

## **General Compliance and Fraud, Waste, and Abuse Training**

### **Compliance is EVERYONE'S Responsibility**

#### **\* What are MY RESPONSIBILITIES?**

- To understand and follow Torrance Memorial Integrated Physician ACO's ("TMIP ACO") commitment to ethical business behavior;
- To understand how a compliance program operates and how compliance violations should be reported;
- To understand that TMIP ACO participates in government programs (Medicare & Medi-Cal) and, as a condition of participation, ALL ACO Personnel are required to prevent, detect, and report any non-compliance with these programs.
- PREVENT
  - Operate within TMIP ACO ethical expectations to PREVENT Non-Compliance
- DETECT & REPORT
  - If you DETECT Non-Compliance, REPORT it!
- CORRECT
  - CORRECT Non-Compliance to protect Patients, ACO Personnel and TMIP ACO

#### **\* CMS requires that all Providers of healthcare to a Medicare patient implement an "Effective Compliance Program"**

#### **\* An EFFECTIVE Compliance Program is essential to prevent, detect, and correct issues of non-compliance such as fraud, waste and abuse.**

#### **\* An Effective Compliance Program should:**

- Provide guidance on how to identify and report compliance violations
- Provide guidance on handling compliance questions and concerns
- Articulate and demonstrate an organization's commitment to legal and ethical conduct

#### **\* An EFFECTIVE Compliance Program under Next Generation ACO (NGACO) must include at least the following core elements:**

- Designation of a Compliance Officer who is not legal counsel to the ACO and who reports directly to the ACO's governing body;
- Mechanisms for Identifying and addressing compliance problems related to the ACO's operations and performance;
- A method for ACO Personnel to anonymously report suspected problems related to the ACO to the compliance official;
- Compliance Training for the ACO and its Next Generation Participants and Preferred Providers; and;
- A requirement for the ACO to report probable violations of law to the appropriate law enforcement agency.

\* **TMIP ACO has a Culture of Compliance and Ethics**

- A Culture of Compliance
  - Prevents NON-Compliance
  - Detects NON-Compliance
  - Corrects NON-Compliance
- A Culture of Ethics
  - Act Fairly and Honestly
  - Adhere to high ethical standards in all you do
  - Report Suspected violations
  - Comply with the letter and spirit of the law
- **“It’s about doing the RIGHT thing”**
- As a provider of healthcare services to patients enrolled in government programs, it is IMPORTANT that YOU conduct yourself in an ethical and legal manner

\* **What is Non-Compliance?**

- Non-compliance is conduct that does not conform to the law, Federal health care program requirements, or to an organization’s ethical and business policies
- High Risk Areas \*\*
  - Conflict of Interest
  - Documentation Requirements
  - Quality of Care
  - HIPAA
  - Claims Processing
- Non-Compliance can harm Patients
  - Delays Services
  - Creates difficulty in using providers of choice
  - Can create Denials of Benefits
  - Creates obstacles to care
- Non-Compliance costs Money
  - Can raise premiums and co-payments
  - Lowers Profit
  - Can Lower benefits for individuals and employers

\* **Consequences of Non-Compliance?**

- In addition to the harm to patients and financial costs, ACO Personnel who engage in Non-Compliant behavior may be subject to the following:
  - Mandatory Training or Re-Training
  - Corrective Action
  - Termination

\* **Fraud, Waste, and Abuse**

- **Fraud**
  - An intentional act of deception, misrepresentation, or concealment in order to gain something of value.
- **Waste**
  - Over-utilization of services and the misuse of resources.
- **Abuse**
  - Excessive or improper use of services or actions that are inconsistent with acceptable business or medical practice. Refers to incidents that, although not fraudulent, may directly or indirectly cause financial loss.

