RETHINKING THE CODE OF CONDUCT: BUILDING EFFECTIVENESS THROUGH SIMPLIFICATION

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1

INTRODUCTION

1. How did we get here?
2. What are we trying to accomplish?
3. How will it be accomplished?

2

HOW DID WE GET HERE?

THE CODE OF CONDUCT: IDEAL VS. REAL

| **Ideal:**	**Real:**
1. Employees read the Code	1. Employees only see the Code when they have to complete an attestation
2. Employees understand what they read	2. If they read it, they immediately brain dump it afterwards
3. Employees refer to the Code	3. Employees do not know where to find the Code
4. Employees know where to find the Code	4. Employees will tell you they have never seen the Code
	5. When they need guidance, employees go by what they have been told to do or what they think they should do

7 QUESTIONS TO EVALUATE YOUR CODE:

1. What is the actual name of your Code?
2. How many pages are included in your Code?
3. Do you know the topics that are included in your Code?
4. Does your Code address the Anti-Kickback statute?
5. Do you know that because that is the type of thing that would be covered or because you know for certain the page/section?
6. Could you recite a standard from your Code?
7. Are you confident that you could identify a standard that is <u>not</u> in your Code?

WHAT DOES YOUR CODE LOOK LIKE?

- How many pages?
- What content is covered?
- Who is your intended audience?
- How is it distributed?
- How many people know how to access your Code?
- How many people are actually using your Code?
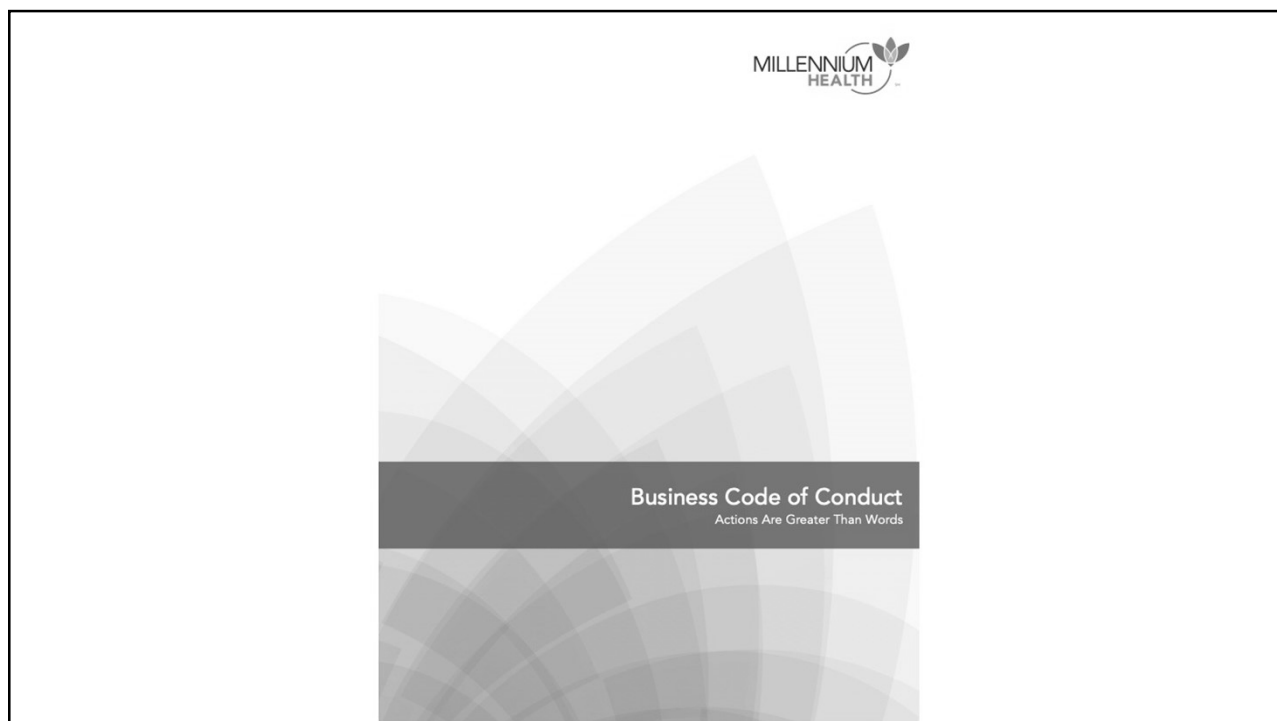
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Millennium Health Business Code of Conduct

