

Enforcement and Defense: Point and Counterpoint

Gerald Roy, VP, Chief Compliance and Privacy Officer, Phoenix Children's Hospital

Frank Sheeder, Partner, Alston & Bird

About Us

- Gerry: Former High-Level OIG Official, now a Compliance Officer
- Frank: Lawyer who defends wrongly accused providers

What We Will Cover

- Common perceptions that may not be correct, depending on your perspective
- Common ground
- Best practices

Potential Points of Contention

- Guns and badges
- Expansive demands for information
- Collaboration?
- Know healthcare?
- Know how to deal with enforcers, auditors, agents, regulators, etc.?
- Investigations expand once they begin
- Relationship between OIG and DOJ
- Waiver of attorney-client privilege and work product protection

Voluntary Disclosures

- Starting off with a multiplier
- Predictability of the process
- Providers' admissions of wrongdoing
- Many gray areas
- Settlement agreement terms, CIA, etc.

How We Can Work Together

- Relationships matter
- Reputation is important
- Start off on the right foot
- Understand the other's needs
- Set expectations appropriately
- Providers need to be candid and forthright
- Quality of a submission influences extent of OIG scrutiny
- OIG has limited resources, relies on providers to do the right thing

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