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**NOVEMBER ISSUE: MARIC'S ETHICS AND COMPLIANCE PROGRAM:
PROFESSIONAL STANDARDS OF CONDUCT**

WHAT ARE THE ELEMENTS OF AN EFFECTIVE HEALTHCARE COMPLIANCE PROGRAM?

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HEALTHCARE COMPLIANCE PROGRAM ELEMENTS

Healthcare compliance affects every type of healthcare organization and provider. In light of increased governmental audits and investigations, it is of great importance that organizations establish processes, procedures, and policies as part of an effective healthcare compliance program. Such a program can help them meet the required legal, ethical, and professional standards.

Enforcement actions against healthcare organizations and providers include financial penalties, fines, settlements, and even imprisonment. However, with a defined code of conduct, they can ensure adherence to regulations and requirements and be ready in case of investigations by enforcement agencies.

WHAT IS HEALTHCARE COMPLIANCE PROGRAM?

The aim of the Office of the Inspector General (OIG) of the Department of Health and Human Services (HHS) is to combat fraud, waste, and abuse in the healthcare industry. The OIG conducts

the majority of healthcare investigations and has the authority to impose civil monetary penalties and exclude providers from federally funded healthcare programs. In addition to this, the Patient Protection and Affordable Care Act requires healthcare organizations to develop and implement formal healthcare compliance programs and provides an overview of the role of compliance in healthcare.



One way healthcare organizations can reduce fraud, waste, and abuse liability is through an effective healthcare compliance program. Since compliance programs cannot be designed to fit different types of organizations, the OIG allows creating a program that is adapted to their unique needs. However, it is advisable that every healthcare

organization pays special attention to the OIG's seven fundamental elements of an effective healthcare compliance program.

SEVEN ELEMENTS OF AN EFFECTIVE HEALTHCARE COMPLIANCE PROGRAM

The main focus of every healthcare organization should be promoting a culture of compliance, which includes implementing an effective healthcare compliance program. This allows them to find and correct potential vulnerabilities, reduce the chance of fraud and abuse, and promote safe and quality care. In order to achieve such a level of compliance, healthcare providers and organizations should use the seven core elements as a foundation. These elements can serve as general guidelines to create a culture of compliance and proactively address any compliance shortcomings.

IMPLEMENTING WRITTEN POLICIES, PROCEDURES AND STANDARDS OF CONDUCT

Policies, procedures, and standards of conduct should promote healthcare organizations' commitment to compliance and address specific areas of risk. They should be clearly written, reviewed, and updated on a regular basis. Furthermore, according to the OIG, this element of a healthcare compliance program should help employees perform their job functions in a manner that ensures compliance with Federal health care program requirements. Also,

written policies, procedures, and standards of conduct improve the mission and objective of the healthcare organization.

DESIGNATING A COMPLIANCE OFFICER AND COMPLIANCE COMMITTEE

The compliance officer operates and monitors a healthcare compliance program. The compliance committee includes different functions within the organization aimed to support and advise the compliance officer. Designating a Compliance Officer and Compliance Committee prevents, detects, and corrects non-compliance, and supports the organization's unique structure and compliance program. This element also helps promote standards of conduct and establish a means of communication for reporting non-compliance.

CONDUCTING EFFECTIVE TRAINING AND EDUCATION

All members of a healthcare organization should receive training on fraud and abuse laws, as well as the healthcare compliance program. Effective training and education can be achieved by offering compliance training frequently, making training and education part of the job requirements, and staying current on compliance issues and trends.

DEVELOPING EFFECTIVE LINES OF COMMUNICATION

Developing effective lines of communication is an essential mechanism for reporting instances of potential non-compliance. For it to be effective, communication should be accessible, ensure confidentiality, clearly convey the organization's compliance message, encourage feedback, and provide methods for anonymous reporting.

CONDUCTING INTERNAL MONITORING AND AUDITING

This element of the healthcare compliance program involves an ongoing process of evaluation and assessment to prevent bad behavior and ensure the effectiveness of education and corrective action. Internal monitoring and auditing include establishing an annual work plan, determining any areas of risk, proactively

audit, and review the compliance program. As a result, the compliance program addresses any areas of concern while sustaining compliance program effectiveness.



ENFORCING STANDARDS OF CONDUCT THROUGH WELL-PUBLICIZED DISCIPLINARY GUIDELINES

Standards of conduct outline a healthcare organization's rules, responsibilities, proper practices, and expectations of its employees. To ensure an effective healthcare compliance program, standards should be followed continuously and consistently throughout the organization by all personnel regardless of position, title, or rank.

RESPONDING PROMPTLY TO DETECTED OFFENSES AND UNDERTAKING CORRECTIVE ACTION

Failure to ensure timely and effective remedial action for offenses can create additional exposure for the organization. Effective ways to address offenses include developing a method for tracking and responding to compliance issues, thoroughly documenting, and investigating, enforcing corrective action, and tracking the resolution of complaints. Also, undertaking the appropriate corrective action is crucial for maintaining an effective healthcare compliance program.

