

Part B Insider (Multispecialty) Coding Alert

Compliance: Levinson: These Are The 4 Biggest Healthcare Compliance Issues

Highlights from OIG chief's keynote at the 20th annual HCCA Compliance Institute

The Health Care Compliance Association (HCCA) celebrated its 20th anniversary with a keynote speech from **Daniel R. Levinson**, the HHS Inspector General, who illuminated his agency's challenges, as well as the top compliance issues on the OIG's plate at the moment.

Background. The HCCA addresses issues related to HIPAA and compliance at its annual Compliance Institute, a four-day health forum. This year, Levinson provided words of insight and encouragement to attendees about how to stay on the right side of the health care laws.

Levinson compared the HCCA and compliance in general to the Greek Parthenon. He contrasted a newer version with the crumbling original while reminding listeners that compliance has weathered many storms like the decaying monument but remains steadfast nonetheless.

"I picture the columns of the Parthenon representing the different disciplines required to create the culture of compliance," he said, "with perhaps, one column being the compliance office itself, another column being billing and coding, another column being clinical expertise, the administrative staff, the technology people, each discipline creating that structure of permanence and stability."

Role of Compliance

As Levinson outlined the role of compliance in the healthcare industry, he discussed a variety of ways it's altered medicine by changing expectations and perceptions, but how it has also sought to define and improve care despite the constant struggles that accompany such initiatives.

As the chief OIG watchdog, he mentioned that one of every six healthcare dollars is now going to compliance, which is a hefty sum for such a massive industry. He focused on HIPAA and reminded his audience that the heart of the program was to "define quality care, enhance morale, reduce mistakes, and build trust" with the community, yet he honed in on the need for all healthcare workers to strive to "self-correct" in regard to compliance.

His remarks corresponded with the OIG directive concerning "self-disclosure," prevalent in its many rulings and reports: When auditors come calling, they will be more forgiving to those practices and hospitals who have attempted to remedy their errors. He maintained that it's never been more important to have a compliance plan to fall back on should errors arise.

Where HIPAA Is Failing

OIG's head honcho detailed the three biggest issues in compliance right now: fraud, kickbacks and bribes within the hospice program, and Part D drug abuse.

- **Fraud.** Levinson said that sometimes the compliance system fails and fails big. He referenced a case where a physician performed chemotherapy on 500 patients without cancer, costing CMS \$30 million in fraudulent claims. The doctor got 45 years in prison, but "the harm was done, when we weren't paying attention," said the OIG leader.
- **Hospice.** He addressed the continual problems facing hospice care in the form of kickbacks and bribes with millions claimed by a variety of nefarious medical sources. Levinson stressed the importance of reforming this trend in such a crucial area of healthcare on "the regulatory front."
- **Part D.** "Opioid abuse is significant in major parts of the country," said Levinson, and this concern, combined with doctor and pharmacy mills that compound the problem, has contributed to serious compliance issues and money lost.

Big Finale. Levinson talked about the necessity of the OIG to bridge the balance between compliance and its enforcement. He urged healthcare providers to take advantage of the HIPAA tools available on the HHS website because the OIG expects you to be compliant with new laws, regulations, and rulings.

He also strongly recommended that everyone with a foot in the healthcare door look closely at section 1128(b) (7) of the Social Security Act, which was added on April 18th and deals primarily with provider conduct relative to "fraud, kickbacks, and other prohibited activities." Touching on the need for corporate integrity agreements (CIA) and compliance mandates pursuant to the cause, he noted that OIG will continue to "hold individuals accountable" for their actions.

"Spread the wealth of good health," said Levinson, touching finally on the reforms of the Affordable Care Act and MACRA. As he ended his talk, the OIG leader remarked that as his department looks ahead, his staffers will be focusing on these forward-thinking implementations and their amendments, ensuring and applying compliance referendums as the programs evolve.

Levinson ended his talk by stressing how important patient safety and security will be in the "new age emerging, where we will fuse the physical, the digital, and the biological."

Resource: For the complete keynote speech by the OIG's Daniel R. Levinson at the 20th annual HCCA Compliance Institute, visit <http://oig.hhs.gov/newsroom/video/index.asp#hcca2016>.