01 Act with integrity and in compliance with the law

02 Ask questions, seek guidance and raise concerns

03 Treat each other fairly and foster a safe and productive workplace

04 Avoid conflicts of interest

05 Compete with integrity in the marketplace

06 Interact appropriately with customers

07 Avoid bribery, kickbacks, and corruption

08 Safeguard the quality of products and services

09 Maintain accurate books and records

10 Protect information and assets

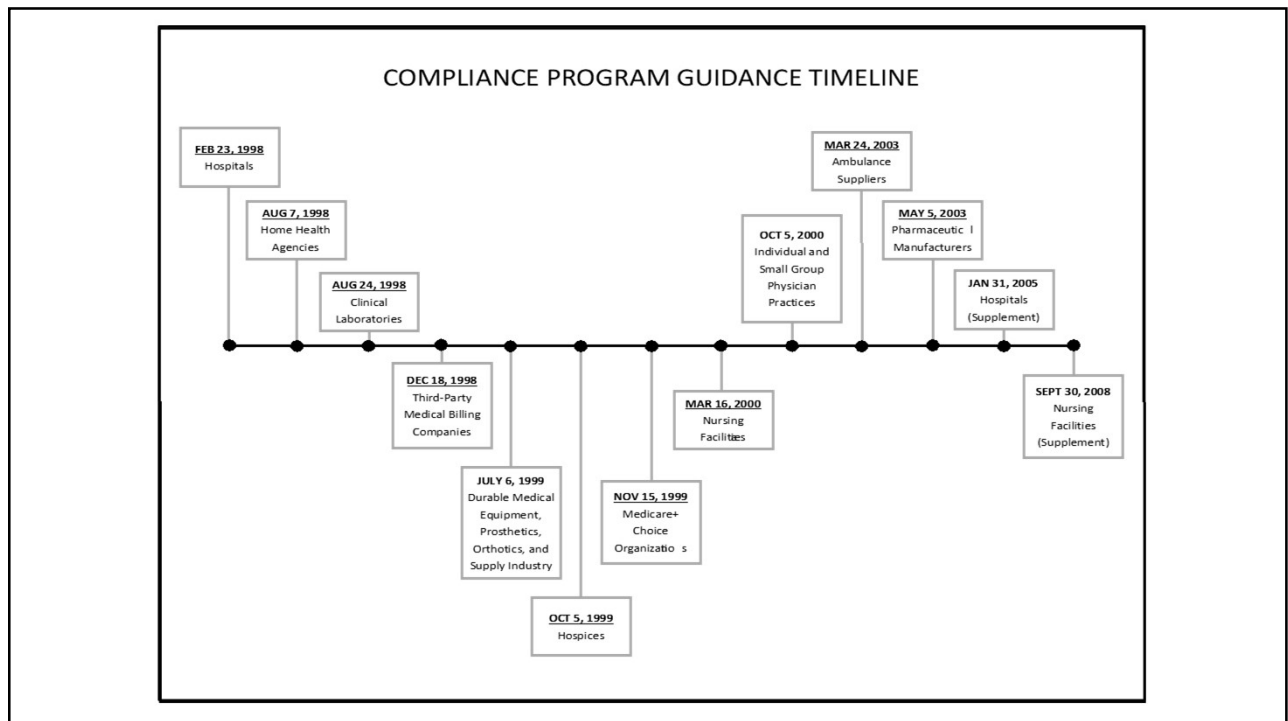**11** Encourage individual volunteerism and corporate social responsibilities

9

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10

WHAT ARE WE TRYING TO ACCOMPLISH?

