



COMPLIANCE

What is a Compliance Officer and what is their value to me?

Beverly Kirchner BSN, RN, CNOR, CASC
Chief Compliance Officer, SurgeryDirect

OBJECTIVES

- Define the role of an ambulatory surgery center (ASC) Compliance Officer (similar to hospital roles).
- Discuss the responsibilities of the Compliance Officer.
- Describe the challenges faced by the Compliance Officer.

**Ms. Kirchner has no
conflict of interest to
declare with this
presentation**



DEFINING THE ROLE

TWO TYPES OF COMPLIANCE OFFICERS

Corporate Compliance Officer

- Oversees:
 - Ethics
 - Fraud
 - EMTALA
 - Code of Conduct
 - Privacy Law (HIPAA)

Regulatory Compliance Officer

- Oversees:
 - Standards
 - Regulations
 - Conditions for Coverage
 - Accreditation

Maybe a third type?

The Compliance Officer in an ASC

IMPORTANT SKILLS A COMPLIANCE OFFICER NEEDS

- Risk assessment
 - A vital component of the compliance function
- Conflict management
- Integrity
- Keep updated
- Interpret data
- Detail oriented
- Communication
- Problem solving



COMPLIANCE OFFICER'S ROLE OVERVIEW

- Ongoing process of overseeing the legal, ethical and professional standards of the ASC and team members:
 - Develops, implements and oversees the Ethical and Compliance Educational Training for team members
 - Internal Audits, Risk Management and Governance
- Covers - patient care (policies & procedures), billing, reimbursement, carrier contracting, OSHA, accreditation, HIPAA and IT security
- Culture

ANSWERS TO AND REPORTS DIRECTLY TO...

- The facility's **Governing Board**
- Assures the Governing Board of...
 - Leadership and team are compliant with rules, regulations and laws (e.g. Federal, State, accrediting body)
 - Compliance Plan
 - Code of Conduct
 - Reporting is completed per state, federal and accreditation body requirements

RESPONSIBILITIES

- Provides Guidance to the Governing Board for...
 - Compliance Goals
 - Compliance Issues
 - Risk Management
 - Quality and Performance Improvement
 - Risk Assessments and Audit Results
 - Actions Plans
 - Education



Which of the following are roles of a Compliance Officer?

- A. Full-time job, auditing and teaches the Governing Board
- B. Compliance Plan Oversight, answers to the Governing Board, Risk Management
- C. Audits, provides ongoing education for team, governance
- D. A&C
- E. A&B
- F. B&C
- G. All of the above

The background of the slide features a blurred medical chart with a stethoscope resting on it. A white hexagonal grid pattern is overlaid on the left side of the image, extending towards the center. The text is positioned on the right side of the slide, set against a plain white background.

DEFINING THE RESPONSIBILITIES

COMPLIANCE PLAN ACCORDING TO OIG

- Plan must include the following but not limited to the following:
 - Develop, write and distribute Code of Conduct – educates team – holds accountable (approved by the Governing Board)
 - Ps & Ps must describe how the healthcare entity meets & exceeds legal and ethical standards (approved by the Governing Board)
 - Describe Compliance Officer's responsibilities and duties
 - Reports to the CEO (ASC Governing Board)

COMPLIANCE PLAN ACCORDING TO OIG

- [continued]
 - Develop and deliver team education
 - Develop effective lines of communication for reporting without fear of retaliation
 - Develop a plan on how to respond to complaints
 - Complaint compliance must include – ability to apply appropriate action including discipline of team members when required
 - Develop internal monitoring tools and audits to measure compliance

COMPLIANCE PLAN ACCORDING TO OIG

- [continued]
 - Develop how to address compliance deficiencies
 - Focus on how we can eliminate fraud or potential fraud in the organization
 - Develop how the organization will respond quickly and appropriately to detected offenses
 - Develop how the organization will identify and implement corrective action

