

### Health Care Compliance Summer Institute Syllabus

#### Summer 2013

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

#### **I. General Course Information**

Course: Health Care Compliance Summer Institute

Credits: 3

Classroom: Room 106 East Hall Days/Times: May 28-31, June 3-5

9:00 am-3:30 pm

Professor: Barbara Colombo (Lead Faculty)

Office Hours: By appointment 651-523-2118

E-mail: <u>bcolombo01@hamline.edu</u>

#### **II. 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, project management skills and strategies, along with employee and vendor issues, and leadership training to enhance workplace relationships. Students will test legal and operational concepts through simulation-based projects and small group exercises, including drafting assignments and mock interviews.

#### III. Course Materials

All reading assignments are from the required text THE HEALTH CARE COMPLIANCE PROFESSIONAL'S MANUAL, (CCH Aspen Publishers 2012) 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 PowerPoint presentations 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.

#### IV. <u>Technology Policy</u>

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 all mobile devices) that student will be asked to drop the course and will not receive academic credit for the class.

#### V. 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. The final exam will be administered via TWEN. Students will self-select a 72 hour window of time to complete the exam during the exam period which will run from June 8-22, 2013. Additional details to follow.
- 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 25% of a student's final grade. "Participation" is based on attendance, preparedness, and thoughtful classroom commentary.
- 3. **OIG Advisory Opinion Class Presentation:** Students will work in teams of two and make a 10 minute presentation on an OIG Advisory Opinion. **This presentation and accompanying written submission will account for 10% of a student's final grade.** Additional details to follow.

#### **VI.** Course Attendance

At the beginning of each class, a class roster will be distributed for you to sign. Since this course is presented in an intensive seven day format, if you are absent for more than one half of one day, 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.

#### VII. Course Schedule

#### Tuesday, May 28, 2013 (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
- Patient Protection and Affordable Care Act (Overview)
- Introduction to the Role of the Compliance Officer and the Evolution of Compliance Programs
  - Federal Sentencing Guidelines
  - o Overview of Seven Essential Elements
  - o Class Exercise Caputo Revisited
- Identify Major Players
  - o Providers, Payers and Consumers
- Know Your Regulators
- Review Expectations for OIG Advisory Opinion Assignment
- Corporate Integrity Agreements (CIAs)
  - Common Structure and Terms
  - Educational Tool for Senior Leadership
  - o Exercise
  - o Trend Toward Quality of Care CIAs
- Medicare and Medicaid Programs-What's in a Name
  - Program Definitions and Key Terms
  - Understanding Reimbursement Principles

#### Readings:

Manual: pars 10,100-10,160; 50,220-50,290; 30,190-30,335 (skim), 20,050-20,075, 20,128-20,136

Supp: Tab 1

https://oig.hhs.gov/reports-and-publications/archives/workplan/2013/Work-Plan-2013.pdf (skim intro)

#### **Wednesday, May 29, 2013** (Class #2)

#### **Coding Basics for Compliance Professionals**

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

• The Revenue Cycle in Health Care: The Life of a Bill

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

- Emphasis on Individual Accountability
  - o Responsible Corporate Officer Doctrine
- False Claims Act (FCA) & Regulations
  - Federal Government's Response to Skyrocketing Health Care Costs
  - o Health Care Fraud Prevention and Enforcement Action Team (HEAT)
    - HEAT Provider Compliance Training
  - Qui Tam Claims
  - o FCA as a Weapon to Combat Medical Errors
  - o Voluntary Self Disclosure
  - o FCA Scenarios-Small Group Exercise
- Anti-Kickback Laws
  - o Defined
  - Penalties
  - Safe Harbors
  - o Application

#### **Readings:**

Manual: pars 20,170-20,235, 20,306-20,310, 20,330-20,340

Supp: Tab 2

#### Skim the following materials on-line:

http://www.justice.gov/civil/docs\_forms/C-FRAUDS\_FCA\_Primer.pdf
http://publish.healthlawyers.org/Events/Programs/Materials/Documents/FC12/101
homchick\_williams.pdf

Thursday, May 30, 2013 (Class #3)

#### Strategies for Enhancing Your Effectiveness as a Compliance Professional

Presentation by Daniel Roach, Vice President, Compliance & Audit, Dignity Health and Co-Chair of the Society of Corporate Compliance & Ethics

- Seven Habits of an Effective Compliance and Ethics Officer
  - o Intersection between Compliance and Ethics
- Role of General Counsel in Compliance

## An Introduction to the Fraud and Abuse Laws: What the Compliance Professional Needs to Know to be Effective (cont.)

- Stark Law (Physician Self-Referral Laws)
  - Designated Health Services
  - Exceptions
  - Relationship to Anti-Kickback

