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Special Focus:
**Celebrating
National
Corporate
Compliance
and Ethics
Week**

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feature focus

Celebrating National Corporate Compliance and Ethics Week

The following articles on how some members celebrated National Corporate Compliance and Ethics Week last year are meant to help you plan for this year's celebration—May 20–27, 2007.

It Takes a Toga was written by Laurie Smaldon and Patty Hall. Laurie Smaldon is a Manager in the Health Industries Advisory Practice, PricewaterhouseCoopers and Patty Hall is the Eastern Connecticut Health Network Corporate Compliance and Privacy Officer. Laurie may be reached by telephone at 203/668-7343 and Patty may be contacted by telephone at 860/226-6577.

Ethics & Compliance Program: What is your pulse? was written by Joyce Sklark, MHA, CHC. Ms. Sklark is Ethics & Compliance Program Manager with Sutter Health. She may be contacted by e-mail at sklarkj@sutterhealth.org.

Celebrating Compliance and Ethics Week at University of Florida Jacksonville Healthcare was written by Maryann C. Palmeter, CPC. Ms. Palmeter is Associate Director, Office of Physician Billing Compliance with the University of Florida Jacksonville Healthcare, Inc. She may be reached by telephone at 904/244-2158.

Corporate Compliance and Ethics week at Morehouse School of Medicine, Atlanta, Georgia was submitted by Sarita Cathcart, MN, NP-C, CHC, Corporate Compliance Officer with Morehouse School of Medicine. She may be reached by e-mail at scathcart@msn.com.

It takes a toga to raise compliance awareness: A creative approach to marketing, effectiveness, and value within your organization

By Laurie Smaldon and Patty Hall

Introduction

The Office of Inspector General (OIG) Supplemental Compliance Program Guidance for Hospitals¹ has triggered lively discussion and debate and has been the basis for numerous articles and presentations regarding hospital compliance program effectiveness. In fact, compliance program “effectiveness” has become the next great frontier to consider and conquer. How do you know your organization's compliance program is effective? How do you know that what you have set out to do really matters? What indicators (often translated as billing and coding error rates, monitoring and auditing results, etc.) have been measured? And finally, what are the measurable or statistically valid outcomes that you, as the compliance officer, can point to and state with some reasonable degree of certainty. Can you say, “Yes, our compliance program is effective and we can identify those areas where we have been successful and where we need improvement.”?

As a consultant for one of the largest public accounting firms, I have great respect for identifying specific measurable indicators that can assess the effectiveness of whatever element of the compliance program is being evaluated. It works out nicely when it all “adds up”. But what about nonquantitative measures? What about more abstract approaches that can also have a direct impact on your compliance program and equally measure aspects of its effectiveness? As a consultant, I see my clients make different efforts and choose different indicators and/or measures to assess compliance program effectiveness.

One of the more interesting and creative approaches I witnessed this past year was launched by Eastern Connecticut Health Network (ECHN), a two hospital, nonprofit health system located just east of Hartford, Connecticut. ECHN conducted a rather unconventional, but undeniably memorable, marketing campaign. This week-long extravaganza, conducted on a limited budget, had far-reaching (measurable) effects on ECHN's Compliance Program. ECHN has since been able to demonstrate that its marketing activities have had a direct effect on at least three of the seven compliance program elements. Through its marketing effort, ECHN managed to raise employee awareness of the Compliance department and its role within the organization, open lines of communication between employees and the Compliance department, and establish a collaborative approach among departments to identify and respond to changes in regulatory requirements.

As a result, management reports that staff members are more receptive to requests and inquiries from the Compliance office, are more willing to directly approach the compliance officer with any real or perceived regulatory concerns, and are eager to track deficiencies or weaknesses early on so that corrective action can be implemented promptly.

The plan begins

As the corporate compliance and privacy officer for ECHN, when I first learned that Congress had designated a week to recognize corporate compliance and ethics programs, I knew right away I wanted to take advantage of this opportunity to raise awareness of the organization's compliance program among its entire workforce. In order to do so, I needed to develop a theme for the program to generate enthusiasm for "Celebrating Doing the Right Thing." Trying to incorporate any type of genuine interest and energy related to corporate compliance can be quite a challenge. With the exception of those of us who work in an organization's compliance department, there aren't too many other people who get excited about untangling the unending stream of rules and regulations that regulatory authorities subject our organizations to. Let's face it, the Stark and Anti-kickback rules don't even come close to making it to David Letterman's Top Ten List of Interesting Health Care Topics.

