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Hello!

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Integrity without Ignorance

Working in healthcare industry it's especially important to work with ***utmost integrity*** in how responsibilities are carried out. There are constant challenges to maintaining integrity, for instance, by simply not looking the other way when something should be addressed, or not recognizing our own ignorance can inhibit our *integrity*.

What does it mean to have integrity and how can integrity be applied in the healthcare industry?

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Now's your chance, ask away...

Too shy? You can also:
Call me at 801-657-4492 or
Email me at eric@hcp.md



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WHAT IS INTEGRITY ?

- Integrity is often used synonymously with words like honest, moral, righteous, trustworthy, dependable, ethical or truthful.
- Integrity is having consistency in the different types of situations we come across, in both our personal and professional lives. Being consistent in our values, methods, principles, expectations, outcomes, and actions.

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“Real integrity is doing the right thing, knowing that nobody’s going to know whether you did it or not.”



- Oprah Winfrey

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WHAT WOULD YOU DO?

Scenario #1: You are walking down the street, you find a wallet on the ground. Inside is \$20 and the owner's ID.
What do you do?



What if it was \$200? \$2000?

What if it only had cash & no ID?

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WHAT WOULD YOU DO?

Scenario #2: You park your car and accidentally open your door into the parked car beside your stall and dent their door. **What do you do?**

What if the car you dented is high end or a junker?

What if you are in a hurry and don't have time to deal with the incident?

What if you can't afford another claim on your insurance?

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WHAT IS *IGNORANCE* ?

“Real knowledge is to know the extent of one’s ignorance.” - Confucius

- Ignorance is having limited or a lack of knowledge, awareness, or training.
- Being ignorant creates blind spots that lead to making ill-informed, uneducated, naive or even selfish decisions.

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IGNORANCE & DISCRIMINATION

The 1964 Civil Rights Act prohibits discrimination on the basis of an individual’s race, color, religion, sex or national origin.

It is considered unlawful and unethical to discriminate against others in a professional setting, for those of us who work in the medical field this includes patients, providers, vendors, and co-workers.

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IGNORANCE and DISCRIMINATION

Discrimination could be based on but not limited to:

- Sexual Orientation
- Gender and/or Sex
- Religion
- Criminal Record
- Veterans
- Possible Disabilities
- Race
- Age
- Ethnicity
- Immigration Status
- Spoken Language
- Socioeconomics
- Literacy
- Political Allegiance

This list is not all inclusive to all the many ways a person could be discriminated against.

How can we avoid being discriminatory in a professional setting when it challenges our personal beliefs at times?

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ACA SECTION 1557

Section 1557 is the nondiscrimination provision of the Affordable Care Act (ACA). The law prohibits discrimination on the basis of race, color, national origin, sex, age, or disability in certain health programs or activities.

Section 1557 extends nondiscrimination protections to individuals participating in:

- Any health program or activity, any part of which, received funding from HHS
- Any health program or activity that HHS itself administers
- Health Insurance Marketplaces and all plans offered by issuers that participate in those Marketplaces.

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CHALLENGES TO OUR INTEGRITY

At a young age many of us have been challenged in our integrity, *the little lies of our youth.*

“Yes Mom, I cleaned my room.”...we all know that everything is now shoved under the bed or in the closet.

As we grow older, maybe the little lie grew into a bigger one of hiding our report cards from our parents or sneaking out after curfew!



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CHALLENGES TO OUR INTEGRITY

As we grow, these are the examples we can look back on for how we learn what it is to be honest and the process of learning what integrity is.

Sometimes as we become adults our *personal* integrity can become at odds with our *professional* integrity.

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TOLERANCE OF THE INTOLERANT

Imagine, a tolerance test of being forced to listen to music you may detest without complaint, then imagine being forced to just listen to classical orchestral music when you are a hard rock type of music listener.

How would you do?



It can be difficult to be live in an intolerant world and struggling with being tolerant of others. In a perfect world everyone we would come across in our lives wouldn't be challenging our own personal beliefs.

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TOLERANCE OF THE INTOLERANT

In the medical field, the following examples could present challenges to our tolerance for others:

If you are a devout Christian are you going to be able to treat the atheist the same as the priest?

Providing the same level of care to an alleged rapist needing treatment as you would the alleged victim?