11

COMPLIANCE PROGRAM GUIDANCE TIMELINE

FEB 23, 1998
Hospitals

AUG 7, 1998
Home Health
Agencies

AUG 24, 1998
Clinical
Laboratories

DEC 18, 1998
Third-Party
Medical Billing
Companies

JULY 6, 1999
Durable Medical
Equipment,
Prosthetics,
Orthotics, and
Supply Industry

OCT 5, 1999
Hospices

NOV 15, 1999
Medicare+
Choice
Organizatio s

MAR 16, 2000
Nursing
Facilities

OCT 5, 2000
Individual and
Small Group
Physician
Practices

MAR 24, 2003
Ambulance
Suppliers

MAY 5, 2003
Pharmaceutic l
Manufacturers

JAN 31, 2005
Hospitals
(Supplement)

SEPT 30, 2008
Nursing
Facilities
(Supplement)

12

6

OIG COMPLIANCE PROGRAM GUIDANCE:
CODE OF CONDUCT

1. Clearly delineated commitment to compliance by the members of the organization

2. Organization commitment to comply with all Federal and State standards, with an emphasis on preventing fraud and abuse.

3. Organization's mission, goals, and ethical requirements of compliance

4. Clear expectation and requirement of compliance by all organization members

5. Posted and distributed to all organization members

6. Understandable – brief, translated into other languages and written at appropriate reading levels

7. Regularly updated

8. Details the fundamental principles, values and framework for action

9. Certification (retained and available for review): received, read, and will abide by the Code

10. How to respond to practices that may violate the Code

11. Participation and involvement from Senior Leadership

Compliance Program Guidance: Hospitals (1998), Nursing Facilities (2000), Pharmaceutical Manufacturers (2003)

13

OIG COMPLIANCE PROGRAM GUIDANCE:
HOSPITAL COMPLIANCE PROGRAM EFFECTIVENESS

1. Fundamental principles, values, and framework for action

2. Articulated commitment to compliance by all management, employees, and contractors

3. Summary of broad ethical and legal principles

4. Requirement to follow ethical standards set by professional organizations

5. Brief, easily readable

6. General principles applicable to all members of the organization

7. Participation of Board, CEO, Senior Management, and others

8. Organization commitment to compliance with Federal health care programs

9. Expectation of compliance by all organization members to Code

Section III, Supplemental Compliance Program Guidance for Hospitals, January 31, 2005.

14

OIG COMPLIANCE PROGRAM GUIDANCE:
Assessing the Effectiveness of a Compliance Program

1. Policies, Standards and Practices address areas of risk and vulnerability
2. Distributed to organization employees
3. Recurring pitfalls because of lack of guidance
4. Buy-in from Senior Management
5. Understandable; not "legalese or at difficult reading levels"
6. Billing failures because of lack of guidance
7. Organization commitment

Section III, Compliance Program Guidance for Nursing Facilities March 16, 2000.

15

HCCA-OIG EFFECTIVENESS RESOURCE GUIDE

Survey/Focus Groups/Interviews:

1. Understanding of Code
2. Knowledge of the Code
3. Knowledge of how to locate Code

Audits or Documentation Reviews:

1. Written
2. Review dates
3. Board approvals
4. Distribution/Posting to all affected persons
5. Attestations from all affected persons
6. Accessibility
7. New employee orientation within 30 days
8. Test scores after training

HCCA-OIG Compliance Effectiveness Roundtable, January 17, 2017, §1.41 Code of Conduct

16

CORPORATE INTEGRITY AGREEMENT

1. Distributed to all Covered Persons;

2. Millennium's commitment to full compliance with all Federal health care program requirements, including its commitment to prepare and submit accurate claims consistent with such requirements;

3. Millennium's requirement that all of its Covered Persons shall be expected to comply with all Federal health care program requirements and with Millennium's own Policies and Procedures;

4. The requirement that all of Millennium's Covered Persons shall be expected to report to the Compliance Officer, or other appropriate individual designated by Millennium, suspected violations of any Federal health care program requirements or of Millennium's own Policies and Procedures; and

5. The right of all individuals to use the Disclosure Program…and Millennium's commitment to non-retaliation and to maintain, as appropriate, confidentiality and anonymity with respect to such disclosures.

