Seven Elements of a Compliance Program

- Designate a Compliance Officer
- Implement compliance and practice standards
- Conduct internal monitoring and auditing
- Conduct appropriate training and education
- Develop open lines of communication
- Respond appropriately to detected offenses and develop corrective action
- Enforce disciplinary standards through well-publicized guidelines.

With the passage of the *Patient Protection and Affordable Care Act of 2010*, physicians who treat Medicare and Medicaid beneficiaries will be required to establish a compliance program.
Areas of Vulnerability

- Lack of documentation or insufficient documentation
- Upcoding
- Billing for services that were not actually rendered
- Billing for services that were not medically necessary
- Billing for services that were performed by an improperly supervised or unqualified employee
- Duplicate billing
Recent Event

- Duplicate billing
- Notification timeline
- Opportunities/Monitoring
What To Do If You Think You Have a Problem

- Immediately cease filing the problematic bills
- Contact the Compliance Office
- Seek knowledgeable legal counsel, if necessary
- Determine what money was collected in error and report and return overpayments, in a timely manner
- Implement a Corrective Action Plan
- Conduct follow-up review(s) to ensure corrective action implemented and problematic billing ceased, as deemed necessary
Professional Billing Compliance Work Plan

Cyclical/Risk-Based Reviews
- One-third of all Part B Providers annually

Follow-up Reviews per Training & Sanctions Policy

External Review Activity

Education
- Orientation of New Providers
- General Compliance Training
- Structured Compliance Training

Program Development
- EMR/IT Development
- Policy Development
- Form Development

Special Projects/Resource
- New Revenue Streams
- Concerns/Issues
- Regulatory Changes
External Review Activity

Probe Reviews
- Currently received from Medicare, Medicaid, BCBS, Harvard Pilgrim, and Tufts
- Request between 20-40 records per probe
- Service dates are usually from 1 to 3 years old

Medicare Prepayment Reviews
- Random reviews of different CPT (Procedure) codes each month
- Service dates are current as the claims are in-process

Medicare Recovery Audit Contractors (RACs)
- Hospital claims are already being reviewed
- Professional billing reviews are underway
- Authorized to look at services no earlier than 10/1/2007 or 3 years from the date the claims was paid, whichever is shorter

Benefit Integrity Safeguard Contractor (BISC) or Clearinghouse
- Currently initiated by Medicare upon inquiry from patient or Medicare identifies potential for billing error
- Number of claims selected can vary
- Investigation may go back 4 years
- May involve a refund, Medicare may extrapolate
External Review Activity

Medicaid Integrity Contractor (MIC)
- Currently received from Medicare, Medicaid, BCBS, Harvard Pilgrim, and Tufts
- Request approximately 100 records per probe, no limits
- Service dates are usually from 1 to 5 years old

Medicaid Payment Error Rate Project (PERM)
- A new Medicaid initiative by CMS
- Looking at services up to 2 years old so far
- Expect low volume initially - This is the initial step in more extensive Medicaid fraud and abuse detection initiatives

Comprehensive Error Rate Testing (CERT) Program
- Random claims are sampled
- Continuous record requests received for CERT reviews
- Measure improper payment in the Medicare fee-for service program

Medicaid Recovery Audit Contractors (Medicaid RACs)
- Currently on hold, but plan to review both hospital and professional claims

* Please note – Alert the Compliance Office immediately if you receive an audit request from one of the sources above.
UMMHC Compliance Policies

- All UMMHC policies can be found on OurNet
  - Locate Administrative tab – Click
  - Locate Compliance under Departments and Programs – Click Header
  - Locate Physician/Professional Compliance – Click
  - Locate Professional Compliance Policies – Click

**Employed Physicians and Non-Physician Care Givers Coding, Billing & Documentation Training and Sanctions Policy**
- Reviews the orientation process, ongoing education, and the auditing and monitoring of records and retraining and sanctions for noncompliant providers.

**Teaching Physician Billing and Documentation Policy**
- Reviews information to insure that teaching physicians are present and appropriately involved in services provided in the teaching physician setting and that services are appropriately documented.

**Fraud & Abuse Reporting Policy**
- Provides guidance regarding the federal and state false claims acts, administrative remedies/fines, penalties, whistleblower provision, protection against retaliation and the role of these laws in preventing and detecting fraud, abuse, and waste in federal health care programs.
UMMHC Compliance Policies, Con’t.

Code of Ethics & Business Conduct

- Provides guidance to all covered individuals regarding the expectation and requirement of ethical conduct and compliance with all applicable laws, as well as the policies of UMass Memorial member entities.

- Ethical conduct and compliance is a personal responsibility and every covered individual is held accountable for his/her conduct.
Contact Information

Corporate Compliance:
- John Randolph, Vice President and Chief Compliance Officer – 508.334.0008

Professional Billing Compliance:
- Debra Nedder, Senior Director, Professional Billing Compliance – 508.334.8974

Hospital Billing Compliance:
- Marjorie Beal, Senior Director, Hospital Billing Compliance – 508.334.5593

Privacy and Lab Compliance:
- Terry O’Brien, Chief Privacy Officer and Lab Compliance Officer – 508.334.8096

Confidential reports can be made by calling 508.770.1290 or by mail to:
  Compliance Office
  One Biotech Park
  365 Plantation Street
  Worcester, MA 01655
Professional Billing Compliance Team

Compliance Specialists:

- Sheila Bembenek – 508.334.5535 or Sheila.Bembenek@umassmemorial.org
- Christine McCarthy – 508.334.8970 or Christine.McCarthy@umassmemorial.org
- Traci Watson – 508.334.1241 or Traci.Watson@umassmemorial.org
Thank you!