

# AMG Compliance Training

# Compliance?

- ❁ Compliance means following a rule or request. In the healthcare setting when we speak of compliance we refer to following the rules, regulations, policies and laws created by the government, insurance programs and payers



# Introduction

Annual compliance training is designed to be in addition to any other compliance training that you may have received throughout the year. All employees, managers and contracted healthcare practitioners are required to participate in annual compliance training.



# Purpose and Benefits

There are numerous benefits to having an effective compliance program. These benefits fall into two categories:

- 1) To communicate and demonstrate in our day-to-day activities, to all of our employees, physicians, investors, business partners, and patients, that we are committed to conducting business in an honest and ethical manner.
- 2) To create a system of checks and balances to deter, detect, and prevent, fraud, abuse, and mistakes.



# Examples of Fraud, Abuse, and Mistakes



Billing for services that were not medically necessary, not documented, or not provided.



Billing for services provided by an individual who is not properly licensed or has been excluded by the government from providing goods or services to federal healthcare beneficiaries.



Paying or receiving payment for referrals.

# Audits and Investigations

Fraud and abuse audits, investigations, and prosecutions are conducted primarily by:

- CMS
- Office of Inspector General (OIG)
- Federal Bureau of Investigation (FBI)
- Department of Justice (DOJ)
- Medicaid Fraud Control Units (MFCU)



# Recovery Audit Contractors (RAC)



In addition, CMS has contracted with entities (RACs) to look at billing trends and patterns in an effort to reduce Medicare improper payments through the efficient detection and collection of overpayments, the identification of underpayments and the implementation of actions that will prevent future improper payments.



# False Claims

The existence of fraudulent or abusive activities could lead to the submission of false claims which could lead to fines and other penalties.

False claims are claims that the provider either knew or should have known were not correct and thus the government should not have paid for the services.





# Consequences of Fraud, Abuse, and Mistakes

- ❁ Investigations
- ❁ Exclusion from Federal Healthcare Program
- ❁ Fines and Penalties
- ❁ Jail



# Consequences of Fraud, Abuse, and Mistakes



- ❁ The annual estimated cost of healthcare fraud and abuse ranges between \$100-170 billion.
- ❁ Health care fraud prosecutions are on pace to rise 85% over the next few years.
- ❁ Fiscal year 2011, the FBI handed down 242 indictments and 241 convictions of corporate criminals.
- ❁ There were 903 fraud prosecutions in the first eight months of 2011.

# Consequences of Fraud, Abuse, and Mistakes

- ❁ As the statistics indicate, in addition to the fines, a significant number of individuals and entities have been excluded from participating in the federal healthcare programs. Most of these individuals and entities go out of business because of the exclusion.
- ❁ Did you know that over 50% of our business comes from federal healthcare beneficiaries? That is a BIG incentive to make certain that we are following all of the rules and regulations.



# Anti-Retaliation

- ❁ AMG supervisors and managers are expected to be open to employee concerns about ethics and compliance. They need to create a work environment in which concerns can be raised and openly discussed without fear of retaliation. Even if an employee has criticisms or raises an uncomfortable question, supervisors and managers must welcome the communication, always remembering that openness is essential to a healthy work environment.
- ❁ Retaliating against someone for raising a good faith concern, calling the Ethics Action line for cooperating with an investigation is prohibited. Retaliation is taken very seriously and if it occurs will result in discipline, up to and including termination of employment.



# Compliance Program Elements

According to the USSG and the OIG's compliance guidance, there are seven (7) core elements in an effective compliance program:

- ❁ 1. Written compliance guidance (Policy)
- ❁ 2. Designation of individuals with oversight responsibilities
- ❁ 3. Mandatory compliance training
- ❁ 4. Anonymous reporting mechanisms
- ❁ 5. Compliance auditing process
- ❁ 6. Process for investigating suspected misconduct and discipline
- ❁ 7. Corrective action process



# Element #1

## Written Compliance Guidance

There are three primary documents that provide written compliance guidance:

- 1) Compliance Manual
- 2) Compliance Policies and Procedures
- 3) Compliance Work Plan





# Compliance Manual

Summarizes the elements of the Compliance Program

Contains Employee Code of Conduct

Includes Affirmation Statements

Provided to all new employees upon hire





# Code of Conduct



The Employee Code of Conduct provide guidance on employee behavior and responsibilities.



As with all written compliance guidance, employees are required to be familiar with these standards.