As compliance professionals, we all have a huge internal public relations challenge to market the benefits of having an effective corporate compliance program. Equally important, we must also encourage our employee population to actively engage in the program's success. The ideal compliance program is a program where the majority of the employees in the organization recognize that compliance is a positive thing. They realize that the program actually enhances employee morale and the organization's bottom line by avoiding unnecessary sanctions and fines, negative publicity and potentially costly damage control, and conceivably burdensome

regulatory intervention into the operations of the organization.

An effective compliance program will not emerge overnight, nor will it evolve by itself. Nonetheless, you have to start somewhere. My thought was to use the Corporate Compliance and Ethics Week to start building a better awareness of our program. Although ECHN's compliance program has been in existence since 1999 and has been evolving at a pretty steady pace, I believed that the program needed greater employee recognition, as well as a broader understanding at all levels of how corporate compliance affects the organization. My solution was to devise an internal public relations campaign that would be fun and spirited with an underlying meaningful message. Most important, it needed to leave a lasting impression that would trigger an ongoing association with the purpose of the program.

Realizing that, like Rome, quality compliance programs are not built in a day, I decided to use a Roman theme, recalling the days when togas were in fashion and broad pillars supported the architectural infrastructure of the day. The pillars would represent the foundation of ECHN's compliance program: honesty, integrity, and trust. To further support the concept, we thought it was important to have a spokesperson, who we developed as a Roman scholar, but who became affectionately known as the "Toga Man."

Campaign/Internal marketing strategy

ECHN is a mid-size community health care system with roughly 3,000 employees and a number of affiliates and off-campus outpatient departments. The Compliance department is currently only staffed by one full-time person—the Compliance and Privacy Officer—and a part-time administrative assistant. It was my goal, in spite of my department's limitations, to reach out to as many of these sites and employees as possible during this campaign.



In an effort to make people aware of the event, we publicized the days and times of the event in our bi-weekly employee newsletter. We also posted flyers throughout the organization announcing when the various events would be held and distributed follow-up e-mails to all managers and employees.

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To build excitement on the actual day of the event, we placed fairly sizable banners at the appropriate locations.

The week of celebration

The displays were staffed by representatives from Legal Affairs and the Compliance department. We gave away mouse pads, pens, note pads, and magnets that were all imprinted with our compliance logo and incorporated our Roman theme and the phone number for the Compliance hotline. In addition, we had a free raffle for gift certificates to the local mall and nice restaurants in the area.

“Toga Man”

The highlight of the event turned out to be our spokesperson’s surprise appearance at each site. I was able to enlist the support of our Senior Vice President and Chief Financial Officer (CFO), Kevin Murphy, to play the role of the Roman scholar for the event. He willingly and graciously donned a toga and the requisite laurel wreath and proceeded to play the part to the hilt. He mingled with people in the cafeteria and distributed mouse pads and the other trinkets as he promoted Corporate Compliance and Ethics Week. He posed for pictures with willing employees and even autographed mouse pads! It wasn’t long before word spread throughout the organization that “Toga Man” was in the cafeteria. Soon employees from other areas of the hospital joined in the fun, including cafeteria workers, environmental services staff, clinic employees, volunteers, and all levels of management.



At one of the affiliates that we visited several days after the initial event, we were greeted by a number of staff members dressed in their own togas and headdresses. They even had a toga for the corporate compliance officer to wear. Although I am somewhat reserved, I caught the toga spirit and readily dressed for the part.

By the end of the week, we had visited all of ECHN’s affiliates, promoted the program, and distributed our promotional marketing

gifts. From purely an “audience participation” perspective, we were a success. What we did not know, at the time, was the magnitude of the impact our efforts would have on the enhancement of the program. At a minimum, we were certain more people were aware of the compliance program and its purpose and function within the organization.



Lasting impressions and tangible program improvements

In hindsight, almost a year later, I can unequivocally state that our marketing efforts, along with the support of senior management, specifically our CFO, Kevin Murphy, provided the compliance program with “top of mind” awareness amongst the staff. The Toga Man and his role as our spokesperson was the talk of the organization for many weeks. Pictures of the event floated all over the organization and were shared at a variety of meetings, including board meetings. An article was printed in our employee newsletter featuring pictures from the various sites we had visited throughout the week. I personally received a tremendous amount of positive feedback on how we approached the campaign in a humorous, but meaningful, way. Was it a risk? Yes. Was it worth it? Absolutely!