HEALTHCARE COMPLIANCE REQUIREMENTS

- Laws and regulations needed to be identified by the organization
- These major areas of compliance law and regulations are:

CMS

OSHA

HHS

CDC

DEA

HIPAA

Safe Harbor

EPA

False Claims
Act

HEALTHCARE COMPLIANCE REQUIREMENTS

- State Health Department
- State OSHA
- State EPA
- State Board of Pharmacy
- EEOC
- Accrediting Body
- OIG
- State Board of Medicine
- State Board of Nursing
- Life Safety (NFPA)
- FGI (Construction)





The ASC Compliance Plan must have the following elements:

- A. Written by an attorney, overseen by the Governing Board, Disciplinary Action Identified
- B. Describe compliance Officers Duties and Responsibilities, Oversee Policies and Procedure Development
- C. Identify lines of communication, Develop education, Compliant Response, Code of Conduct
- D. Describe disciplinary Action for each offense, Internal Monitoring Tools, Audits
- E. Plans of Correction, Goals, Describe Governing Board Responsibility, Describe how the organization will identify and eliminate fraud
- F. All of the above



INSIGHT INTO A FEW CHALLENGES

CHALLENGES WITH COMPLIANCE

- Keeping up with laws, regulations and changes made (at least) annually
- Updating plans
- Updating policies and procedures
- Auditing



WHAT A COMPLIANCE OFFICER IS NOT

- The Lone Ranger – cannot ensure anything without a team
- A Know It All – virtually impossible to know everything about everything
- The last say on any issue – the team gets nowhere if we act in silos

ASK OF THE TEAM

- Communicate often – what you observed may be a simple action/decision but still could step out of compliance
- Communicate respectfully – ask for changes, reviews, audits
- Share Knowledge – you are the expert in your job
- Observe and enforce – leaders must be observant and report issues and enforce policies and procedures
- Communicate changes - to help ensure the changes made are compliant

TYPES OF RISK ANALYSIS...

... that an ASC Compliance Officer should have in place

- Compliance Effectiveness Tool
- Compliance Risk Analysis – Employee Questionnaire
- HIPAA Risk Analysis and Audit Tool
- Site Compliance Assessment Tool
- Policy and Procedure Assessment
- Risk Assessment – False Claims Act – Kickbacks

LAWS AND REGULATIONS

- oig.hhs.gov OIG Compliance Guides
- cms.hhs.gov CMS regulations and programs
- hhs.gov/ocr Department of Health and Human Services
and Office of Civil Rights
- dol.gov Department of Labor
- eeoc.gov Equal Employment Opportunity Commission
- usdoj.gov Department of Justice
- ussc.gov US Sentencing Commission

LAWS AND REGULATIONS

- HIPAA Resources aspe.os.dhhs.gov/admnsimp/pl104191.htm
- HIPAA Security Standard
a257.g.aka,aitech,net/7/257/2422/14mar20010800/edocket.access.gpo.gov/2003/pdf/03-3877.pdf
- HHS Office of Civil Rights HIPAA Resources os.dhhs.gov/ocr/hipaa
- CMS HIPAA Resources
cms.hhs.gov/hipaaageninfo/01_overview.asp

WHAT DOES COMPLIANCE MEAN?

- Must have a comprehensive compliance plan
- On-going process
- Must track adherence to processes and standards
- Must routinely audit its performance to ensure compliance
- Must be a continuous process for reviewing laws and regulations to ensure all policies and procedures are current
- Provide training to team/update training as laws and regulations change



QUESTIONS



THANK YOU

Beverly Kirchner BSN, RN,
CNOR, CASC

beverly@surgerydirect.net



SURGERY***DIRECT***



Clinical quality | Physician engagement | Business profitability

Not to be copied, distributed or reproduced without the prior written approval from SurgeryDirect. Copyright © 2020 SurgeryDirect LLC. All rights reserved.