value to induce either party to do business with the other.
Significant HIPAA Laws

Health Insurance and Portability & Accountability Act (HIPAA)
American Recovery and Reinvestment Act (ARRA)
Health Information Technology for Economic & Clinical Health Act (HITECH)

These laws…
- Protect the Confidentiality, Integrity, and Availability of Protected Health Information
- Provide insurance portability
- Establish standards for privacy and security of patient information
- Strengthen HIPAA privacy & security standards and penalties for breaches of information
HIPAA

- The Act covers paper, electronic, and verbal information received in the patient care process

  ✔ Don’t look at PHI (Patient Health Information) out of Curiosity.
    - You must have a valid work reason to look at a patient record
    - Don’t talk about patients you encounter at work with anyone who is not caring for that patient

Everyone doing business at CoxHealth is responsible for protecting the protected health information of our patients
Patient Protection and Affordable Care Act (PPACA)

This law…

- Supports healthcare reform
- Expands Medicaid eligibility
- Subsidizes insurance premiums for those who qualify
- Establishes health insurance exchanges
- Provides new tools to fight fraud & abuse
  - Increased criminal and civil penalties
  - Expansion of Recovery Audit Contractors (RAC)
What are two of the major Government Healthcare Programs these laws apply to?

Centers for Medicare and Medicaid Services (CMS)
- CMS administers the federal Medicare program
- This program provides healthcare coverage for individuals over 65 years of age or those under age 65 with certain approved disabilities

Medicaid
- A state administered program available to certain low income individuals and families
- In Missouri, this program is called the MO HealthNet Program
CODE OF BUSINESS CONDUCT AND ETHICS
Addresses CoxHealth’s expected behaviors for employees, volunteers, medical staff members, students and Board Members.

- Conduct business practices in compliance with all applicable laws and regulations
- Conduct yourself with Compassion, Respect and Integrity
- Set an example for others by modeling these behaviors and standards at all times
CoxHealth Code of Business Conduct and Ethics

The policy covers many of CoxHealth’s business practices and standards, this training will list a few of those business practices.

To view the entire policy click here

https://coxhealth.policymedical.net/policymed/pmdocs/64/pdf/f3223a75-f873-44b5-b963-4e2b48f38d72.pdf?1458676191308#toolbar=0&navpanes=0
CoxHealth Code of Business Conduct and Ethics

- **Access to care:**
  Patients have access to medically necessary care regardless of race, color, religion, national origin, handicap or disability, financial status, age, sex, sexual orientation, gender identity or ability to pay.

- **All company records shall be accurate:**
  For example:
  - Patient medical records
  - Financial-accounting records
  - Human Resource Records
  - Patient Registration Records
CoxHealth Code of Business Conduct and Ethics

- **Maintain Safe Work Environment**
  - At CoxHealth we strive to adhere to OSHA standards
  - Staff are trained on how to properly dispose of medical waste and hazardous materials

- **Appropriate Billing, Charging & Coding for services**
  - Accurate documentation for services provided
  - Medically unnecessary services shall NOT be billed to a third party payer. To do so would be considered a false claim.

- **Compliance with Antitrust Laws**
  - Sharing pricing, cost or profit information with competitors or from one vendor to another is inappropriate
CoxHealth Code of Business Conduct and Ethics

- **Gifting From Patients:**
  - It is inappropriate for employees to accept a personal gift from a patient.
  - Gifts can be donated to the CoxHealth Foundation, or you can call Corporate Integrity with any questions at 417/269-7655.

- **Protect CoxHealth Corporate Assets:**
  - Do not use for personal use, unlawful purposes.

- **Unbiased Decision Making**
  - At CoxHealth we do not accept or solicit gifts, bribes, kickbacks, gratuity or other forms of payments to influence a business decision.