Some of the tangible impacts of the marketing campaign became apparent immediately. Some evolved progressively over the next year. Most immediate was the recognition by senior management and its support and endorsement of the compliance program. As you know, senior management’s support of any compliance program is critical to its credibility and success.

In addition, I started to notice an increase in the collaboration among employees from different departments who worked together to resolve compliance issues. We had been using a tracking mechanism for roughly the past year or so to monitor our compliance with the Medicare and Medicaid regulatory directives that impact our organization. On a monthly basis, Compliance updates the tracking log and distributes it across the organization to affected departments to ensure that the organization is aware of any new requirements or revisions to regulation(s) that need to be addressed.

Soon after our marketing campaign I began to notice more communication

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between departments to ensure all of the various operational aspects of the regulation(s) were implemented in a timely manner. Departments no longer functioned in a vacuum; it became clear that departments had a much better understanding that compliance requires several departments working together to function effectively. One particularly good example of this effort was a new committee formed by the Information Technology (IT) department.

At its own initiative, IT created a committee to work together with the various departments it supports on the issues identified in the regulatory tracking log. The purpose of the workgroup is to ensure nothing is overlooked or neglected from an IT perspective. Often the most difficult aspect of implementing a regulation is ensuring it can be operational within the organization, which more often than not requires IT's input and assistance. This workgroup was one of the more substantial improvements of the compliance program overall; its creation was proof that different areas of our organization are willing to embrace compliance concerns and accept responsibility for implementing the necessary changes. As a result, we achieved an exemplary method for working collaboratively as an organization to detect and respond to deficiencies and/or weaknesses.

In addition, calls to the Compliance department and the hotline increased substantially with questions regarding everything from privacy, security, release of information, policy interpretation, and general compliance concerns. A new openness based on trust was evolving, and broken processes were now being identified without fear of retribution. Senior management's demonstrated support of the compliance program, along with our lighthearted yet substantive educational approach, fostered the awareness that one could bring compliance concerns forward without fear of retaliation. Word soon spread that it was not only encouraged, but "safe" to approach the Compliance department with regulatory issues or concerns. We are now well on our way to achieving a cultural shift in the organization where we are more likely to be able to prevent, detect, and correct problems as they arise.

More recently, I have seen even greater strides being made that enhance the effectiveness of our program. Beginning in 2006, the board of trustees agreed to combine the Compliance Steering Committee with the Internal Audit Committee. In addition, the Compliance department was given the authorization and necessary funding to recruit a corporate compliance internal auditor to conduct more coding and reimbursement audits of risk areas identified in the Office of Inspector General (OIG) Work Plan and other self-assessments identified through our own risk analysis. In addition to senior management, our governing board now has a better understanding of the role of compliance and values its contribution, processes, and established internal controls that support the organization. We

have succeeded at setting the tone at the top: a commitment to compliance from the hospital's governance and management at the highest levels.

1.) Federal Register vol. 70, No. 19, January 2005

Ethics & Compliance Program: What is your pulse?

By Joyce Sklark, MHA, CHC

Sutter Health has had a voluntary ethics and compliance program in place since December 1996. The Sutter Health System consists of 35 affiliated entities (hospitals, medical foundations, and other associated entities) that employ approximately 43,000 employees in northern California. Each of our affiliates has developed its own ethics and compliance program pursuant to and in conformity with Sutter Health Ethics & Compliance Policy. Ethics & Compliance Services, located in the Sutter Health "Corporate Office," provide support for the individual programs and system-wide training curriculum.

One of the elements found in the 1991 Federal Sentencing Guidelines/OIG Guidance for Hospitals is education. While it is not usually difficult to come up with topics for the annual education—making it interesting and exciting (operative word here is *exciting!*) for employees is a huge hurdle to overcome. Another component is measuring the effectiveness of the ethics and compliance training that is provided annually. Is it by merely asking employees to complete a post and/or pre test? In answering this question we found ourselves challenged to come up with an "innovative idea" for checking the "ethics and compliance pulse" of our employees. This innovative challenge led the Ethics & Compliance Services division to sponsor a Compliance & Ethics Awareness Campaign for the corporate office employees.

