

## Eli's Hospice Insider

### Compliance: OIG Head Points Finger At Hospice As Fraud Risk

#### **HIPAA is important, Inspector General emphasized.**

Expect the enforcement hits to keep on coming for the hospice industry.

In a speech at the **Health Care Compliance Association** Compliance Institute meeting this spring, HHS Inspector General **Daniel R. Levinson** identified kickbacks and bribes within the hospice program as one of the agency's top compliance issues at the moment.

**Background:** 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 health care 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 homed 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.

#### **Expect More Hospice Regulations Aimed At Fraud & Abuse**

Kickbacks and bribes within the hospice program ranked as one of the OIG's three biggest issues in compliance right now, Levinson said. The other two were outright fraud and Part D drug abuse.

**Fraud areas:** The OIG leader 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."

Opioid abuse under Part D and unnoticed, outright fraud are also draining Medicare.

**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."