

# Health Care Compliance Skills Syllabus

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Spring Semester 2009

## GENERAL COURSE INFORMATION

<b>Course:</b>	Health Care Compliance Skills: <i>Auditing, Investigating and Reporting</i>
<b>Credits:</b>	3
<b>Classroom:</b>	240A
<b>Days/Times:</b>	Tuesdays 4:00 – 6:50 p.m.
<b>Professors:</b>	Keith Halleland – (O) 612.204.4105 (C) 612.423.4929 khalleland@halleland.com Jenny O'Brien – (O) 612.573.2968 (C) 612.308.6869 jobrien@halleland.com
<b>Office Hours:</b>	By appointment of after class

## COURSE DESCRIPTION AND OBJECTIVES

This will be a simulation-based skills course that provides students opportunities to perform mock audits, complaint investigations, and self disclosures. The skills taught will include work plan development, investigative techniques, interviewing methods, organization and review of records during compliance reviews, gathering and presentation of evidence, and drafting of project plans and self disclosure documents.

This course is designed to expose students to key legal and operational concepts in the health care corporate compliance field. Students will use knowledge gained in prior mandatory coursework and participate in simulated-based projects that will require them to perform audits, investigations and reporting activities to ensure compliance with applicable federal and state laws. Through reading derived from various sources: industry articles, regulations, specific chapters of text books, government reports and materials created by content experts who will be brought in to guest lecture, students will have the opportunity to explore not only the legal facet of the compliance field but the operational reality of working as a compliance professional in the health care industry.

## TEXT AND READINGS

- Class Materials Provided by Instructor or Guest Lecturers

## TECHNOLOGY POLICY

In order to facilitate an interactive class and small group discussions, 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 e-mail messages, visit web sites or engage in 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 requirements for the Health Care Compliance Skills course:

- 1. Class Participation:** This course is designed to be highly interactive. 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.
- 2. Skills Projects:** This course is designed to expose students to simulation based exercises in three areas; health care audits, internal compliance investigations and self-reporting compliance issues to government entities. **Active participation, presentation and completion of three skills projects will account for 60% of a student's final grade.**
- 3. Final Paper:** A final paper is required and will be due on the final exam date. **The paper will account for 20% of a student's grade.**

## COURSE ATTENDANCE

At the beginning of each class, we will distribute a class roster for you to sign. If you are absent for more than four classes, your absences will be treated as "excessive" in accordance with Hamline University Academic Rule 1-110 unless you have approval from me in advance.

## COURSE OUTLINE (14 CLASSES)

### January 20, 2009 – Class One

- Culture of Compliance and Ethics
  - Introductions
  - Syllabus

- Development of Ethical Culture
- Compliance vs. Ethics
- Rules Based vs. Values Based Framework

Readings:

- Becky Sutherland Cornett, “A Special Kind of Good: Hospitals, Physicians, and Organizational Ethics,” *Journal of Health Care Compliance*, March/April 2005.
- Roy Snell, “The Last Breed of Ethics Chiefs Didn’t Stop Fraud,” *Journal of Health Care Compliance*, May/June 2006.
- Paul Fiorelli, JD, MBA, “How to ‘Pump Up’ Your Organization’s ‘Ethical Muscle Memory,’” *Journal of Health Care Compliance*, May/June 2006.
- Roy Snell, “Compliance/Ethics Program Hierarchy of Needs,” *Journal of Health Care Compliance*, January/February 2007.
- Joseph E. Murphy, “What is this Field of Compliance and Ethics,” *Journal of Health Care Compliance*, September/October 2007.
- Patricia Harned, PhD, “CECOs as Critical Players Within Management,” *Compliance Today*, January 2008.
- Steve Hunter, CMA, “Ethics The Framework for Success,” *Strategic Finance*, April 2008.

**January 27 – Class Two**

- Enforcement Trends
  - False Claims Act
  - Quality of Care
  - Non-Profits
  - Governance
  - Medical Device
- Compliance Structure Considerations
  - Best Practices
  - Best Fit
- Skill Set Considerations
  - Legal, Compliance, Audit, Clinical, Financial

Readings:

- Carly Elliott, RN, BSN, CPC, “The Charity Care Crisis – Where Does the Money Go?” *Journal of Health Care Compliance*, September/October 2006.
- Becky Sutherland Cornett, PhD, CHC, “Compliance Professionals Must Work with Operations Managers to Integrate Legal & Regulatory Requirements into Everyday Operations,” *Journal of Health Care Compliance*, March/April 2006.
- Frank Sheeder, “How to Succeed` as a Compliance Professional,” *Journal of Health Care Compliance*, March/April 2006.

- Amy M. Rhone/Susan J. Berry, “Operational-Level Compliance: Do You have the Structure in Place to Support It?” *Journal of Health Care Compliance*, May/June 2006.
- Jeff Sinaiko/Omid Toloui, ”The Intersection of Compliance and Quality,” *Journal of Health Care Compliance*, March/April 2007.
- D. Scott Jones, CHC, LHRM, “Combining Disciplines: Making the Connection Between Compliance, Risk, and Quality Management,” *Journal of Health Care Compliance*, May/June 2007.
- Gerald M. Griffith/James R. Ring, “The Dollars and Sense of Executive Compensation,” *Compliance Today*, April 2007.
- John R. Washlick, “The New Form 990: An Edict to the Board for Transparency and Accountability,” *Compliance Today*, May 2008.
- Judith A. Waltz, “Conflicts of Interest: Device Makers Settlements,” *Compliance Today*, April 2008.

