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Hi, it's Dr. Weitz. Thank you so much for joining me for this episode of the private medical practice Academy. Today, I want to talk to you about why you need a compliance plan. I know that the complicated rules and regulations of running a medical business are not going to surprise you, or that you need to comply with healthcare laws. And it's no secret that the government is becoming increasingly aggressive in its enforcement efforts against healthcare providers. So just because you think you're always going to do the right thing, that isn't enough anymore. Before I get started, I want to get one common misconception out of the way. A lot of people think that you only need to have a compliance plan.

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If you're going to participate in government insurances like Medicare or Medicaid. And while it's true that if you accept government run insurance, you have to have a compliance plan. It's not only for those practices, perhaps you don't take Medicare or Medicaid, but you do take third-party payers. Anyone who's ever reviewed a health insurance company contract knows that there is a whole list of rules and regulations that you have to follow. And just in case, you're wondering, even if you're an all cash practice, you still need to have a compliance plan. Why? Well, there are several reasons for starters compliance includes everything from the disposal of medical waste to employment standards.

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It's not limited to just billing. Sure. It will help you comply with governmental regulations in third party pair billing requirements, but there is so much more, the real issue is that a formal compliance program is an indispensable part of an overall risk management plan for your practice. If you don't have a compliance plan, you expose yourself to an increase in reimbursement disputes, increased uncollectable fees, more demands for repayment, civil litigation and potential criminal prosecution matters to be addressed and compliance programs include not only billing practices, but also anti-kickback compliance state and federal self-referral prohibitions, state fee, splitting laws, licensure and accreditation requirements.

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Labor relations matters in D trust and price, fixing prohibitions, HIPAA, and medical record issues, and a whole host of other state and federal laws. I want you to recognize that simply having to deal with any investigation can cause you a tremendous amount of time, money, and stress. Even when you have been trying to do the right thing. I also want to point out to you that size really doesn't matter. I know there's a joke in here somewhere, regardless of the size of your practice. Even if you're a solo provider, you still need to have a standardized compliance program in place aside avoiding the obvious potential regulatory issues it's going to help keep you and your employees as well as your patients safe.

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So now that I've convinced you that you need one, I'm sure you're wondering what exactly goes into this compliance plan. Well, the very first thing you need is a compliance officer. It's important to designate one person to fill this role because there needs to be a clear point person for employees to go to. If they have

questions or concerns, this person is responsible for organizing all compliance related issues and actions. The responsibilities of a compliance officer include not only developing the compliance plan, but also implementing it in its entirety. The ideal candidate is someone who has knowledge, not only of the clinical elements of the practice, but also some level of understanding of your business and the billing processes.

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Now you can be the compliance officer, or you can delegate this responsibility to one of your employees. Just know that if you choose it to be an employee, you're going to need to provide them with in-depth training in terms of what's needed. And when you're first starting out, you may want to be that compliance officer since ultimately you'll need to understand what goes into the compliance plan and how it's implemented. Now, while we're at it, let's talk about HIPAA compliance and the fact that you're also going to need a privacy officer, depending on your size, the compliance officer and the privacy officer can be different people. They can also be the same person.

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So in the beginning, there's no reason that they can't be the same person and have that person be you next, your compliance plan needs to be specific well-documented and as standardized as possible. Now let's talk about the topics that need to be addressed in your compliance plan. Before I start, I want you to understand that this list, isn't all inclusive. You'll want to have standards of conduct for your employees. You need to have a plan for determining what's medically necessary. Now, this isn't only a billing issue. It's a clinical one that can have malpractice implications. And of course, you're going to need a compliance plan for billing.

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This includes billing government and third-party payers, as well as dealing with the applicable H H S fraud alerts. But even if you're a cash only practice, you need a compliance plan for how money is being collected, accounted for and deposited. You'll need a compliance plan for how you market, including anti-kickback and inducements. But again, I want to emphasize to you that these issues aren't limited to your participation with insurance companies. First of all, there are state laws that you need to familiarize yourself with because they may impact you. Even if you don't take insurance. The reality is that if your you'll acknowledge, that compliance plans are designed to help you pass the smell test, it's a whole lot easier to prove that you're always trying to do the right thing.

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If you have an Inforce plan now to achieve this, you have to have written guidelines and manuals. You've probably heard me talk about this multiple times before in other episodes, but every aspect, every task in your business needs a protocol. This will provide an easy source for training. New employees and printed materials can also be used as a reference by your existing employees. These written standards should be regularly reviewed to ensure that they continue to meet the needs of your practice, and you need to revise them as needed your, a business as well as all the rules and regulations are constantly changing.