- **Political Activity & Contributions**
  - CoxHealth encourages all employees to vote and be active in politics if they so choose; however, the activity must be on personal time.
  - Be sure not to hang political signs/pictures in your workspace or discuss candidates during work time.
CoxHealth Code of Business Conduct and Ethics

Harassment/Discrimination and Disruptive Behavior

Are all prohibited at CoxHealth and should be immediately reported

- Harassment can be in the form of:
  - Creating an uncomfortable work environment
  - Heckling or bullying a co-worker
  - Inappropriate sexual comments

- Discrimination can be:
  - Based on race, color, religion, veteran status, national origin, age, sex, disability, or financial status is prohibited
  - Hiring practices, promotions or delivery of healthcare

For additional information please see the full policy in the Policy Manager on the intraweb
Disruptive Behavior

- Interferes with patient care and/or work flow
- Staff generally will not report concerns if they’re afraid of getting yelled at or made to feel their question is inappropriate
- Affects overall employee morale
- Causes high staff turnover
- Undermines productivity
Report disruptive behavior when someone is…

- Criticizing caregivers in front of a patient
- Belittling or berating others
- Use of profanity or disrespectful language
- Racial, ethnic or socioeconomic slurs
- Raising your voice or yelling or shouting in a hostile manner
Cooperation with Government Officials…

- CoxHealth will fully cooperate with regulatory officials.
- Departments and/or employees should notify the Corporate Integrity Department or the Administrative Offices if contacted by a government official.
What to know if you’re contacted by a Government Agent

- The investigator has the right to contact you and request to speak with you.
- You have the right to choose whether or not to speak with any investigator. In all situations you have the right to consult with legal counsel before you decide whether or not to talk to the investigator.
- The government investigator does not have the right to insist upon an interview.
- Since you are not required to submit to an interview, if you decide that you are willing to submit to one, you have the right to insist upon any recondition you desire.
- Under all circumstances, remember that you must always tell the truth to government agents. Failure to do so may in and of itself, be a violation of the law.
Who are some of the government agencies?

This diagram provides a visual of just how many government entities are watching healthcare providers at any given time...that’s a lot of arrows coming at us!!!
CoxHealth Code of Business Conduct and Ethics

Work environment free from retaliation

- Retaliation is any act designed to cause harm to another when it is taken to “get even” for a perceived slight, or other action.

- Retaliation against any person who reports a concern to the Corporate Integrity Department, in good faith, is strictly prohibited.
CoxHealth Code of Business Conduct and Ethics

Violations of the Code of Business Conduct and Ethics will result in disciplinary action.

A copy of the Code of Business Conduct and Ethics can be found in the Policy Manager on the intranet, or you can call the Corporate Integrity Department for a copy at 269-7655.
Conflict of Interest Policy:

- Report any business arrangements you have that might be in conflict with the job you do for CoxHealth.
- Do not use your position for a personal benefit.
- Do not accept payments, gifts or improper entertainment for a recommendation to purchase a supply or service.

When in doubt about a conflict of interest call the Corporate Integrity Department at 417-269-7655.
Respect Patient’s Rights

Patients have the right to…

- Receive considerate care that protects their dignity and privacy
- Choose and be involved in their care
- Practice their religion and beliefs
- Make the decision to discontinue treatment

*CoxHealth has an Ethics review team who will work with the patient, their clinical team and family members when dealing with patient rights issues…*
Detection of Individuals or Entities Excluded from Government Programs

CoxHealth verifies that all employees, medical staff, board members, vendors, and volunteers have not been excluded from participation in government programs prior to initiating services/employment.
Fraud, Waste and Abuse by a Medicare Beneficiary...

Even a Medicare beneficiary (enrollee in Medicare) can abuse the Medicare program. Some examples of abuse to the system are:

- Sharing their Medicare ID card with others for treatment
- Misrepresentation of their medical status to seek drugs
- Doctor shopping for drugs
- Resale of drugs on the black market
- Prescription forging or altering
- Identity theft

If you suspect any of the above actions, immediately report your concerns to the Corporate Integrity Department or Security Department.
How do you report a concern?

**CONTACT:**

Corporate Integrity Department: 417/269-7655

Legal Department: 417/269-6577

Hotline: 417-269-5297 (COX-LAWS)

Toll Free – 888-340-5297
You have an obligation to report concerns...

- Report your concern to a government agency under the False Claims Act
- You can also report a concern to our accreditation authority and their link is on the CoxHealth homepage at www.coxhealth.com under the “For Our Employees” tab
- Another option is to contact Corporate Integrity Department:
  - By calling 269-7655
  - Hotline 269-5297 or 888-340-5297
Welcome to CoxHealth!

*YOUR* actions and *work ethic* will create the excellent reputation CoxHealth enjoys in this community.

Help us maintain that reputation:

**ALWAYS DO THE RIGHT THING!**