

# Your Medical Office Compliance Program

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*Firm Mission: Reduce Risk/Increase Bottom Line For Those Who Place Their Trust In Us.*  
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## How To Avoid The FBI, OIG, MFCU

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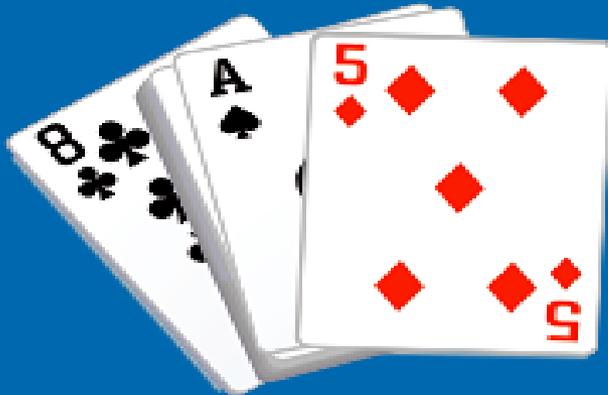
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# I. REASONS FOR A COMPLIANCE PROGRAM



# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- a. ❖ We all make mistakes and a compliance program can identify and correct mistakes that can destroy your medical practice.
- ❖ Addresses billing issues;
- ❖ Addresses quality assurance issues;
- ❖ Addresses any other practice issues in which you desire to have your compliance program involved;
- ❖ You set the parameters of your program;

# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- b. The various authorities within the world of healthcare are not interested in excuses but, rather, compliance.
- c. When you self-correct mistakes and errors, you are establishing your integrity and competence which are the pre-conditions for your continued participation in the career which you spent a life time creating.

# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- **d. Compliance programs are systematic efforts to establish and implement-**
  - i. Financial integrity;**
  - ii. Quality assurance;**
  - iii. Other quality issues which you set;**

# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- e. Compliance programs protect your practice from malicious employees or employees who turn malicious-
  - i. Employees who do wrong and blame the owner;
  - ii. Employees who fail to do what they are supposed to do and blame the owner;
  - iii. Employees who do nothing wrong but want to avoid the wrath of prosecutors and blame the owner;
  - iv. Disgruntled employees who seek to enrich themselves by filing False Claims Act [Qui Tam] suits against the owner and the medical practice;

# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- f. Compliance programs establish and document your good-faith intent to navigate complex healthcare programs, if you were to become the subject of an investigation-
  - i. Establishes your good-faith intent to prosecutors and investigators at the beginning of an investigation, before they put in a lot of time and effort, so as to divert their efforts and attention to easier targets;
  - ii. Establishes your good-faith intent to prosecutors and investigators so that they do not desire your demise;
  - iii. Establishes your good-faith intent to Courts and Juries, assuming the prosecutor will not take no for an answer – you will not have to be a patsy; no guilty plea; the government will have to prove its case and you will have the evidence to defend your good-faith intent.

# REASONS FOR A COMPLIANCE PROGRAM (Cont'd)

- g. Permits you to systematically develop additional structures, knowledge, and protections for your current practice and as your practice evolves.
  - i. It is an organic system that naturally develops and evolves with your direction as your practice evolves and as you have the resources to invest into it;
  - ii. You cannot afford not to invest in a compliance program for it is like an insurance policy, it is there when you need it; it is like a fortress that you build that keeps out errors and omissions that can destroy you from within and keeps out attackers who would destroy you from without; it is like an annuity with many benefits that you can put into the bank;

## II. WHAT CONSTITUTES A BASIC COMPLIANCE PROGRAM



- **Proper Checks, Balances And Education In An Organized Manner To Protect You And Your Practice From Internal And External Threats Arising From Errors and Omissions.**

# WHAT CONSTITUTES A BASIC COMPLIANCE PROGRAM (Cont'd)

- a. A review of your coding and coding procedures.
- b. A review of contracts and relationships with third parties.
- c. A continuing education program for your coders and practitioners, present and future.
- d. Training coders as to how to ascertain and document answers to present and future coding issues and disseminating appropriate documentation and program requirements to practitioners in your practice.

# WHAT CONSTITUTES A BASIC COMPLIANCE PROGRAM (Cont'd)

- e. Creation of a system to review your practice's documentation procedures and establish proper documentation and program adherence-
  - i. Medical and quality assurance documentation;
  - ii. Financial and billing documentation;
  - iii. Other quality issues which you set;
- f. Creation of operational structures to continue, expand and enhance your compliance efforts.

# WHAT CONSTITUTES A BASIC COMPLIANCE PROGRAM (Cont'd)

- g. Establish and impose employee responsibility for implementation of proper procedures and operations-
  - i. Clearly identifies employee responsibilities so as to minimize the opportunity for employees to shift criminal responsibility to employer;
  - ii. Clearly identifies employees' responsibility to bring forth problematic situations/occurrences so as to minimize any employee's opportunity to blame the employer, after the fact, in a civil False Claims Action [Qui Tam] brought by the employee;

# III. IMPLEMENTING A COMPLIANCE PROGRAM



- It is a matter of selecting the right team and insulating yourself by means of educating and utilizing your compliance committee to self-correct errors and documenting, documenting and documenting.

# IMPLEMENTING A COMPLIANCE PROGRAM (Cont'd)

- a. **Selecting a compliance attorney-**
  - i. **Someone who is not a direct employee and who has knowledge of compliance issues;**
  - ii. **Someone with the credentials to afford you a degree of protection by virtue of his/her involvement;**
- b. **Selecting a compliance coder-**
  - i. **Someone who is not a direct employee and who is professionally knowledgeable of coding issues;**
  - ii. **Someone with the credentials (i.e.; a certified coder, etc.) to afford you a degree of protection by virtue of his/her involvement;**

# IMPLEMENTING A COMPLIANCE PROGRAM (Cont'd)

- c. Selecting a compliance officer-
  - i. Generally, someone within your staff (i.e.; your office manager, CFO, internal accountant, etc.) who is designated to head the compliance program and receive employee input;
  - ii. Generally not someone reviewing their own immediate, daily work product to the degree that it can be avoided (not your billing clerk);
  - iii. Generally, not the owner if it can be avoided;
  - iv. If you are a small enough practice, reality might require it to be you but that is not preferred, if it can be avoided (you lose certain protections by being directly involved in this manner);

# IMPLEMENTING A COMPLIANCE PROGRAM (Cont'd)

- **d. Creating a compliance committee from your staff;**
  - i. Those responsible for daily operations can and should be involved in this committee;**
  - ii. Depending on the size of your office, it could be you and your billing clerk (aka-office manager/receptionist), if you are a two person office;**
- **e. Establishing and implementing compliance documentation and procedures;**

# IV. BENEFITS OF A COMPLIANCE PROGRAM



# **BENEFITS OF A COMPLIANCE PROGRAM (Cont'd)**

- **a. Improved documentation and program adherence.**
- **b. Enhanced awareness of billing, medical and program, documentation and requirements.**
- **c. Increased revenues-**
  - i. Through increased knowledge of what is billable through your local carriers;**
  - ii. Through increased knowledge of what billable services can be rendered and what documentation of those services is required;**
- **d. Enhanced protection from unfounded audits, suits, investigations and prosecutions;**

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Good Doctors Who  
Have Fallen to the  
System.**

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