Using National Corporate Compliance & Ethics Week (celebrated May 23–26, 2006) as our spring board, we held four one-hour sessions (11:30-12:30) at two of our support services locations and provided materials to two other locations. However, before going any further with this review of our campaign efforts, we would like to give credit where credit is due—this idea began with the article, Celebrate National Corporate Compliance & Ethics Week, found in the April 2006 publication of **Compliance Today**, as well as the republished articles found on the HCCA website (Celebrate Compliance Day and Week, December 2002). Thank you to the authors for sharing their experiences and thank you HCCA for providing these resources!

The first steps involved in developing our campaign plan included

answering some basic questions:

- Who needs to be involved in making it happen?
- What incentives do we use to encourage employee attendance?
- Will senior leadership approve/support our efforts?
- Is there enough time to plan an effective campaign?

Believing we could meet this challenge, we presented the idea to senior leadership who gave us their approval and full support. Joining in our efforts was the Support Services Human Resources Manager. Our collaborative efforts led to establishing a time line, identifying needed resources, and assigning duties. The following is a summary of the steps which led up to the actual week of our Compliance & Ethics Awareness Campaign:

- Sent out a ‘kick off’ e-mail early in the game to get employees excited about the event
- Ordered supplies for the creation of storyboards
- Created storyboards with the following themes:
 - Historical overview of Sutter Health Ethics & Compliance Program and our Confidential Message Line statistics
 - Published training resources for accurate coding
 - Definition and scenarios related to fair treatment of employees (policies related to this topic were made available to all employees)
 - HIPAA Privacy updates Frequently Asked Questions (FAQs) document was provided as well as a resource document pertaining to ‘What you should know about your Protected Health Information.’
- Reserved rooms for each day of the campaign
- Identified the type of gifts that would be awarded for the different drawings:
 - Daily door prize drawing
 - Final day drawing for the first ten attendees from each day
 - Ethics & Compliance Quiz drawing
 - Best response to the question of; “What ethical behavior means to me.”
 - Department with the highest percentage of attendance
- Purchased gifts and food (we decided on cookies and miniature candies)
- Created ‘goody bags’ which included:
 - Standards for Business Conduct bookmark
 - Embossed Confidential Message Line ink pen
 - Miniature candy bars
 - Information resource card (with names & numbers)
 - Soda cap sipper lid (with Confidential Message Line number embossed).
- Communication – During the week of the campaign we sent out daily e-mails announcing the daily door prize winner and encouraging attendance at one of the other sessions (Note: the final day drawing for the ‘First Ten Attendees’ was a great incentive... each

day of the event we actually had folks lining up 10-15 minutes early so that they could be one of the first ten).

Throughout the course of our campaign, we were met with a lot of enthusiasm and kudos for using this approach in an effort to keep ethics and compliance in the forefront of everyone’s mind. The quiz also sparked some great discussions regarding conflicts of interest and the guidelines for employees receiving gifts. This afforded us an excellent opportunity to share our policies, identify additional resources, and to clarify where there were some misconceptions.

We were especially proud of our employees and the responses they submitted regarding the question, “What Ethical Behavior Means to Me.” Below is a recap of the winning answer.

“Ethical behavior is behaving in a way that lends deference and respect to laws, rules, and norms in going about our day-to-day business. Ethical behavior manifests itself in questioning opportunities and their potential consequences. Ethical behavior translates into trusted actions and interactions with one another. Sometimes challenges can arise in the most innocent circumstances.

As an example, I personally experienced an incident where a long-time vendor sent me a birthday present, a beautifully engraved, black iPod Nano. It was a wonderful gift. However, our organization does not allow the acceptance of vendor gifts over a very minimal amount and so I graciously returned the gift to that vendor. Ouch! Deep down, I really wanted it, as you can imagine.

However, accepting the gift was not permitted and I could have cast myself into the uncomfortable, and possibly expected position of placing subtle deference to my vendor rather than my own organization. The good news is that there is nothing stopping me from going out and buying an iPod Nano!

In this ethical challenge, the vendor learned that they are working with an ethical company. I can also feel confident that I am above reproach in matters of vendor ethics. Everybody won...”

At the conclusion of our Awareness campaign, the results were shared with the Audit Committee Board. The Chair commended us on the results and is anticipating greater results next year. In light of the positive feedback and high expectations for the future, we are already planning next year’s event.