17

HOW WILL IT BE ACCOMPLISHED?

18

ASSUMPTIONS FOR DISCUSSION:

- You have a Code of Conduct
- It has been distributed to all employees and all new employees
- It is reviewed and updated annually
- It is approved by the Board

WHAT IS EFFECTIVENESS?

IF WE FOLLOW THE GUIDANCE, DO WE GET TO EFFECTIVE?

THE REVOLUTION – THE NEW CODE

1. What do employees really need to know about the Code?

2. What should we expect of employees?

3. What (how much) are employees going to remember?

21

THE NEW CODE – WHAT DOES IT LOOK LIKE?

1. What do we call it?
2. What are the critical points to include?
3. Does it address our key risk areas?
4. Does it meet the Guidance expectations (and CIA requirements)?
5. Does it get us to EFFECTIVE?

22

OUR RESULT:

Available at: https://www.millenniumhealth.com/wp-content/uploads/2019/06/Millennium-Health-Standards-of-Conduct.pdf

23

DOES IT MEET THE CHECKLIST?

1.		Clearly delineated commitment to compliance by the members of the organization
2.		Organization's mission, goals, and ethical requirements of compliance
3.		Fundamental principles, values, and framework for action
4.		Policies, Standards and Practices address areas of risk and vulnerability
5.		Clear expectation and requirement of compliance with Federal health care programs and organization policies and procedures by all organization members
6.		Understandable – brief, translated into other languages and written at appropriate reading levels, not "legalese or at difficult reading levels"
7.		Participation and involvement from Senior Leadership
8.		Organization commitment to compliance with Federal health care programs
9.		Requirement to follow ethical standards set by professional organizations
10.		Distributed to organization employees
11.		Regularly updated
12.		How to respond to practices that may violate the Code
13.		Obligation to report compliance suspected violations of Federal health care programs or organization policies
14.		Right of all individuals to report compliance concerns
15.		Commitment to non-retaliation and confidentiality/anonymity
16.		Recurring pitfalls because of lack of guidance
17.		Billing failures because of lack of guidance
18.		Survey for:
	☐	Awareness of the Code
	☐	Knowledge of the Code contents
	☐	Knowledge of how to locate Code
19.		Audit for:
	☐	Written Code document
	☐	Review dates
	☐	Board approval of the Code
	☐	Attestations from all affected persons that they have received, read, and will abide by the Code
	☐	Code is accessible by all employees
	☐	New employees are trained and oriented on the Code within 30 days
	☐	Understanding through post-training test scores

24

THE NEW STANDARDS – HOW TO BRING IT TO LIFE

1. Ownership
2. How will be publicize the New Code?
   - Do you include contractors, vendors, and others?
3. Methods to make it stick?
   - Visibility
   - Frequency
   - Memory aids

THE NEW STANDARDS – PUBLICATION

1. Website/Intranet
2. Badge Cards
   - Employees
   - On-site contractors
   - Off-site employees
3. Department News
4. Monthly Exercises
   - "Which of the following is NOT one of our Standards?"

The Millennium Health Standards of Conduct

COMPLIANCE CONTACTS

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Compliance Hotline
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MILLENNIUM HEALTH

1. Ask Questions, Seek Guidance.
2. Comply with Laws & MH Policies.
3. Suspect Something, Say Something.
4. Only Engage in Permitted Activities.
5. Follow Ethical Business Practices.
6. Accurately Submitted & Policy Permitted.
7. Business is Earned, Not Bought.
8. No Snooping.
9. No Guessing; Use Approved Messaging.
10. Only Providers Determine Medical Necessity.
11. Accurate Documents, Authentic Signatures.
12. Non-Retaliation, Confidentiality, Anonymity.

THE NEW STANDARDS – MAKING IT STICK

1. Correlate the number of Standards to your company
2. Monthly promotional item from each department
3. Collect Data from Monthly exercises
   - Benchmark of correct responses
   - Trending of correct responses
   - Goal: data to evidence understanding
4. Engage your teams

THANK YOU