

Syllabus for Introduction to Health Care Compliance

Professor Lucinda Jesson

Course: Introduction to Compliance Policies and Procedures

Credits: 2

Classroom: 103

Time: Tuesdays 4:00—5:50 (one 10 minute break)

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Please email me to schedule something or to make a short inquiry or comment. If you have substantive questions, however, please visit with me either on the phone or in person.

Description

Welcome to Introduction to Health Care Compliance!

This course will cover the basic fundamentals of health care compliance administration, examining written compliance policies and procedures, descriptions of compliance oversight and committees; enforcement and reporting requirements, screening of employees and vendors, negotiating and enforcing corporate integrity agreements, and billing and coding basics. It will incorporate hands-on learning throughout the curriculum including drafting assignments, small group exercises, interviewing skills and project management tasks.

Learning Outcomes:

Understand the role and responsibilities of the compliance officer
Learn to draft policies and plan employee training to implement them
Interpret government guidance and provide for effective training programs regarding guidance
Identify high risk areas of noncompliance and create project plans to address problem areas
Create plans for creation and conduct of internal corporate investigations

Learn procedures for enforcing corporate compliance policies, including appropriate disciplinary action
Obtain and demonstrate fundamental understanding of the health care funding, coding and reimbursement systems
Demonstrate in small group setting knowledge of how and when to self-report wrongdoing

Course Materials:

All reading assignments are from the required texts Compliance 101 (Second Edition); Medical Coding: What It Is and How It Works (referred to as Medical Coding); and postings on TWEN. All Power Points used by Professor Jesson during the course of the semester will be posted on TWEN after the class ends.

Technology Policy:

In order to facilitate focused interactive class and small group discussion, there will be occasions when the class will be asked to close their notebook 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 e-mail messages, visit web sites or engage in any other online or technology based activities (including cellular telephones) that student will have his or her grade lowered by one-half of a letter. If this occurs a second time, that student will be asked to drop the course and will not receive academic credit for the class.**

Course Evaluation:

Subject to the caveat below regarding class preparedness, two thirds of your course grade will be based on one self-scheduled, anonymous, two hour final examination, which shall include essay and objective questions. One third of your grade will be based on a one hour anonymously graded midterm which will include short answer and multiple choice questions. J.D. students will be graded separately from non-J.D. students. The caveat is that your course grade may be adjusted one-half of a letter (up or down) based on class preparedness in accordance with Hamline University School of Law Academic Rule 105 More specifically, I reserve the right to: 1) raise your course grade by one-half of a letter if you participate substantially when not called on or distinguish yourself when called on; or 2) lower your course grade by one-half of a letter if you are not prepared when called on. Your active participation in small group exercises and on any short assignments which are due the following week will be assessed as part of your class preparedness. Finally, I reserve the right to give a “pop quiz” during the course of the semester. If I do so, the points earned will be factored into your final grade.

Course Attendance:

At the beginning of each class, I will distribute a class roster for you to sign. If you are absent for more than two classes, your absences will be treated as “excessive” in

accordance with Hamline University School of Law Academic Rule 108 unless you have approval from me in advance.

Assignments:

While this syllabus provides an overview of the materials and topics to be covered, the specific assignments will be updated throughout the semester.

August 25

Week One: Overview of the American Health Care System and the role of Compliance Programs

- Identify the major players: Providers, Payers, Regulators, Consumers
- Overview the Providers
- Overview the Payors
- Identify the Regulators
- Discuss the reasons behind escalating health care costs.
- Examine the role of regulation in health care

Reading: Read materials posted on TWEN. When reading the Doc Ogden article, think through how an effective compliance program might have operated in this environment.

September 1

Week Two: Evolution of Compliance Programs

- Examine DOJ and CMS Press Releases
- Discuss Board oversight responsibilities in context of Caremark decision
- Overview sentencing guidelines
- Whistleblowers: the good, the bad and the ugly
- OIG role and Program Guidance for Compliance Programs
- Review a Corporate Integrity Agreement

Reading: Chapter 1 of Compliance 101 and materials posted on TWEN.

September 8

Week Three: Basics of a Compliance Plan and Program

- Code of conduct
- Gifts and gratuities policies and issues
- Reporting system and non-retaliation policy
- Conflict of interest policy
- Investigation Process and Log
- Effective Whistleblower procedures
- Document retention and destruction policies and procedures

- Examine a compliance plan
- Organizing and integrating the compliance function

Exercise: Draft an assigned policy in your small group for a medium size physician practice

Reading: Chapter 2 and 3 from Compliance 101 and Sample Compliance Officer Job Description, Compliance 101 appendix at 91-95 plus materials posted on TWEN.