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And needless to say, your compliance plan needs to change accordingly. And at the risk of being repetitive. Let me tell you that if it is not written down, it didn't actually happen. You need to have these written protocols, because then you have something in the form of true documentation to show somebody if they say, Oh, do you actually have a written manual or a protocol next? You need to train your employees after all. What's the use of having policies and procedures. If you don't use them to train your employees along with outlining the standards and procedures that your practice requires, training employees and keeping detailed records of this training is one of the most important elements of the successful plan.

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You'll want to choose the methods of training that work best for you. In my practice, we used a company called HR solutions for it. You guessed it. Our HR needs, we had a monthly mandatory employee meeting and basically covered a specific training topic every single month. For example, we did HIPAA compliance training. Every April, our medical waste services company offered OSHA training. We utilized an e-learning platform for HIPAA training for new employees. You should have regular staff meetings, period. End of the story, I'd strongly recommend coming up with a schedule for compliance training and incorporating those into your staff meetings.

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Now, a few housekeeping issues you want to have someone keep the minutes from the complaints training. It should be filed along with your compliance plan. Make sure that you have everyone sign in on an intended cheat. Now, if there are changes in your compliance plan or changes in any of the rules and regulations, you'll want to have a handout documenting this, you need to have your employees sign the handout, acknowledging that they've reviewed it and understand the changes and that they've received a copy of the handout. Keep a signed copy for your practices records and give the employee a copy. Now I know I'm sounding very OCD, but I'm telling you that this is the level detail needed to adequately adhere to the compliance plan and to protect yourself.

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Being detail oriented here is going to pay you dividends. We've covered the facts that you need to assign a compliance officer, develop a detailed compliance plan with detailed information and share it with your employees. Now what it shouldn't surprise you, that your compliance plan needs to address how non-compliance is going to be handled. A good compliance plan will outline standards for how any issues will be reported. And then how are you going to actually treat them? For example, if someone sees something who did they tell the person sitting next to them, maybe their supervisor or the compliance officer.

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If you have a small office with only one employee, all three of those people may be the same person as I'm

telling you this. It makes me think of the signs you see all of the New York subways. If you see something, say something, this couldn't be more true because when there's something that's not quite right, people are really nervous about saying something, especially when there is no clear cut, who to tell or when to tell them your compliance plan needs to clearly spell out who should be told there needs to be a chain of command. Okay? So now that we know who's going to get the information, does it require that disciplinary action actually be taken?

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Obviously it depends on the type of non-compliance. Look, if someone throws sharps in the regular garbage, rather than the biohazard container, that's very different than purposefully submitting fraudulent insurance claims or embezzling cash from your front desk, your compliance plan needs to outline what to do in each of these cases, right? What will the investigation look like? If something is reported, who's going to do the investigation. You should know the answer. The compliance officer will there be retraining to deal with. If there's noncompliance is the person, who's the offender going to be terminated?

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What kinds of documentation is needed? What corrective actions are going to be taken? Is there any need for you to retrain your staff? All of these things need to be addressed in that compliance plan. And again, you know, not to hit you over the head with it, but all of this needs to be documented. Every aspect of the investigation requires a paper trail. When someone reports something, it needs to be in writing. When someone is interviewed about this potential issue, it needs to be recorded. When someone is counseled, there needs to be a record of it, all of it. And then there needs to be a written report of what the potential issue was, what was done to investigate it, the conclusion, and then any corrective actions that were taken, needless to say, the documentation needs to be signed by the compliance officer and retained.

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And it should be obvious. One of the things that a compliance plan is going to help you do is manage employee behaviors and any potential issues that are going to arise from this. Now, the last thing I want to talk about to you about is doing an audit. This is one of the components that is actually really important. For example, you may audit your billing records on an annual basis. Wouldn't you rather identify that there's an issue before an investigator shows up at your front door, or you will want to, to audit your HIPAA policy so that when a patient and says, Oh, you know, there was a breach.

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You have proof that you are, our office is always on top of HIPAA by auditing yourself rather than waiting for someone to report an issue. You demonstrate that you're proactive. This goes a long way. If you're ever involved in an investigation, I can tell you having seen several physicians go through this by the feds, the DEA blue cross, and other entities, having proof that you're continuously monitoring yourself can only help you in the end. Being humble client really is nothing more than having a tangible, systematic plan for doing

the right thing and showing everyone that you're doing the right thing.

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Thanks for joining me. Be sure to sign up for my newsletter below, and I'll be sending you tips on how to start your practice best run your practice, grow the practice, and then ultimately be able to leverage your medical practice into multiple other businesses. I hope to see you soon.