\* **Differences between Fraud, Waste, and Abuse**

- There are many differences between fraud, waste, and abuse.
- Primary Difference
  - **FRAUD** requires INTENT and KNOWLEDGE
    - \* Fraud requires the person to have INTENT to obtain an improper payment and the KNOWLEDGE that his/her actions are wrong
  - **WASTE** and **ABUSE**
    - \* May involve an improper payment but does not require intent and knowledge

\* **Examples of Fraud, Waste, and Abuse**

- \* Unnecessary Procedures or Services
- \* False/Double Billing or Billing for procedures not performed
- \* Services or procedures performed by federally or state excluded individuals
- \* Accepting bribes or remuneration in exchange for directing services to drug companies or physicians
- \* Falsifying documentation to obtain coverage for services or procedures
- \* Providing Sub-Standard Care

\* **Reporting Fraud, Waste, and Abuse**

- Do not be concerned about determining whether it is fraud, waste, or abuse.
- Report all concerns to:
  - Office Manager
  - ACO Administration
- Call the Compliance Officer
  - Ingrid Cobb – (310) 784-3748
- Call the Compliance Hotline
  - (855) 226-5554 (Anonymous)
- Report on the Compliance Website
  - [www.tmmc.ethicspoint.com](http://www.tmmc.ethicspoint.com) (Anonymous)

\* **What happens when Non-Compliance is Reported**

- An investigation will be conducted
  - An action plan developed
  - Non-Compliance is Corrected
    - \* Avoids recurrence of the same Non-Compliance
    - \* Effective Controls will be implemented
  - Protects Patients, and the Organization

\* **I'm Afraid to report Non-Compliance**

- There can be **NO retaliation** against you for any good faith reporting of suspected non-compliance
- Torrance Memorial offers reporting methods for Non-Compliance that are
  - Anonymous
  - Confidential



## General Compliance and Fraud, Waste, and Abuse Test

Name: \_\_\_\_\_

Practice Name: \_\_\_\_\_

Date: \_\_\_\_\_

1. **What is an example of a violation that could be considered Fraud, Waste, or Abuse? Choose the best answer.**
  - a. Double Billing
  - b. Billing for Services NOT performed
  - c. Billing for Sub-Standard Care
  - d. All of the Above
  
2. **What are the ways that Fraud, Waste, and Abuse or Non-Compliance can be reported? Circle all that are Correct.**
  - a. Notify the Compliance Officer
  - b. Speak with your Management Team
  - c. Online Compliance Website
  - d. Compliance Hotline
  
3. **Which is NOT one of the 5 Elements of an Effective Compliance Program? Choose the best answer.**
  - a. Compliance Education and Training
  - b. Effective Lines of Communication
  - c. Immediate remedial action if there is an allegation of a compliance violation
  - d. A Compliance Hotline
  
4. **Which is the BEST definition for FRAUD?**
  - a. Over utilization of services and the misuse of resources
  - b. Intentional act of deception, misrepresentation, or concealment in order to gain something of value.
  - c. Excessive use of services that are inconsistent with acceptable business or medical practice
  - d. Effective Controls
  
5. **As a healthcare provider that participates in government programs, ALL ACO Personnel are required to prevent, detect, and report any non-compliance.**
  - a. TRUE
  - b. FALSE
  
6. **TMIP ACO prohibits retaliation against any ACO personnel who in good faith reports incidents of Fraud, Waste, and Abuse.**
  - a. TRUE
  - b. FALSE
  
7. **ACO Personnel who engage in Non-Compliant behavior may be subject to which of the following? Choose the best answer**
  - a. Mandatory Training or Re-Training
  - b. Corrective Action
  - c. Termination
  - d. All of the Above

8. What are some of the "High Risk" areas for Non-Compliance? Please mark all that apply.
- a. Conflict of Interest
  - b. Quality of Care
  - c. HIPAA
  - d. Documentation Requirements
9. The Center for Medicare and Medicaid Services (CMS) requires that all Providers of healthcare to Medicare patients have what type of Compliance Program? Choose the best answer.
- a. Effective
  - b. Experimental
  - c. Economical
  - d. None of the Above

10. Please choose the best word to complete the following statement:

**"Compliance is \_\_\_\_\_ Responsibility"**

- a. The CEO's
- b. The Compliance Officer's
- c. NOT Everyone's
- d. Everyone's

**WHEN YOU HAVE COMPLETED THE TEST, PLEASE RETURN IT TO TMIP ACO ADMINISTRATION – THANK YOU!**

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**Employer Use Only**

Hire Date:

Test/Orientation Date

Within 90 Days of Hire            YES            NO

Score:            PASS            FAIL

ANNUAL TEST            YES            NO