



NAMAS Weekly Auditing & Compliance Tips

July 15, 2016

Compliance Plans: The Truth About Templates

This is not an article about building an effective compliance plan. It is about the most efficient and accurate way to build it and some of the nuances to be aware of when using a template to build your plan. As a compliance officer and someone that spends my days working with physician practices and integrated delivery health systems sorting through compliance related issues, developing corrective action plans, and ensuring steps are put into place to prevent the same mistake from happening again, I often find myself reverting back to templated compliance programs I have developed over the last 18 years of focusing solely on compliance. Templates make the process move a lot faster and save you a ton of time with formatting and not having to search for specific sections of the Regulations, Guidelines, Statutes, Acts, etc.

The part where things fall apart for most who use templates is that they believe you can highlight the word "PRACTICE NAME", then hit replace all and type in the name of their practice and the compliance program is complete. This is not a compliance plan and it is surely not going to be one that is effective and adhered to. A template is only as good as the effort you put into taking it from a template to something that is specifically designed for the organization it is intended for.

As an example, recently I was brought into a group to evaluate their compliance program and effectiveness.

When I got to the practice, they provided me with a

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Presented by: Frank Cohen
Thursday, August 4, 2016
2:00pm EST

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binder that contained a plan, policies, and other various items that could be considered the pieces of a compliance plan. But upon staff interviews, it became quite clear that what they had provided me was nothing more than an out-of-the-box program that failed to address the needs of their group. The compliance plan and policies themselves had not been updated since 2011 and what they were providing to their employees each year was the same tool with just a change of the date (i.e., 2015 to 2016). What did we do? We put a BIG RED RETIRED across the front of the binder and went back to the drawing board to start from scratch and build them something that would work and that they could maintain year after year.

This is the same thing I see over and over each time I work with clients in this capacity. So, what can you do to prevent the same thing from happening in your practice? The answer is very simple but complex at the same time especially if your group or organization has never faced an audit investigation by the Department of Justice or Office of Inspector General. Below are my recommendations for developing a compliance plan using a template:

1. Perform a "Gap" analysis of your organization and all of its functions. A Gap analysis allows you to look at what the compliance requirements are with regard to coding, billing, documentation, EMRs, responding to subpoenas, onsite investigations by auditors, use of locums, developing corrective action plans, training and education, disciplinary actions, etc. and the gaps that exist in your current way of doing things.

2. Read the compliance plan and all of the policies to understand what it actually says and then begin to make determinations on what in the template actually applies to you. For example, if Medicare's 72 Hour Rule does not apply, remove it from the template so as not to cause confusion.

3. Templates are not going to cover everything that you are going to need so you will have to get your creative hat on and determine what is missing and then write the policy such as regarding Modifier 25, "Medical Necessity", Handling a ZPIC Unannounced Site Visit, etc. Most template creators do not think of some of these items so you need to be thorough in your evaluation of policy needs.

4. Lost of template compliance plans I have reviewed are very hospital-centric, addressing things like provider based billing or Cost Reports, yet these items remain in the actual compliance plan of a medical practice that is not tied to a hospital or health system. Remove this

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Our **onsite** schedule is as follows:

information.

Healthcare professionals I speak with routinely believe that if the compliance plan is not this 200 page overwhelming document with hereto and whereas, etc. then it is not an effective plan. The size and length of the document means nothing; its what's contained on the pages that make it worth the paper it is written on. Keep in mind; the more complex you make the plan, the less likely you are to comply with it. The last thing you want to do is develop something that no one in the organization will follow, thus opening yourself up to all sorts of scrutiny during an investigation. Create your policy based on the needs specific to your organization and use the KISS principle. Most of the compliance plans I develop for clients are right around the 20 page or less mark unless they are a hospital or health system. The reason is simple - I covered everything I needed to and kept out irrelevant information.

For me, the most important part of any compliance program is the policies and procedures as this is where all of the meat of what, how and why we do things is spelled out. Policies should be specific to the operational functions of the organization based on a thorough analysis of the current processes in place.

Taking the time to understand how compliance templates work for and against you is critical to establishing an effective compliance program. The key takeaway from this article is Don't Be Lazy if using a template- spend the time and effort on the front end to save you money and sanity on the back end.