# What is the AMG Code of Conduct?

Our basic values are that we:

1. Meet the needs of each and every patient whose care is our primary purpose and mission
2. Hold integrity and honesty as our most important principles and uphold ethical standards at all times
3. Comply with all applicable rules and regulations
4. Maintain and enhance cooperative relationships with affiliated physicians to better serve the health care needs of our communities
5. Forge strong partnerships with those who share our values
6. Achieve standards of excellence which become the benchmark of health care practices
7. Use innovation and creativity to identify and solve problems
8. Apply quality management and leadership principles to foster continued employee development
9. Treat each other, our patients and our business partners with respect and dignity
10. Strive for improvement day in and day out in everything we do

# Code of Conduct

## Reporting:

- ❁ All employees have an affirmative obligation to report even suspected misconduct to their supervisor, the AMG Compliance Officer, or through one of the anonymous reporting mechanisms.
- ❁ Reporting even suspected misconduct is very important because it allows us to be proactive and address potential problems early before they become big problems.



# Code of Conduct

## Gifts and Business Courtesies:

- ❁ AMG employees are NOT permitted to accept cash gifts.
- ❁ AMG employees ARE permitted to accept unsolicited non-cash gifts worth less than \$100 only if acceptance of the gift will not influence the employee's independent judgment in transactions involving AMG.
- ❁ Perishable and consumable gifts to a department as part of a business meeting are acceptable.
- ❁ Offers to attend training or other business opportunities that include travel and lodging costs paid for by a vendor must be approved by the Compliance officer or a corporate executive officer.



# Standards of Conduct



## Accounting Controls:

- ❁ AMG's financial statements and the books and records on which they are based must accurately reflect all corporate, subsidiary, and division transactions.
- ❁ No information shall be concealed from internal or independent auditors and all employees have an affirmative obligation to report any known or suspected accounting irregularities.

# Standards of Conduct



## Conflict of Interest:

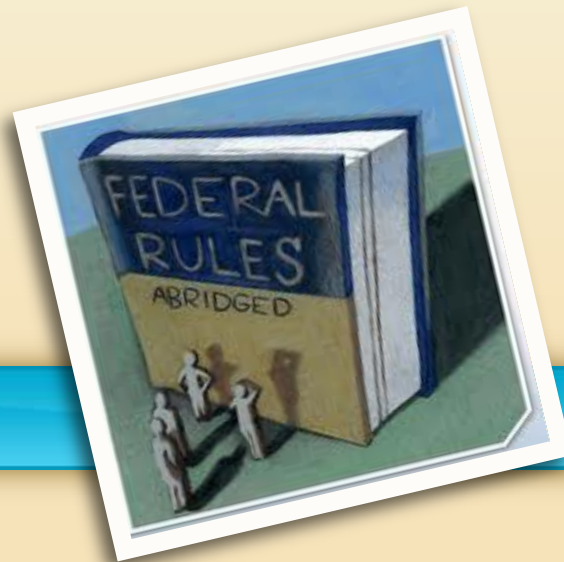
- \* AMG employees shall disclose to their supervisor, the Hospital Compliance Officer, or Legal Counsel any situation which could be a conflict of interest with AMG as well as any employment arrangement, financial interest, official position, ownership interest, loan to or from, guarantee of any obligation of or any other relationship that such employee (or a member of his or her immediate family) has with AMG's customers, vendors, competitors or other business relations.



# Standards of Conduct

## Conflict of Interest:

- Financial interest does not include ownership of an immaterial amount of stocks or bonds in a publicly held company.
- No person shall be permitted to participate in the decision-making process with respect to a transaction in which such person may have a conflict of interest.





# Standards of Conduct

## Enforcement and Discipline:

- AMG maintains a zero tolerance policy towards any illegal conduct and an employee's claim that improper conduct was undertaken for the benefit of AMG will not be accepted.



# Compliance Policies and Procedures

Procedure for reporting a complaint about fraud or abuse:

Each employee is encouraged to follow the chain of command when reporting any allegation(s) involving suspected fraud.

- AMG'S Corporate Compliance Officer should be the first to be contacted
- The second person is the AMG President
- The third is the Compliance Hotline at: 855-887-0696
- Complaints may also be mailed to:
  - \* Jessie Haggerty-CONFIDENTIAL
  - \* 101 LaRue France, Ste. 500
  - \* Lafayette, Louisiana 70508



# EMTALA Policy

- ❁ All associates must be aware that as a Medicare participating hospital we have an obligation to provide a medical screening examination (MSE) by a qualified medical person (QMP) to any individual who comes to a licensed AMG hospital facility seeking medical treatment (whether or not eligible for insurance benefits and regardless of ability to pay) to determine if the individual has an emergency medical condition (EMC).