- Application
- Physician Payment Sunshine Laws
- Relevant Minnesota Laws

#### **Basics of a Compliance Plan and Program**

- Code of Conduct
  - o Small Group Exercise
- Gifts and Gratuities Policies and Issues
- Effective Whistleblower Strategies and Procedures
  - o Hotlines and Other Reporting Mechanisms
- Screening and Evaluating Agents and Vendors
- Role of Compliance Committee
- The Importance of Interviewing Skills and Techniques
  - o Mock Interviews

#### **Readings:**

Manual: pars 50,100-50,180; 80,900; 50,300-50,330; 51,150-51,250; 60,500-60,540 (skim)

Supp: Tab 3

#### Friday, May 31, 2013 (Class #4)

#### **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

#### **Discovering Your Strengths and Enhancing Your Leadership Skills**

## Workshop by Marie Anderson, Employee Assistance Program Counselor, Medtronic, Inc.

- Increase your understanding of your individual strengths and talents
- Identify ways to more intentionally work with team members to enhance performance and compliance.

#### **Readings:**

Manual: 40,100-40,170

Supp: Tab 4

<u>Mandatory Assignment:</u> All students are required to complete and submit to HLI Program Manager Kari Winter @ kwinter03@hamline.edu the Clifton StrengthsFinder web-based assessment no later than May 15, 2013. You will receive an email with full instructions by May 1, 2013.

#### Monday, June 3, 2013 (Class #5)

#### **Dealing with Regulators and Outside Investigations**

Presentation and training by Joan Humes, Vice President and Deputy General Counsel, Litigation and Investigations, Medtronic, Inc., (former Federal Prosecutor with the U.S. Attorney's Office) and Richard L. Ostrom, WayPoint, Inc. (former Special Agent and Supervisor with the Federal Bureau of Investigation)

- 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

#### **OIG Advisory Opinion Presentations**

Two member teams will give a 10 minute presentation on an OIG Advisory Opinion (first half)

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

Presentation and training by Lori Oleson, JD, Health Care Compliance Consultant

- 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

#### **Readings:**

Manual: pars 30,140, 50,500-50,715 (skim)

Supp: Tab 5

#### **Tuesday, June 4, 2013** (Class #6)

### Governance and Corporate Responsibility: What Every Compliance Professional Needs to Know

Presentation and training by Susan Kratz, Shareholder: Nilan, Johnson & Lewis and Heidi Neff Christianson, Shareholder: Nilan, Johnson & Lewis

- Key state corporate governance legal requirements
- Fiduciary duties
- Key federal tax exemption governance requirements
- What the IRS will be looking for in a governance audit
- Conflicts of Interest
- Small Group Exercise: Analyze Conflicts Scenarios and Report Back to Larger Group
- Oversight Responsibilities
- Small Group Exercises

#### **OIG Advisory Opinion Presentations**

Two member teams will give a 10 minute presentation on an OIG Advisory Opinion (second half)

#### **Readings:**

#### 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 <u>www.nonprofitpanel.org/Report/principles/index.html#principles</u> – 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 <a href="http://oig.hhs.gov/fraud/docs/complianceguidance/CorporateResponsibilityFinal%209-4-07.pdf">http://oig.hhs.gov/fraud/docs/complianceguidance/CorporateResponsibilityFinal%209-4-07.pdf</a>
- Corporate Responsibility and Corporate Compliance: A Resource for Health Care Boards of Directors at <a href="http://oig.hhs.gov/fraud/docs/complianceguidance/040203corpresprsceguide.pdf">http://oig.hhs.gov/fraud/docs/complianceguidance/040203corpresprsceguide.pdf</a>
   Supp: Tab 6

#### Project Management: An Essential Skill Set for the Compliance Professional

# Presentation and Training by David L. Edgerton, Jr., Senior Project Manager, National Marrow Program

- Project management frameworks
- Common project processes
- Understanding project risks, issues, cost/benefit analysis
- Getting a project started
- Scope Management
  - o Requirements analysis
  - Work breakdown structures
  - Controlling scope
- Scheduling
  - o Estimating
  - Schedule development Milestones
  - o Critical Path Analysis
- Communication
  - o Stakeholder management
  - o Status reporting
  - o Dashboards
- Change Management
  - What is change
  - o How to implement change during a project

#### Patient Safety and Quality of Care: A Top Priority for Compliance Professionals

- Safety, Quality and Compliance
- How to Best Regulate Quality
- Compliance and Mandatory Reporting of Adverse Events, Near Misses, and Mistakes
  - o Medical Errors-Scope of the Problem
  - o Legal Reporting Obligations
- Never underestimate the power of an apology

#### **Readings:**

Manual; pars 22,600-22,650

Supp: Tab 7