Health Care Compliance Summer Institute
Syllabus

Summer 2011
Professor Barbara Colombo (Lead Faculty)
Hamline University School of Law

General Course Information

Course:	Health Care Compliance Summer Institute
Credits:	3
Classroom:	Room 100 (May 23-27), Room 4 (May 31, June 1-2)
Days/Times:	May 23-27, May 31, June 1-2 9:00-11:30 and 12:30-3:00
Professor:	Barbara Colombo (Lead Faculty)
Office Hours:	By appointment
Office Phone:	651-523-2118
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Course Description and Learning Outcomes

This interdisciplinary course introduces students to the most important legal and practical concepts in the field of health care compliance. Specifically, students will develop an understanding of the laws and regulations encountered by compliance professionals in daily practice with specific attention paid to the federal regulatory infrastructure. Students will also explore key operational concepts including investigations, enforcement and reporting requirements, billing and coding basics, along with employee and vendor issues. Students will test legal and operational concepts through simulation-based projects and small group exercises, including drafting assignments and mock interviews.

Course Materials

All reading assignments are from the required text THE HEALTH CARE COMPLIANCE PROFESSIONAL'S MANUAL, (CCH Aspen Publishers 2010) referred to throughout the syllabus as "Manual", and a supplement (reader), referred to throughout the syllabus as "Supp", that you should purchase along with the Manual. All Power Points used during the course will be posted on TWEN after each class ends.

Please note: Assignments from the Manual will be designated by <u>paragraph</u> numbers (par) which appear in the lower right corner of each page. Do not refer to page numbers.

Technology Policy

In order to facilitate an interactive class and small group discussion, there will be occasions when the class will be asked to close their computers and/or turn off technology they have been using. At other times, students may use laptops for note taking. **If a student uses classroom time to read or send email messages, visit web sites or engage in any other online or technology based activities (including cellular telephones) that student will be asked to drop the course and will not receive academic credit for the class.**

Course Evaluation

There are three course requirements for the Health Care Compliance Summer Institute:

1. **Final Exam*:*** A take-home (open-book) final exam will be given. **The exam will account for 65% of a student's final grade.**
2. **Class Participation*:*** This course is designed to be highly interactive with many opportunities for simulation-based learning. Students should come to class prepared to discuss the course material and actively participate in class discussions and activities. **Class participation will account for 20% of a student's final grade.** "Participation" is based on attendance, preparedness, and thoughtful classroom commentary.
3. **OIG Advisory Opinion Class Presentation:** Students will make a 10 minute presentation on an OIG Advisory Opinion. **This presentation and accompanying written submission will account for 15% of a student's final grade.**

Course Attendance

At the beginning of each class, a class roster will be distributed for you to sign. Since this course is being presented in an intensive two week format, if you are absent for more than one day of class, your absences will be treated as "excessive". Exceptions to this policy will be on a case by case basis. If possible, please advise Professor Colombo in advance if you know you will have to miss class.

Course Schedule

Monday, May 23, 2011 (Class #1)

- Introductions
- Syllabus and Grading

Regulation of Health Care in America: Why is it a Top Priority for the Federal Government and Where Does Compliance Fit In?

- Overview of the American Health Care System
- American Recovery and Reinvestment Act (ARRA)
- Patient Protection and Affordable Care Act (Overview)
- Introduction to the Role of the Compliance Officer and the Evolution of Compliance Programs
    - Federal Sentencing Guidelines
    - Overview of Seven Essential Elements
    - *Class Exercise - Caputo* Revisited
- Identify Major Players
    - Providers, Payers and Consumers
- Know Your Regulators
- Review Expectations for OIG Advisory Opinion Assignment
- Corporate Integrity Agreements
    - *Exercise*
- Medicare and Medicaid Programs-What's in a Name
    - Program Definitions and Key Terms
    - Understanding Reimbursement Principles

Readings:

Manual: pars 10,100-10,115; 50,220-50,290; 30,190-30,400 (skim)
Supp: Tab 1

Tuesday, May 24, 2011 (Class #2)

- Coding Compliance Basics
    - The Revenue Cycle in Health Care: The Life of a Bill

Presentation and interactive examples by Patricia Bower-Jernigan, Director, Allina Hospitals and Clinics

An Introduction to the Fraud and Abuse Laws: What the Compliance Professional Needs to Know to be Effective

- False Claims Act & Regulations
    - Federal Government's Response to Skyrocketing Health Care Costs
    - Deficit Reduction Act
    - Health Care Fraud Prevention and Enforcement Action Team (HEAT)
    - Qui Tam Claims
    - FCA as a Weapon to Combat Medical Errors
    - Voluntary Self Disclosure
    - *Small Group Exercise*

Readings:

Manual: pars 20,175-20,340
Supp: Tab 2

<u>Wednesday, May 25, 2011</u> (Class #3)

- Anti-Kickback Laws
  - Defined
  - Penalties
  - Safe Harbors
  - *Small Group Exercise*
- Stark Law (Physician Self-Referral Laws)
  - Designated Health Services
  - Exceptions
  - Relationship to Anti-Kickback
  - *Small Group Exercise*
- Physician Payment Sunshine Laws
- Relevant Minnesota Laws

Basics of a Compliance Plan and Program

- Code of Conduct
- Gifts and Gratuities Policies and Issues
- Effective Whistleblower Procedures
  - Hotlines and Other Reporting Mechanisms
- Screening and Evaluating Agents and Vendors
- Role of Compliance Committee
- Interviewing Skills and Techniques
  - *Mock Interviews*