# EMTALA Policy

EMTALA applies to patients presenting anywhere on the hospital campus – not just the Emergency Department.

Physician certification must be provided that the risks of transfer are outweighed by benefits of transfer prior to transfer to another facility and a list of the specific risks and benefits to this specific patient included.

Facilities shall transfer all EMTALA patients for only services or care not available at your facility or upon patient request documented to EMTALA requirements and ACCEPT TRANSFERS of patients for specialty services not available at the hospital where they originally presented.

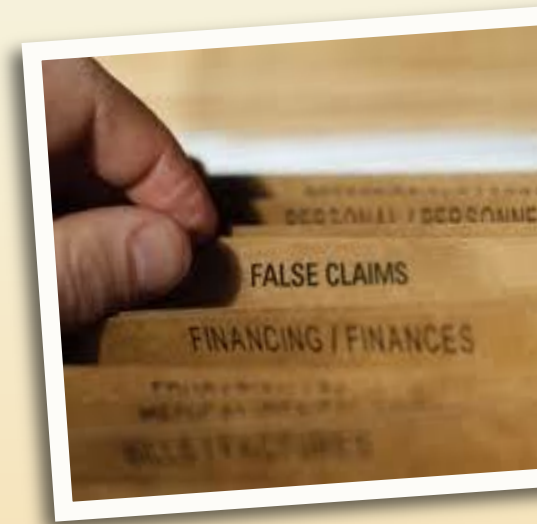
# False Claims Act Policy



- The False Claims Act (“FCA”) is a federal law that imposes significant fines and penalties on any individual or entity that knowingly files a false claim with the federal government.
- The law includes a provision that allows people who are not affiliated with the government to file actions on behalf of the government (informally called "whistleblowing").

# False Claims Act Policy

3. These false claims laws are important tools for preventing and detecting fraud, waste and abuse in federal and state health care programs, and provides significant whistleblower protection for individuals who report violations.
4. AMG's Compliance Program has been established to deter, detect, and prevent, among other things, false claims.



# False Claims Act Policy

5. AMG's Compliance Program requires that all employees report suspected misconduct, including suspected false claims.
6. AMG's Compliance Program provides for two mechanisms (Hotline and Mail) for employees to anonymously report suspected misconduct.
7. AMG's Compliance Program prohibits any retaliation for reporting suspected misconduct.



# Element #2

## Oversight of Compliance

The Corporate Compliance Officer is Jessie Haggerty.

The Corporate Compliance Committee is in place to assist the Corporate Compliance Officer and is composed of no less than four members.

# Element #3

## Compliance Training

❁ At a minimum, all employees are required to attend compliance training on 3 occasions:

1. New employees within 30 days of hire
2. Employees promoted to supervisory position
3. Annual compliance training

# Element #4

## Anonymous Reporting Mechanisms

❁ Hotline Number: 855-887-0696

❁ U.S. Mail:

❁ Jessie Haggerty-Confidential  
101 La Rue France, Suite, 500  
Lafayette, Louisiana 70508



# Office of Inspector General (OIG) Hotline

- ❁ The OIG may be contacted to report a complaint related to alleged fraud, abuse and mismanagement of Medicare and Medicaid funds.
- ❁ Phone number: 1-800-HHS-TIPS (1-800-447-8477)
- ❁ Fax number: 1-800-223-8164

## Element #5

# Anonymous Reporting Mechanisms

The Compliance Hotline is available 24 hours a day, 7 days a week.

After receiving a call, the Hotline forwards the details to the Corporate Compliance Officer and/or designees who review all calls and forward the calls to the appropriate manager.

If the call involves the Hospital Compliance Officer, then the Compliance Committee will perform the investigation.

# Element #6

## Compliance Investigations

- ❁ Compliance investigations will be led by the Corporate Compliance Officer, Corporate Compliance Committee, and/or external legal counsel, if necessary.



# Conclusion

Every employee plays a critical role in the success of AMG's compliance program.

While all companies have access to the same seven elements of an effective compliance program, those that have employees and Medical Staff that understand and support the compliance program have a significantly higher likelihood of success.

Ethical behavior should be the foundation for every decision you make.  
Compliance is everyone's job!!!