How about billing the Medicare patient for their exact treatment plan even though you could have gotten away with billing more?

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PERSONAL INTEGRITY

What does it mean to have personal integrity?

Personal integrity could be described as the ability to be true to yourself, your values and beliefs. To follow your moral and ethical convictions consistently and without falter. It means that you keep your word, whether it is the promise to read a book to your child or to cover a colleague's shift.

Having personal integrity means that you are credible and consistent with your choices and behaviors towards yourself, your colleagues, friends, patients, family and even strangers.

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EXAMPLE OF HAVING PERSONAL INTEGRITY

You have just finished shopping and unloading your purchases to your vehicle; you realize they forgot to charge you for something in your cart.

What do you do?

The store was incredibly busy, and you don't want to head back in.



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EXAMPLE OF HAVING PERSONAL INTEGRITY

Do you attempt to rationalize keeping it without going back in to pay for it?

Perhaps, the store is a big box retailer and they won't hurt over the lost sale. There are insurances and big stores plan for things like that after all.

Or maybe, the fact that it was an honest mistake makes it forgivable to keep?

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13 TIPS ON HAVING AND MAINTAINING PERSONAL INTEGRITY

- Be honest, dependable, and assertive.
- Self-exam against your challenges with confronted with situations.
- Admit to your own mistakes.
- Be mindful to respond rather than react.
- Be true to yourself.
- Don't participate in deprecating behaviors.
- Don't talk ill of others or gossip.

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13 TIPS ON HAVING AND MAINTAINING PERSONAL INTEGRITY

- Speak up for those who cannot for themselves.
- Uphold the confidence and privacy of others.
- Keep your promises even though it might mean admitting to a mistake or take extra effort to do so.
- Admit to your mistakes and find solutions to them.



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PROFESSIONAL INTEGRITY

- Making an error & owning up to it.
- Patient Care and Medical Records
- Billing, Coding and Revenue
- PHI Data Integrity - complete, accurate and stored
- Treating all patients equally.
- Adhere to the organizations policies and procedures.



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PROFESSIONAL INTEGRITY

- Keeping your employees and patients informed.
- Practicing respect and empathy.
- Avoiding handling personal matters on company time, whether it is socializing, distracted on your phone or lacking a sense of urgency in your duties.
- Being responsible
- Conflict of interests



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HAVING PROFESSIONAL INTEGRITY EXAMPLES

Having integrity:

A nurse at the University of Utah Hospital in SLC was arrested for refusing a police officer access to an unconscious patient that had been involved in a serious car accident.

The nurse held onto *her integrity* by refusing to allow the blood draw since the patient was: not under arrest, could not give consent, and the officer lacked a warrant. The nurse upheld the hospital policy that was previously approved by both the hospital and local police agencies.

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HAVING PROFESSIONAL INTEGRITY EXAMPLES

Having integrity:

The police officer, also working within his professional integrity, was told to collect the blood sample. Because the patient was a truck driver with a CDL license that had been involved in a fatal accident and federal regulation requires a blood sample to be drawn.

This serves as an example of a double dilemma of integrity!



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LACKING PROFESSIONAL INTEGRITY EXAMPLE

Lacking Integrity:

A South Florida Healthcare Facility owner was convicted for his role in the largest healthcare scheme ever. The fraud included an estimated \$1.3 billion in fraudulent claims to Medicare and Medicaid for services that were either medically unnecessary or never completed. Along with the fraud, witnesses testified to the poor conditions and inadequate care the patients received.

A gross lack of integrity.

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INTEGRITY vs IGNORANCE IN THE MEDICAL FIELD

The medical field has the unique ability to require **integrity** throughout the field but the opportunity for **ignorance**, the natural enemy to integrity, to thrive within it.

Ignorance can be found in all areas of healthcare, with regards to the practices and procedures of:

- Patients
- Providers
- Clinical Staff
- Housekeeping
- Laboratories
- Coding and Billing
- Administrative Staff

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“Ethics is knowing the difference between what you have *a right* to do and what *is right* to do.”



- Potter Stewart, Assoc. Supreme Court Justice

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INTEGRITY AND ETHICS:

WHERE POLICY AND PROCEDURES END OR ARE LACKING, ETHICS BEGIN

What happens in situations where there is sort of a gray area between what is right or wrong?

When there isn't a clear policy or procedure to follow?