Readings:

Manual: pars 20,308; 50,110-50,180; 80,900; 50,300-50,330; 51,150-51,250; 60,505-60,545 (skim)
Supp: Tab 3

<u>Thursday, May 26, 2011</u> (Class #4)

Compliance Training: Enhancing Employee Comprehension and Retention Through High Impact Education Strategies

Presentation and training by Lori Oleson, JD, Director of Compliance, UCare

- OIG Compliance Guidances and Integrity Training
- How to Promote Effective Learning
- Emerging Trends in Learning
- Creating and Executing Training Plans

- Measuring Training Effectiveness
- *Training Exercise*

Dealing with Regulators and Outside Investigations

Presentation and training by Joan Humes, Vice President and Deputy General Counsel, Litigation and Investigations, Medtronic, Inc., and Richard L. Ostrom, WayPoint, Inc.

- Be prepared: Training and policies that should be in place before the fact
- Request for information interviews
- Employee rights / employee desires
- When to call the lawyer - how many and who gets one
- Subpoenas
- Search warrants
- *Training Exercise*

Readings:

Manual: pars 30,140, 80,190, 80,200
Supp: Tab 4

<u>Friday, May 27, 2011</u> (Class #5)

Risk Assessment Basics for Compliance Officers

- Risk Identification Process
- Risk Assessment Process
- Determining Level of Risk Tolerance within an Organization
- Role of the Board in Managing and Mitigating Risk
- Considerations by Practice Area
    - *Small Group Exercise*

OIG Advisory Opinion Presentations

- Each student will give a 10 minute presentation on an OIG Advisory Opinion (first half)

Readings:

Manual: 50,505-50,715
Supp: Tab 5

<u>Tuesday, May 31, 2011</u> (Class #6)

Strategies for Enhancing Your Effectiveness as a Compliance Professional

Presentation and training by Daniel Roach, Vice President, Compliance & Audit, Catholic Healthcare West and Co-Chair of the Society of Corporate Compliance & Ethics

- Seven Habits of an Effective Compliance and Ethics Officer
    - Intersection between Compliance and Ethics
- Role of General Counsel in Compliance
    - Attorney-Client Privilege/Work Product Considerations

OIG Advisory Opinion Presentations (Cont.)

- Each student will give a 10 minute presentation on an OIG Advisory Opinion (second half)

Readings:

Manual: pars 60,110-60,190; 61,100-61,130
Supp: Tab 6

<u>Wednesday, June 1, 2011</u> (Class #7)

Governance and Corporate Responsibility

Presentation and training by Susan Kratz, Partner, Moore, Costello & Hart PLLP and Heidi Neff Christianson, Partner, Moore, Costello & Hart PLLP

- Nonprofit vs. 501(c)(3) and Other Health Care Organization Structures
- Fiduciary Duties
    - Protecting Tax Exemption: Income, Property and Sales
    - Federal Filing Requirements
    - Schedule H
    - Community Benefit and Needs Assessment
    - Charity Care/Financial Aid
- Conflicts of Interest
- *Small Group Exercise*: Analyze Conflicts Scenario Hypotheticals and Discussion and Report Back to Larger Group
- Financial Oversight
    - Decisions of Board vs. Management
    - Role of Audit and/or Finance Committees
    - Investment, Debt and Excess Benefit Transaction focus areas
- Oversight of Quality

    - Discussion of Resources for Boards and Use of Dashboards
- Oversight of Compliance
    - Discussion of Resources for Boards
    - Discussion of Sentencing Guidelines
- *Small Group Exercises*

Readings:

Supp: Conflicts of Interest Policy

Review the following materials on-line

- Guide for Board Members – Fiduciary Duties of Directors of Charitable Organizations from the Office of the Minnesota Attorney General at www.ag.state.mn.us/Brochures/pubFiduciaryDutiesofDirectors.pdf
- Principles for Good Governance and Ethical Practice at www.nonprofitpanel.org/Report/principles/index.html#principles – click on "Download guide for charities and foundations"
- Schedule H at www.irs.gov/pub/irs-pdf/f990sh.pdf
- Corporate Responsibility and Health Care Quality: A Resource for Health Care Boards of Directors at http://oig.hhs.gov/fraud/docs/complianceguidance/CorporateResponsibilityFinal%209-4-07.pdf
- Corporate Responsibility and Corporate Compliance: A Resource for Health Care Boards of Directors at http://oig.hhs.gov/fraud/docs/complianceguidance/040203corpresprsceguide.pdf

Thursday, June 2, 2011 (Class #8)

Quality of Care: An Emerging Priority for Compliance Professionals

- Quality and Compliance
- How to Best Regulate Quality
- Compliance and Mandatory Reporting of Adverse Events, Near Misses, and Mistakes
    - Medical Errors-Scope of the Problem
    - Legal Reporting Obligations

The Patient Protection and Affordable Care Act: How Will it Influence the Role of Compliance in Health Care?

- Relevant Compliance Provisions
- Funding
- Increased Enforcement and Expanded Penalties

- Cost, Quality and Access: The PPACA Scorecard - Small Group Presentations

Readings:

Manual; pars 22,600-22,650
Supp: Tab 8

Please review the Kaiser Family Foundation's Summary of the Patient Protection and Affordable Care Act at www.kff.org/healthreform/upload/8061.pdf