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Celebrating Corporate Compliance and Ethics Week at University of Florida Jacksonville Healthcare

By *Maryann C. Palmeter, CPC*

The University of Florida Jacksonville Healthcare, Inc. (UFJHI) and the University of Florida Jacksonville Physicians, Inc. (UFJPI) celebrated National Corporate Compliance and Ethics Week on May 24, 2006. The UFJHI HIPAA Privacy Office, Internal Audit Department, and Office of Physician Billing Compliance hosted a display table in the atrium of the Health Science Center Building. Posters and information featuring ethics and compliance programs on the Jacksonville campus were highlighted. Pens featuring the Billing Compliance and Corporate Responsibility Hotline phone number were distributed to employees. In addition, employees were given an opportunity to answer questions related to compliance and enter their responses into a drawing to win a \$50.00 gift certificate to Target.

Mark Hudak, MD, pediatrics professor and Chief, Division of Neonatology was presented with the inaugural "Compliance Advocate" award for 2006. Dr. Hudak is the Compliance Leader for the Department of Pediatrics. The compliance leader acts as a liaison between the Office of Physician Billing Compliance and the clinical departments and is responsible for attending quarterly Compliance Committee meetings, distributing and communicating relevant compliance information to departmental faculty and administrators, participating in internal compliance audit functions, and monitoring the effectiveness of departmental compliance activities on a regular basis. Dr. Hudak was recognized for his leadership, integrity and continued support of UF College of Medicine - Jacksonville compliance efforts on this campus, at Baptist Medical Center, and other hospitals in Jacksonville and Orange Park where Pediatrics department members care for patients.

Recent corporate scandals in the United States, along with federal and state government efforts to weed out fraud and abuse in the Medicare and Medicaid programs, have resulted in increased legislation and regulation of the health care industry. Many health care companies in the United States have responded to both the scandals and legislation by developing, implementing, and maintaining corporate ethics and compliance programs. The University of Florida College of Medicine has had a comprehensive compliance program in place since June of 1996. This program is intended to detect and prevent violations of law, protect patient confidentiality, and develop internal compliance policies and organizational principles. In addition to the Human

Resources and Education departments, UFJHI and UFJPI have three departments that oversee compliance and integrity in the organization. These departments are the HIPAA Privacy Office, the Internal Audit Department, and the Office of Physician Billing Compliance. These departments audit and monitor mechanisms to test compliance, ensure open communication, and provide reporting mechanisms via the Billing Compliance and Corporate Responsibility Hotline and the UF Privacy Hotline. In addition, these departments assist the faculty group practice with the development of training programs and various corrective action measures designed to educate faculty, residents, physician extenders, and staff on the laws, regulations, and policies that affect their business operation.

The establishment of National Corporate Compliance and Ethics Week allows us to celebrate the creation and maintenance of ethics and compliance programs, and their resulting impact on the integrity, ethics, and compliance of the organizations that have created them.



Maryann Palmeter, Associate Director of Physician Billing Compliance, presents the "Compliance Advocate of the Year" award to Mark Hudak, MD. Dr. Hudak is a pediatrics professor and Chief of the Division of Neonatology. He also serves as the Compliance Leader for the Department of Pediatrics.



Dr. Mark Hudak is recognized as "Compliance Advocate of the Year" by the UFJHI HIPAA Privacy Office, Internal Audit Department, and Office of Physician Billing Compliance.

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Celebrating Corporate Compliance and Ethics Week at Morehouse School of Medicine, Atlanta, Georgia

by Sarita Cathcart, MN, NP-C, CHC

During the week of May 22 – 26, 2006, the medical school focused on our re-commitment to Corporate Compliance. We had a major on-line HIPAA re-training kick off, re-naming of the compliance newsletter contest, and table display in the cafeteria with give-a-way items including stress balls, letter openers, pads, and highlighters.

The compliance team also administered questionnaires—test your compliance awareness. The Corporate Compliance Officer, Sarita Cathcart-McLarin, MN, NP-C, CHC, and Compliance Coordinator Rosie Callender, RHIA, CPC demonstrated on-line training modules and discussed compliance policies and concerns with employees.



Sarita Cathcart, MN, NP-C, CHC and David Satcher, MD, MPH, Interim President / Morehouse School of Medicine and 16th US Surgeon General



Employees completing questionnaires



Rosie Callender, RHIA, CPC discusses Compliance training with MSM employees.

Tell us how you celebrated National Corporate Compliance and Ethics Week!

Please let us know how you celebrated National Corporate Compliance and Ethics Week in 2007. Either write a brief article, or send us a listing of your activities and photographs. We'll publish them in **Compliance Today**. Please e-mail them to margaret.dragon@hcca-info.org.

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