

Legal Compliance for HBPC – Discussion Guide with Facilitator Notes

Thank you for leading a group discussion regarding key learning points from the HCCI online education activity, *Legal Compliance for HBPC*. This guide is intended to help you prepare to facilitate this discussion.

OVERVIEW

Purpose: The discussion aims to reinforce your practice’s commitment to lowering compliance risks while providing HBPC services.

Audience: This discussion is intended for learners who have successfully completed the online education activity, *Legal Compliance for HBPC*. The discussion should take no longer than 60 minutes to complete.

Materials:

- Hard copies of the following handouts from the Resources screen in the course.
 - *Compliance Starter Template*
 - *Next Steps*
- *Optional:* A flipchart to capture comments and ideas to help focus discussions and/or save for future consideration.

Instructions: Use the question prompts provided to initiate group discussions.

Learning objectives:

- Describe how compliance applies to the HBPC industry.
- Recognize common compliance issues in delivering HBPC services.
- Apply best practices to establish an HBPC compliance program using the pillars of a successful compliance program.

AGENDA

#	Topic	~Minutes
1	Introduction	5 min
2	OIG Guidance and the Pillars of a Successful Compliance Program	15 min
3	Key Compliance Concerns	10 min
4	Debrief	10 min

TOPIC 1: INTRODUCTION

Question prompts:

- In what year did Section 6401 of the Patient Protection and Affordable Care Act require that most healthcare providers establish compliance programs? *(2010—emphasize that this requirement is not new.)*
- Do you think compliance risks are higher in the home-based setting vs. an outpatient/office setting? Why or why not?

TOPIC 2: OIG GUIDANCE AND THE PILLARS OF A SUCCESSFUL COMPLIANCE PROGRAM

Question prompts:

- The Office of the Inspector General lists seven pillars of a successful compliance program. What were these pillars? *(Write down all seven as they are being listed.)*
 - Written Policies and Procedures
 - Compliance Leadership and Oversight
 - Training and Education
 - Communication
 - Enforcement
 - Risk Assessment, Auditing, and Monitoring
 - Corrective Action
- Which pillars do you think apply to our practice and that we currently implement effectively?
- Which pillars do you think apply to our practice, but we could improve on? How?
- Are there any pillars that you think do NOT apply to our practice, and why not?
- There are also state-specific compliance laws and regulations that our practice needs to follow. How do these impact our practice?

NOTE: You may wish to distribute any documentation or other resources regarding your practice's compliance program.

Now would be a good opportunity to also refer learners to any state-specific laws or inform them where to find more information (e.g., internal documentation, websites, etc.).

TOPIC 3: KEY COMPLIANCE CONCERNS

Question prompts:

- In the course, a case study was presented that highlighted several practices that put the provider in compliance trouble. Does anyone recall what these practices were and the violations they represented?
 - *Receiving “gifts” for prescribing durable medical equipment from a friend’s company. (Anti-kickback violation)*
 - *Scheduling patient visits every month regardless of documented need for follow-up. (Lack of medical necessity)*
 - *Referring all patients to the health agency where he is a paid medical director. (Stark Law violation)*

- *Coding the highest Evaluation and Monitoring code for most patient visits. (Upcoding)*
- What are the potential consequences providers who violate compliance and regulatory laws face? *(Criminal and civil prosecution, fines, imprisonment, exclusion, loss of license to practice medicine)*
- Explain each of the following key compliance concerns and discuss best practices to lower our violation risks:
 - Coding and Billing Risks
 - HIPAA Privacy and Security Risks
 - Documentation
 - Reasonable and Necessary Services
 - Scope of Practice
 - Inducements, Kickbacks, and Self-Referrals

Note: For the last question, you may want to have the group brainstorm examples and capture these on a flipchart. Or to save time, you may want to divide participants into pairs or small groups and assign one concern for discussion. Then debrief together.

TOPIC 4: DEBRIEF

Question prompts:

- *Distribute copies of the Compliance Starter Template. Ask participants to work in small groups or in pairs to try and complete the template. Then debrief together. If participants had difficulty answering some questions, discuss where they can find this information in your practice.*
- Refer to the *Next Steps* handout. Review and mark which steps you would like to commit to taking next. Share your ideas for implementation.