

Question of the Month

Q: How important is it that my contract for the practice/client requires proof of compliance plan within a certain time frame?

A: 1. All billing companies and medical practices should have a compliance program either in place and active or in active development (thinking about it doesn't count). The OIG has published Model Compliance Programs Guidances for both, but there is no specific law that requires that anyone have a compliance program; it is "voluntary" unless you are forced into one by a Corporate Integrity Agreement (CIA) because you didn't have one and failed to notice when you or your client violated the rules.

2. Billing companies should know the status of *each* client's commitment to a compliance program that is in place and active, in active development, or in denial ("this doesn't apply to me"; or, "that's why I hired a billing company"; or, "I/we are too small for the OIG to notice"; or, "stop bugging me", etc., are not good excuses.) Those who claim to have a compliance program should expect to be asked to prove it. You and your clients should be prepared to supply reasonable proof (the 3-ring binder proof is NOT what that means) that monitoring and auditing is a normal part of a compliance program.

3. New clients should be asked to declare their status during the courtship process. Would you *really* sign on a new client that offered one of the 'denial' answers above, or one like it?

4. If a new client indicates that compliance is "in process", it is reasonable to expect the client to commit to a date to be fully implemented, just as it is expected of you. Either might grant a rea-

sonable extension to the other, but without a firm commitment, there's not much you can do about the liars who said they would and then don't do anything. By making compliance part of the contract, you have a way to fire a noncompliant new client for breach of contract. You don't **have** to do that, but this way you can—and should—get rid of the bad boys and girls.

5. Proof of compliance also fortifies the credibility of *your* compliance program by making it part of each new relationship as well as part of each renewal of your existing client base.

6. This is not about achieving perfection, it's about consistency and constancy and regular advancement towards having 100% of your clients—and you—with a credible compliance program. Who wouldn't want that on their company's resume?

7. Here's a shameless plug for the all new HBMA Compliance Implementation Course. It's vital to your business. ♦

Robert Burleigh CHBME, president of Brandywine Healthcare Services in West Chester, Pennsylvania; brandywinebob@aol.com

Calendar of Events

August 2, 2002

HBMA HIPAA Workshop for Third Party Medical Billing Companies • Atlanta

August 5, 2002

Southeast Chapter Meeting – HIPAA Workshop • Cobb Galleria Centre, Atlanta, GA

August 5, 2002

HBMA HIPAA Workshop for Third Party Medical Billing Companies • Baltimore

September 12-14, 2002

HBMA FALL ANNUAL CONFERENCE • Washington D.C.

October 10-11, 2002

HBMA HIPAA Workshop & Great Lakes Regional Meeting
Sheraton Gateway Suites • Chicago O'Hare • Chicago, IL

October 31-November 2, 2002

Owners & Managers Meeting • New Orleans, LA

For details, visit www.hbma.com