



How Much Culture Do You Have?

CREATING A CULTURE OF COMPLIANCE

By Jackie Willett, CHBME

Returning from the recent HBMA Conference at Disney World, I was reminded of the “culture” that Disneyland and Disney World project— a culture that is often acknowledged as having created the premier visitor service organization. Disney destinations are some of the most visited recreation sites in the world, and their success is attributable to Disney’s commitment to a culture that exceeds visitors’ expectations.

What do Disneyland and compliance have in common? In order to have an effective compliance program you have to be committed to achieving a culture of compliance in your billing office. What does that kind of compliance culture look like? There are no official CMS answers to that question; however, I will share with you just a few thoughts and examples of how we keep compliance alive at TERM Billing.

We provide:

- Three-to-four hours of compliance training a year
- Monthly department meetings that include a compliance reminder/ topic
- Company-wide monthly meetings that have a compliance focus
- Appropriate background checks for all new hires and semi-annual background checks on all employees.

The Policy and Procedures on the following page are an

example of how we at TERM create and conduct our culture of compliance. You will notice that we not only check the Office of the Inspector General (OIG) sanction list upon hiring, but twice yearly thereafter. We also require each department to have monthly meetings and the compliance officer is always notified and invited to those meetings. All departmental meetings are documented as well as attendees noted. There is always at least one compliance ‘thought’ or ‘reminder’ in the meetings. The entire TERM team meets monthly, and we utilize this opportunity to again reinforce compliance reminders.

Your compliance culture should strive to:

- Prevent errors
- Detect errors
- Implement Resolution/Enforcement

Your program is critical and offers a practical framework for your company. The goal we try to reinforce is that compliance is not a binder on a shelf but rather a total environment—a culture of compliance! ▲

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CONTEMPLATING COMPLIANCE

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Policy and Procedures for TERM Billing Employee Check through OIG

Definitions:

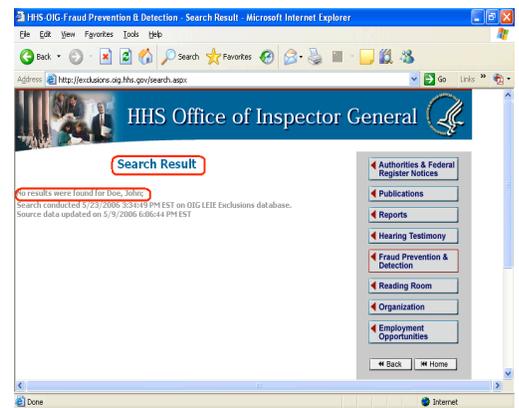
OIG – Office of Inspector General

CIA – Corporate Integrity Agreements – Non-criminal settlements between the OIG and health care providers arising out of substantial non-compliance with federal regulations.

Purpose: TERM checks each prospective and current employee in the Exclusion Program on the OIG website to identify individuals and entities that are currently excluded, suspended, debarred or ineligible to participate in the Federal healthcare programs. TERM avoids employing anyone identified as having been convicted of a criminal offense or who is listed by a federal agency as ineligible for the federal program participation, or anyone who has worked for a company that is listed as having a CIA.

Procedure:

- A. Human Resources Department will obtain employment application with completed and signed permission/release for the purpose of conducting background investigation for all final candidates.
- B. Human Resources Coordinator will use the internet to log on to: <http://www.oig.hhs.gov/fraud/exclusions.html>
- C. Click on **“Online Searchable Database”** located under List of Excluded Individuals/Entities (LEIE).
- D. Enter employee/applicant name and click **Search** (make sure the spelling is correct).
- E. This will bring up the search results. If there are no records found, print the page and file in the employee’s HR file under OIG. If there is a record found, verify if the record matches the employee/applicant information by clicking on the name found. Once the information comes up, look at the SSN (if listed) and date of birth (if listed) as well as verify the address and all the other information listed. If the information does not match, then simply print the page and use a highlighter to highlight the information that does not match and write **“Information not matching this employee/applicant.”** If the information matches the employee/applicant, then print out the information and forward it to the HR manager as the employee/applicant will need to be excluded.
- F. This excluded individual search procedure must be followed:
 - 1) Before an applicant is hired.
 - 2) In January and July (every 6 months) for each employee in the company.
- G. Results shall be printed and kept in the employee’s personnel OIG file.
- H. All negative results shall be reported to the Compliance Officer.
- I. If a current employee is convicted or ineligible, TERM Billing will immediately terminate the person from employment.
- J. CIA Search – Once the applicant has been checked, run another search listing the applicable businesses where the prospective employee has worked in the past (see example in red, below). Up to five (5) business names can be searched at one time. The business name search is located on the same page as the individual search. If there are no records found, print the page and file in the *(continued on page 18)*



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Guidelines, to reduce your penalties. Footnote 19, page 70141, under "Written Policies and Procedures" states: "According to the Federal Sentencing Guidelines, an organization must have established compliance standards and procedures to be followed by its employees and other agents in order to receive sentencing credit for an "effective" compliance program. The Federal Sentencing Guidelines define "agent" as "any individual, including

a director, an officer, an employee, or an independent contractor, authorized to act on behalf of the organization." See United States Sentencing Commission Guidelines, Guidelines Manual, 8A1.2, Application Note 3(d). ▲

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the efficiency of the physician's practice. However in reality, if "change" is not embraced, the probability of success is very low. We learned in the 1980's that we needed to change the process of billing for services or we would not be paid in a timely and effective manner. Therefore, the practice of medicine, from the business point of view, changed.

Now with newer technologies, government regulations, and the right financial incentive, physicians can embrace new levels of technology that were not available just five years

ago. But where does a physician in a small practice turn to learn about the hundreds of technology choices? The physician can spend hours searching and evaluating all of the opportunities. Or maybe in the near future, physicians will be able to look towards leaders within their own medical specialty for guidance and knowledge. ▲

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Employees HR file under OIG. If any excluded businesses match previous companies that the applicant worked for, check the exclusion code (see example in blue, below); this will be a number something like this: 1128(a)(1), you can also check the alpha listing by state (see example in blue, below). This will tell why the company is excluded. Print out this information and forward it to the HR manager, for further review, as the applicant may need to be excluded from being hired.

- K. The prior business search procedure must be followed only before an applicant is hired. It does not need to be done on an annual basis, as is the case with an individual. This procedure will only apply to businesses that may be in the healthcare field, such as doctor's offices, insurance/billing companies, etc. Searches do not need to be performed on companies that are not in the healthcare field, such as restaurants, retail stores, or other industries besides healthcare.

Disciplinary: Written Warning