### **February 3 – Class Three**

- Evolution of the Compliance Officer Role
  - Implementation of Compliance Program
  - Case Study
- Role of Health Care Lawyer in Compliance
- Liability of Compliance Officer – Emerging Theories

#### **Readings:**

- Jose A. Tabuena/Jennifer Harris Smith, “The Chief Compliance Officer versus the General Counsel: Friends or Foes?” *Journal of Health Care Compliance*, July/August 2006.
- Jose A. Tabuena/Jennifer Harris Smith, “The Chief Compliance Officer versus the General Counsel: Friends of Foes, Part II,” *Journal of Health Care Compliance*, November/December 2006.
- Gabriel L. Imperato, “Criminal Enforcement Liability: Quality of Care, Medical Necessity, and Reasonableness of Health Care Services,” *Compliance Today*, April 2007.
- Jane Reister Conard, et al., “An Integrated Approach to Corporate Compliance: A Resource For Health Care Organization Boards of Directors,” July 2004.+
- Melissa Klein Aguilar, “Lawsuit Spotlights GCs’ Risk of Personal Liability,” *Compliance Week*, January 15, 2008.
- DoJ Complaint: *U.S. vs. Sulzbach*, (September 18, 2007).

### **February 10 – Class Four**

- Internal Auditing Overview
  - Auditing vs. Monitoring

- Role of an Auditor
- Qualifications of an Auditor
- Key Audit Areas
- Elements of an Audit
- Audit Reports
- Case Assignment

Readings:

- “Seven Components Framework for Compliance Auditing and Monitoring in Healthcare Organizations,” *AHIA/HCCA Auditing and Monitoring Focus Group*, 2004.
- Kelly Nueske, RN, CPA, CMA, CIA, “One Size Does Not Fit All When It Comes to Corporate Compliance and Internal Audit Organizational Reporting Structure,” *Journal of Health Care Compliance*, May/June 2007.
- Eduardo R. Casas, “Tell It Like It Is,” *Strategic Finance*, October 2007.
- Cliff Therrien, “Prescription for Health-care Audits,” *Internal Auditor*, April 2008.
- Russell A. Jackson, “The Outsiders,” *Internal Auditor*, October 2008.
- Rick Julien, CIA, CPA/Todd Richards, CPA, CFSA, “Rising to the Challenge,” *Internal Auditor*, February 2008.

**February 17 – Class Five**

- Internal Audit Case Assignment
- Lessons Learned from an Industry Expert

Readings:

- TBD

**February 24 – Class Six**

- Case Presentations

**March 3 – Class Seven**

- Identifying and Managing Key Stakeholders During a Crisis
  - Executives
  - Board Members
  - Patients/Consumer/The Public
  - Government Entities
  - Employees

- Case Study (Stolen Laptop)
- Compliance Industry Outside of Health Care
  - Society of Compliance and Ethics
  - Emerging Issues and Trends

Readings:

- TBD

**March 10 – Class Eight**

- Internal Investigation Overview
  - What is an Internal Investigation
  - When Should an Internal Investigation Be Conducted
  - Risks of Not Conducting an Investigation
  - Attorney-Client Privilege/Work Product Considerations
  - Handling Employee Interviews
  - Benefits of a Thorough Investigation
  - What to do When the Government Knocks on Your Door
- Case Assignment

Readings:

- Marc S. Raspanti/Michael A. Morse, “When the Wolf is at Your Door: surviving the Execution of a Search Warrant,” *Journal of Health Care Compliance*, March/April 2006.
- John N. Joseph, “Internal Investigations by Health Care Organizations: What You Need to Know Before You Start,” *Journal of Health Care Compliance*, November/December 2006.
- Stacey Gulick/Jacqueline Finnegan, “Ten Tips for Conducting an Internal Investigation,” *Compliance Today*, November 2006.
- Cheryl Wagonhurst/Rick Rifenburg, “A Review of the McNulty Memorandum,” *Compliance Today*, February 2007.
- Matt Weber/Armin Sarabi, “The Role of Internal Investigations and Self-Disclosure in Effective Compliance Programs,” *Compliance Today*, November 2008.

## **March 17 – Class Nine**

- Internal Investigation Assignment
- Lessons Learned from an Industry Expert

### Readings:

- TBD

## **March 24 – Spring Break/NO CLASS**

## **March 31 – Class Ten**

- Class Presentations

## **April 7 – Class Eleven**

- Self-Reporting/Voluntary Disclosure Overview
  - Provider Self-Disclosure Protocol
  - Voluntary Disclosure Submission
  - Self-Assessment Guidelines
  - OIG Verification
  - Payment Obligations
  - Potential Outcomes from Disclosure
- Case Assignment

### Readings:

- Gabriel L. Imperato, “An Organization’s Duty to Self Report Misconduct: Mandatory or Voluntary,” *Journal of Health Care Compliance*, July/August 2006.
- Sara Kay Wheeler/Tizgel High, “Understanding the Golden Carrot: Voluntary Disclosure Strategies after the April 15, 2008, OIG Open Letter,” *Journal of Health Care Compliance*, September/October 2008.
- Federal Register Vol. 63, No. 210, October 30, 1998, Publication of OIG’s Provider Self-Disclosure Protocol.
- April 24, 2006, OIG Open Letter.
- April 15, 2008, OIG Open Letter.

### **April 14 – Class Twelve**

- Self-Reporting Case Assignment
- Lessons Learned from an Industry Expert

#### **Readings:**

- TBD

### **April 21 – Class Thirteen**

- Case Presentations

### **April 28 – NO CLASS**

### **May 5 – Class Fourteen**

- Careers in Health Care Compliance
  - Government Attorney
  - In House Compliance Officer
  - Law Firm Attorney
- Careers in Compliance and Ethics Outside of Health Care
  - Retail Industry
  - Utilities and Energy
  - Manufacturing
- Wrap-Up and Final Assignment