ESTABLISHING CULTURE OF HEALTHCARE COMPLIANCE

A healthcare compliance program involves a continuous process of adhering to legal, ethical, and professional standards applicable to healthcare organizations and providers. It requires constant development of processes, policies, and procedures to define appropriate conduct, educate staff, and ensure proper application of

guidelines. An effective healthcare compliance program can help protect organizations against fraud, abuse, waste, and other potential liability areas. Otherwise, they can face increased violations or enter into a Corporate Integrity Agreement with the OIG.

Healthcare organizations should promote a culture of compliance at all levels. As a result of an ongoing process, the healthcare compliance program needs to be proactive and change with the needs of the healthcare organization. Whether healthcare organizations are creating or accessing healthcare compliance programs or looking for a way to prevent privacy and security pitfalls, compliance challenges can be solved with an electronic solution. Exclusion screening software ensures that healthcare organizations adhere to compliance guidelines and revise compliance practices based on changing regulations. Thus, healthcare organizations of all sizes avoid violation fines, reduce the costs and resources necessary for creating an effective healthcare compliance program, and improve the delivery and quality of healthcare services.

RELEVANT CARF STANDARDS



1.A.6. Corporate responsibility efforts include, at a minimum, the following:

a. Written ethical codes of conduct in at least the following areas:

- (1) Business
- (2) Marketing
- (3) Contractual relationships
- (4) Conflicts of interests
- (5) Use of social media
- (6) Service delivery, including:
 - (a) Exchange of gifts, money and gratuities
 - (b) Personal fundraising
 - (c) Personal property
 - (d) Setting boundaries
 - (e) Witnessing of legal documents
- (7) Professional responsibilities
- (8) Human resources

(9) Organizational fundraising (if applicable)

(10) Prohibition of waste, fraud, abuse and other wrongdoing

b. Written procedures to deal with allegations of violations of ethical codes, including:

(1) A no-reprisal approach for personnel reporting

(2) Timeframes that:

(a) Are adequate for prompt consideration

(b) Result in timely decisions

c. Education on ethical codes of conduct for personnel and other stakeholders

d. Advocacy efforts for the persons served

e. Corporate citizenship

1.A.7. An organization in the United States receiving federal funding demonstrates corporate compliance through:

a. Implementation of a policy on corporate compliance that has been adopted by the organization's leadership.

b. Implementation of written procedures that address exclusion of individuals and entities from federally funded healthcare programs.

c. Designation of a staff member to serve as the organization's compliance officer:

(1) That is documented.

(2) Who:

(a) Monitors matters pertaining to corporate compliance.

(b) Conducts corporate compliance risk assessments.

(c) Reports on matters pertaining to corporate compliance.

d. Training of personnel on corporate compliance, including:

(1) Role of the compliance officer.

(2) The organization's procedures for allegations of fraud, waste, abuse, and other wrongdoing.

e. Internal auditing activities.

Intent Statements

The acceptance of federal funding requires acceptance of the responsibility and accountability for tracking the funds and determining and overseeing how funds are being used and reported. Receiving federal funding includes direct

receipt of Medicaid or Medicare funding, funding through another entity (such as a block grant or funds received through vocational rehabilitation or other state agency contract), or funding through a federally funded network.

7.b. Office of the Inspector General has the authority to exclude individuals and entities from federally funded healthcare programs. Hiring an individual or entity on the List of Excluded Individuals and Entities (LEIE) may subject an organization to monetary penalties. Written procedures address the organization's process and timeframes for verifying that personnel are not on the LEIE and actions to be taken in response to the information received. For further information, see Exclusions/Office of Inspector General: <http://bit.ly/2fzOw4T>.

7.e. Internal auditing activities.

Under corporate compliance systems, organizations develop and implement processes to assess compliance issues, take corrective measures, and continually monitor compliance in all areas including administration and service provision. Generally speaking, the term compliance is used to describe the act of complying with or acting in accordance with a set of standards or expectations mandated by an outside entity and is frequently used in conjunction with regulatory reviews, licensing audits, etc.

MANDATORY TRAINING



For all employees, the required training for November is Corporate Compliance 2020. This training can be accessed on

the Maric Healthcare website via the employee portal: <http://marichealth.com/login.php>.

This is the corporate compliance training from last year. We have not revised our corporate compliance program since the time of the training. However, we are in the process of revising our corporate compliance program, so there will be a new training with the revisions in the coming year.

All employees must view the webinar and then pass the associated posttest. A training certificate will be autogenerated and provided to you. You will need to save this certificate and provide to your program director. All Program Directors must submit all training certificates to natasha_byers@marichealth.com by November 30.