September 15

Week Four: Continue Discussion of Compliance Program Basics from Previous Week

Guest Speaker: Susan Kratz on Development of “Action Plans” and Compliance Committees

September 22

Week Five: Understanding Reimbursement Principles: Let’s begin with Medicare

- Program definitions
- Medical Necessity
- Covered Services
- Prospective Payment Issues
- Hospital Inpatient and Outpatient reimbursement basics
- Cost Reimbursement principles
- Practitioner reimbursement
- Long Term care and Home Health Basics
- Role of Intermediaries
- Medicare Appeals Process

Reading: Materials posted on TWEN; Medical Coding pages 1-34, 103-114 (and skim pages 35-98).

September 29

Week Six: Understanding Reimbursement principles continued

- *The Revenue Cycle in Health Care: the Life of a Bill*
Presentation and interactive examples by Patricia Bower-Jernigan, Allina Hospitals and Clinics
- Coding and Claims submission
- Commercial Reimbursement Basics

Reading: Materials posted on TWEN. Chapters 4, 5 and 6 from Medical Coding

October 6

Week Seven: Project Planning and Medicaid Reimbursement Basics

- Creating a project plan
- Options for ongoing and initial training: online, onsite and beyond
- Physician Champions
- How to retain ongoing interest in the established compliance training program
- Medicaid Reimbursement Basics

Exercise: Create a project plan for training at a hypothetical health clinic that services a high number of Medicaid Patients

Reading: Chapter 4 of Compliance 101; Materials posted on TWEN.

October 13

Week Eight: Training and the Compliance Role in Quality of Care

- Legal Theories Used to Enforce Quality of Care Concerns (i.e. express false certification, implied false certification and criminal enforcement)
- Incorporating Quality into Compliance: data mining, the hospital quality initiative and beyond

Reading: See Materials posted on TWEN.

Guest Speaker: Judith Walker, (Vice President and Chief Compliance Officer at Blue Cross Blue Shield Minnesota) on Organizational Training

October 20

Week Nine: Screening and Evaluation of Agents and Vendors

- Overview of agency principles
- Conflict of Interest/Code of Conduct Issues
- HIPAA privacy issues
- Credentialing and Licensure Basics

One Hour Midterm Exam

Reading: Materials posted on TWEN; Appendix to Compliance 101 at pages 84-85.

October 27

Week Ten: Practical Approaches to Internal Investigations

- When to investigate and, if you do, who should conduct it
- Who to talk with and how to document
- Securing the documents and data you need
- Attorney Client Privilege Issues and other questions over whether you can protect your investigation from disclosure
- What should the final report look like
- Whether and how to disclose

Reading: Materials posted on TWEN.

Exercise: Small group exercise drafting Investigation Plan

November 3

Week Eleven: Dealing with Regulators and the Outside Investigation

- Be prepared: Training and Policies that should be in place before the fact
- Requests for informal interviews
- Employee rights, Employer desires
- When to call the lawyer—how many and who gets one?
- OIG subpoenas and CIDS
- Grand Jury Subpoenas
- Search Warrants

Guest Speaker: Joan Humes, United Health Care, and former First Assistant U.S. Attorney in Minneapolis

Reading: Readings posted on TWEN and Sample Policy on Responding to Search Warrants, Compliance 101 at 88-89.

November 10

Week Twelve: Special Issues: Compliance in a Hospital System and Compliance Research Basics

- OIG Draft Supplemental Compliance Program guidance for Hospitals
- Dealing with Medicare Intermediaries
- Physician financial arrangements and other hot hospital issues
- Pathways to Compliance Research

Guest Speaker: Regina Watson, Research Librarian

Reading: Postings on TWEN.

Assignment: Short research project which is due following week.

November 17

Week Thirteen: Special Issues in Long Term Care

- Recent Justice Department and OIG initiatives against Long Term Care Providers
- Review role of Board in Compliance

Reading: Readings posted on TWEN.

Small group problem: Board response to high profile complaint

November 24

Week Fourteen: Special Issues: Compliance in the Drug and Medical Device Industry

- Role of FDA
- Overview of NDA and PMA process for drugs and medical devices
- Special Fraud Alert on Prescription Drug Marketing Schemes and Free Services to Physicians
- OIG Compliance Program Guidance for Pharmaceutical Manufacturers
- Off-label promotion issues

Reading: Readings posted on TWEN.

Review Research Assignment.