

## Part B Insider (Multispecialty) Coding Alert

### Compliance: Keep The Whistle From Your Workers' Lips With These 10 Tips

Think whistleblowers all work at healthcare giants? Think again.

Your coders, billers and other support staff could be a qui tam (whistleblower) lawsuit waiting to happen, say experts. "When I was a federal prosecutor, our best source of information was disgruntled employees," says attorney **Nicholas Harbist** with **Blank Rome** in Philadelphia. He and other attorneys offer the following tips:

- 1.** Pay attention to your employees' concerns about documentation and other issues. Otherwise, "you're creating someone who sees themselves not as your advocate but as the opposite side," says **Wayne Miller** with the **Compliance Law Group** in Woodland Hills, CA.
- 2.** Have a designated place to bring concerns. If you can afford it, a hotline is a great idea, says Miller. But you can also designate someone as an ombudsman or compliance officer, whose job it is to hear people's concerns.
- 3.** Give a time frame in which you'll get back to people about their concerns. Let them know you'll be able to give them some feedback on how the investigation is going within three or four weeks. Even if you don't have all the specifics by then, make sure to keep your promise and update them.
- 4.** Bring in an outside party to perform periodic audits or reviews of what you're doing. This can help show your potential whistleblowers that everything is on the up-and-up, says Miller.
- 5.** Encourage problem reporting. Far from making your employees sign something promising not to report any wrongdoing to outside parties, you should encourage people to bring up concerns, says Miller. Your employment agreement or manual should reflect this.
- 6.** Have an annual certification where staff members check one of two boxes, certifying either that they are or are not comfortable with the office's practices, advises **David Glaser** with **Fredrickson & Byron** in Minneapolis. Then later, if someone claims they raised an issue in the past, you can point out that they checked the "comfortable" box.
- 7.** Have in-services on billing and compliance issues. These should provide a chance to hear people's concerns, says Miller.
- 8.** Don't shoot the messenger. If you discipline or freeze out employees who come forward with their concerns, then you're giving them the impression they're being punished for coming forward.
- 9.** If it turns out the whistleblower is right, don't just fix the problem going forward. You have to make up for all the inappropriate billing in the past.
- 10.** Make sure people understand that some billing practices that seem unusual to them may not actually be illegal, advises Glaser.