National News

WITH OVERDOSE DEATHS SOARING, DEA WARNS ABOUT FENTANYL-, METH-LACED PILLS

Anne Milgram, administrator of the Drug Enforcement Administration, speaks during a Senate Judiciary Committee hearing on Capitol Hill on May 26.

The Drug Enforcement Administration issued a public warning Monday that a growing number of fake pills bought online are laced with potentially lethal amounts of the synthetic opioid fentanyl, and blamed social media sites for not doing more to protect their users.

"We decided to do this because the amounts are staggering," DEA Administrator Anne Milgram said in an interview with The Washington Post. "We are in the midst, in my view, of an overdose crisis, and the counterfeit pills are driving so much of it."

The United States saw a record number of drug overdose deaths last year — more than 93,000, an increase of almost 30 percent from 2019.

Officials said the DEA hasn't issued such a public safety alert since 2015, when the agency warned that agents were seeing

an alarming amount of heroin laced with fentanyl. Fentanyl, even in much smaller amounts, is deadlier than street heroin. The new public safety alert warns Americans that counterfeit pills, often sold on social media or e-commerce websites, increasingly contain fentanyl or sometimes methamphetamine, posing health risks beyond the dangers of buying prescription pills.



The DEA has seized 9.6 million counterfeit pills already this budget year, which is more than it seized in the previous two years combined, officials said. The number of seized counterfeit pills found to contain fentanyl has jumped 430 percent since 2019.

The United States has been grappling with a worsening drug epidemic since 1999, fueled primarily by an explosion of opioid use. At first, that drug abuse centered around prescription pain pills, such as Oxycodone, Vicodin or Percocet. In recent years, the death toll has risen sharply, fueled in large part by fentanyl, a synthetic opioid that is relatively cheap to manufacture and distribute. Last year, drug overdoses killed more than twice as many Americans as car crashes. Many drug overdoses are the result of ingesting more than one drug, but experts say fentanyl is often involved.

Jack Westfall said part of the problem lies in the common assumption, particularly by young people, that a pill purchased online must be made in a reputable lab somewhere and, therefore, must not be too dangerous. Westfall recalled getting

a phone call from the medical examiner when he worked as a public health official in Santa Clara County in California in 2019. "She said she had two teenagers on her table, and she was worried they'd both overdosed on pills," he said. "For those two teenagers, they thought they were taking a Percocet, and they each took half a pill, and even half was a lethal dose."

Westfall, now the director of the Robert Graham Center for Policy Studies in Family Medicine and Primary Care, said that often the pills contain a chemical variant, or analog, of fentanyl.

"People may look at them and think it looks like a Percocet, and then even if they hear it's got fentanyl, they still think it's safe," he said. "But they are fake. And there's no way to know how much of that substance is in it."

Milgram said the illicit drug trade in the United States is increasingly shifting from plant-based products like cocaine or heroin to chemical-driven manufacturing. Often, those pills are sold online as Oxycodone, Percocet or Adderall. But in truth, the pills contain fentanyl or methamphetamine.

"There's no question in my mind right now there are chemicals largely coming from China to Mexico, where the cartels are mass-producing fentanyl and meth and now increasingly seeing them pressed into pills," she said.

James Rauh, an Akron, Ohio, man who founded Families Against Fentanyl after his son died of an overdose of a fentanyl analog, called the drug "extremely potent material that's infiltrated our illicit drug supply, poisoning tens of thousands of Americans a year."

As an advocate, Rauh has urged the federal government to declare the drug a weapon of mass destruction to punish countries like China, where many of the chemicals originate. "This is killing more young people in this country than wars have," he said. It's not just that the drugs being consumed are changing and killing more Americans. The way Americans buy illicit drugs has also changed.



Many of the counterfeit pills that alarm the DEA are being sold on sites such as Snapchat and TikTok, Milgram said: "The drug dealer isn't just standing on a street corner anymore. It's sitting in a pocket on your phone."

"Social media is not doing enough to deal with this," she said, while emphasizing that the first priority is warning the public. "We have not gone to them yet with specific demands, but we will at some point go to them."

November HR Corner

Kacie Enyart, SHRM-CP
Maric Healthcare
Human Resource generalist

This month we are rolling out updated Employee Handbooks to everyone. Within the handbook, there are a few additions and changes that everyone should be aware of.

Update to Vacation Policy: This update allows for 40 hours of rollover instead of 24 hours.

Update to Health, Dental and Vision policies: Coverage now ends at the end of the month of term instead of on the date of separation.

Update to Holiday Policy: This update changes how Holidays will be observed to accommodate clinic operations.

New Bereavement Policy: New Company guidelines when an employee has a death in the family.

New Inclement Weather Policy: New Company guidelines in the event of closures due to weather.

All employees will receive a notification in Paycor to review and acknowledge the new Employee Handbook in early November. Please reach out to HR with any questions.