This Week's Audit Tip
Provided by:
Sean M. Weiss

Sean M. Weiss is a Partner and Vice President of Compliance for DoctorsManagement, a Knoxville, TN based consultancy focused on regulatory compliance and audit appeal representation. With more than 20 years in healthcare, Sean provides services to medical practice, hospitals and integrated delivery health systems. For more information, email sweiss@drsmgmt.com or call us at 800.635.4040



August 24-25: Atlanta, GA

September 15-16: Nashville, TN

October 6-7: Birmingham, AL

November 3-4: Charlotte, NC

December 5-6: Orlando, FL

Our next **online** session begins September 10!

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8TH ANNUAL
Auditing & Compliance
CONFERENCE 2016

Pre-Conference: Tuesday, December 6
Conference: Wednesday, December 7- Friday,
December 9

Venue: Loews Portofino Bay Hotel at Universal Orlando



NAMAS 8th Annual Auditing &
Compliance Conference
December 6-9, 2016
Loews Portofino Bay Hotel



Just steps away from Universal Orlando and Universal City Walk, the Loews Portofino Bay is like taking a trip to Italy. Take a water taxi to City Walk for some fun nightlife, or spend your downtime relaxing in the piazza or by the pool. This is truly a one of a kind resort and we're excited for you to join us for our 8th annual Auditing & Compliance Conference!

[Click Here to View the Conference Agenda](#)

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2. Live online 1-day sessions: August 10 or October 24
3. Live online lunch & learns: August 22 & 24 OR September 27 & 28

Or, attend one of our 1-day **onsite** sessions:

- July 21, 2016: Houston, TX
- August 30, 2016: Tampa, FL
- September 8, 2016: Knoxville, TN
- September 14, 2016: San Antonio, TX
- October 6, 2016: Covington, LA
- November 15, 2016: Columbus, OH

[Click Here to Learn More About The NAMAS E&M Auditing BootCamp](#)

Weekly Tip Sponsor



NAMAS Calendar of Events



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Upcoming Webinars

NAMAS is proud to present the following webinars in July



exciting agenda, complete with sessions geared toward physician-based auditing, facility-based auditing, E&M auditing and even physician-based compliance. You won't want to miss it!

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During our exhibitor reception on Wednesday evening, **NAMAS will be hosting our first ever ugly holiday sweater contest!** Attend the reception in your ugliest holiday attire for voting by our group of exhibitors. The attendee who wins the contest will receive a scholarship for complimentary registration to next year's conference!

Don't delay in registering- conference registration will increase after this month!

NAMAS Conference Speaker Spotlight



David Glaser, JD
Fredrikson & Byron, P.A.

Conference Sessions:

- Audit Sampling & Extrapolation
- Myths & Misconceptions in Auditing & Compliance
- Audits & Appeals
- Physician Compensation & Compliance
- The Auditor, the Doctor & The Attorney: Proving the Medical Necessity

Speaker Spotlight

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Conference**
Orlando, FL | December 6-9, 2016



View the full conference agenda & register today at
www.namasconference.com

A Note From Our Tip Sponsor



E/M Encounter Review

Speaker: Jane Hansen July 19, 2016
2pm EST

The Intersection of Risk Management & Exclusion Screening

Speaker: Paul Weidenfeld
July 26, 2016
2pm EST

Dress for Success

Speaker: Shannon DeConda
August 2, 2016
2pm EST

The Role of QA in an Effective Audit Policy

Speaker: Sara San Pedro
August 9, 2016
2pm EST

NAMAS Members: Watch your Email for Registration Links

Non-Members: Email namas@namas.co to learn how to attend these webinars

A Note From PowerBuying

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David Glaser, JD is a shareholder in Fredrikson & Byron's Healthcare group and co-founded its Health Care Fraud & Compliance Group. Mr. Glaser has considerable experience and assists clinics, hospitals and other healthcare entities with topics such as regulation, strategy, reimbursement and compliance.



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In This Issue

[The Truth About Templates](#)
[NAMAS 8th Annual Conference](#)
[Total Compliance](#)
[Complimentary Webinar](#)
[Become a NAMAS Member](#)
[Medical Auditing BootCamp](#)
[E&M Auditing BootCamp](#)
[Calendar of Events](#)
[Upcoming Webinars](#)
[Save on Toner Cartridges](#)
[Receive These Tips](#)
[Follow NAMAS](#)