When you feel strong within your integrity and your ignorance is managed what comes next?

In these gray murky areas, where policy and procedures end or are lacking, and a Code of Ethics begins.

Having a code of ethics to abide provides medical professionals a system of shared values to be followed, regardless of personal values.

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THE FOUR COMMON THEMES OF ETHICS

Ethics is the basis of what is considered good, righteous or just behavior. It is a guide on how to handle situations to determine the best outcome.

- 1. Beneficence-** To do good and to benefit others.
- 2. Nonmaleficence -** To prevent or lessen harm to others.
- 3. Autonomy -** The right of an individual to choose.
Respect for the individual
- 4. Justice -** Fairness, and to be treated with equality

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CODE OF ETHICS

Many health professionals take on a code of ethics, typically a variation of the Hippocratic Oath or the Nightingale Pledge when beginning their careers.

Codes of Ethics may include the following elements:

- Place the patient's interests first, while promoting their overall health, safety and rights.
- Protect the autonomy, dignity and privacy of the patient.
- Maintain confidentiality.
- Operate with respect for others, including colleagues, patients and their families.

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CODE OF ETHICS cont.

- Maintain competency and knowledge.
- Practice in a non-discriminatory and non-judgmental way.
- Maintain a strong work ethic, being on-time, thorough with all tasks.
- Make correct decisions that produce high quality results.
- Report cases of suspected abuse to authorities.
- Understand the resources available and reducing unnecessary waste.
- Be consistent with the level of care.
- Promote and monitor the environment for safety hazards.

All medical professionals must adhere to a strong, unwavering Code of Ethics.

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ETHICAL DILEMMA

Ethical dilemmas can create a struggle between fighting against your own ignorance or judgements and how you approach them from an unbiased perspective.

Having a code of ethics requires a shared set of values with which many of these examples will be handled, regardless of any inherent bias or ignorance towards it.

- Patient Privacy and Confidentiality
- Romantic Relationships
- Harassment
- Malpractice and Negligence
- Informed Consent
- Improvement and Access of Care
- Building and Maintaining a Strong Healthcare Workforce
- Care Quality vs Efficiency

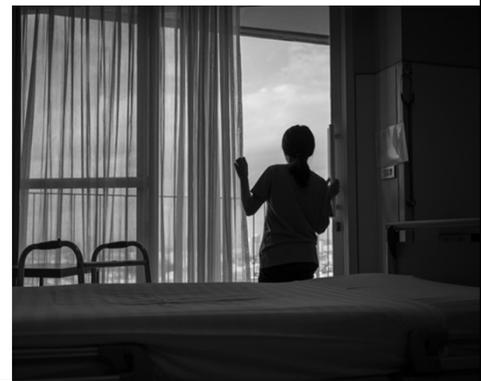
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INTEGRITY & ACCOUNTABILITY

Having the integrity to admit when errors are made, whether it was a wrong notation on a patient's chart or the accidental fatal dosage of a medication to patient.

Integrity means holding yourself and all employees to be accountable for their actions.

Exposing these issues can be done by reporting to management or the appropriate agency, and/or by becoming a whistleblower.



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INTEGRITY AND ACCOUNTABILITY

Have the integrity to speak out on any of the following issues, and more:

- Overbilling
- Employee Dishonesty
- Cutting corners
- Suspected child or patient abuse
- Fraud, Waste or Abuse
- Reporting Harassment
- Safety Violations
- Malpractice
- Security Breaches
- Public Health Violations
- Environmental Waste and Dangers
- Discrimination

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BLOW THE WHISTLE!

A **whistle blower** is often an employee who brings wrongdoing by an employer or other employees to the attention of a government or law enforcement agency, or a person who informs on a person or organization that has engaged in an illicit activity.

In some situations when an employee exposes an unsafe, illegal or unethical practice; the employee then experiences **retaliatory action**.

There are certain whistleblower statutes that can protect them.



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THE RISK AND FEAR FROM EXPOSING

Integrity can be difficult to hold onto when there is fear of the risks involved in speaking up or being a whistleblower.

The risk and fear of being:

- Terminated
- Retaliated against
- Passed over for promotions
- Demoted
- Discriminated against
- The topic of gossip

Organizations should consider the use of compliance hotlines to build trust, offer protection and increase the likelihood of employees to report things they witness, if they could do so anonymously.

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PROTECTIONS FOR WHISTLE BLOWERS

The **False Claims Act** is a federal law that makes it a crime for any person or organization to knowingly make a false record or file a false claim regarding any federal health care program, which includes any plan or program that provides health benefits, whether directly, through insurance or otherwise, which is funded directly, in whole or in part by the United States Government or any state healthcare system.

The federal **False Claims Act** protects employees who report a violation under the False Claims Act from discrimination, harassment, suspension or termination of employment as a result of reporting possible fraud.

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PROTECTIONS FOR WHISTLE BLOWERS

Along the False Claims Act there are several protections in place for whistleblowers from:

- State and Federal Laws
- OSHA Whistleblower Protection Program
- U.S. Equal Employment Opportunity Commission (EEOC)
- Wage and Hour Division (WHD)
- National Labor Relations Board (NLRB)

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EXAMPLES OF WHISTLE BLOWS!

In 2012, after former employees became whistle blowers the pharmaceutical company GlaxoSmithKline met a settlement of \$3 Billion.

- The company had engaged in corruption that led to the improper use of the prescription drugs (Advair, Wellbutrin, Immitrex, etc.) to be used “off-label” for unapproved uses. This misrepresentation and unsafe use lead to Medicare, Medicaid and Tricare having losses.

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EXAMPLES cont.

In 2009, a \$302 million settlement by Quest Diagnostic Inc. for the selling of medical test kits known to have inaccurate test results, putting the health of countless dialysis patients at risk.

- Based on the results of these faulty tests doctors determined the best treatment for their patients including the decisions for painful treatments, and even surgery to remove the parathyroid glands.

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HIPAA SECURITY RULE AND HEALTHCARE INTEGRITY

Having integrity under the **HIPAA Security Rule** is concerned with data or information. Integrity means the data or information is an exact copy of the original version, unaltered or destroyed in an unauthorized manner.

- Covered entities are required to “ensure the confidentiality, integrity, and availability of all electronic protected health information the covered entity or business associate creates, receives, maintains, or transmits.”

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HIPAA HEALTHCARE INTEGRITY AND PHI

In terms of healthcare compliance, are we doing everything we can to ensure the integrity of all ePHI we receive, maintain or transmit?

- HIPAA's integrity standard means that you "implement policies and procedures to protect electronic protected health information (ePHI) from improper alterations or destruction."
- Implemented policies and procedures should mitigate the risks or threats to ePHI by any technical and non-technical sources.

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USING An SRA TO ENSURE INTEGRITY IN YOUR ORGANIZATION

One way a covered entity can ensure integrity of their PHI is to consider various risks during their security risk analysis.

- During an SRA, a covered entity may identify vulnerabilities such as ineffective or non-existent policies and procedures; a username and password policy that does not meet the recommended strong password requirements.
- A covered entity may identify weaknesses in how protected information is received, maintained or transmitted, such as not using encryption or other reasonable safeguards for storing that information.

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BREACH!

Recognizing, reporting and creating a corrective action when a break occurs is sign of *integrity*. The Office of Civil Rights (OCR) knows that breaches can happen in several different ways.

Ten Common Breaches:

1. Giving a patient a visit summary belonging to another patient.
2. Sending a fax or email to the wrong recipient.
3. Mailing an entire medical record, or part of, to the wrong patient.
4. Computer monitors positioned in a way that PHI can be read by patients or visitors to your facility.

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BREACH! cont.

Ten Common breaches continued:

5. Having a device stolen that was used for accessing or storing PHI.
6. Disposing of PHI in the trash instead of shredding.
7. Sending a text message or email containing PHI without reasonable safeguards in place.
8. Employees disclosing PHI to friends or family.
9. Being reckless when discussing patient information in the presence of others.
10. Having a computer monitor not set to properly time-out when not in use.

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CONCLUSION

Is your organization doing their part to ensure that they are viewed as having integrity?

- Having integrity means having a culture that is welcoming because it has trust, respect and professionalism.
- Integrity is in many ways derived from the way in which we are viewed by others and a measure of what we do and how we do it daily.
- Integrity is also shown with how employees are selected, treated and disciplined. It is also determined by conducting thorough background. It is also shown by adhering to checking employees on a regular basis against the Excluded Individuals and Entities list.

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