

Eli's Hospice Insider

Compliance: You're Not Alone: Tap Compliance Plan Resources

Don't stop with the OIG guidance.

Crafting or updating your hospice's compliance plan can seem like an overwhelming task, but you have lots of help if you know where to look.

The first stop for your compliance plan research should be the **HHS Office of Inspector General's** compliance guidance at www.oig.hhs.gov/fraud/complianceguidance.asp. The OIG issued model compliance programs for home health agencies in 1998 and hospices and durable medical equipment suppliers in 1999. But don't assume you can download the guidance and call yourself done. "The Compliance Program Guidances are merely guidelines," warns attorney **Julie Mitchell** with **Copeland Cook Taylor & Bush** in Ridgeland, Miss. "Providers should adapt those guidelines to their particular size, type, and issues," Mitchell tells **Eli**. "So much has changed since then," points out attorney **Liz Pearson** with **Pearson & Bernard** in Edgewood, Ky. of the late '90s issuances.

A risk analysis of your organization should show where you should focus your compliance plan resources, suggests attorney **Robert Markette Jr.** with **Gilliland & Markette** in Indianapolis.

Other important resources for crafting or revising your compliance plan include: **Your own existing P&Ps**. "Most agencies have policies and procedures in place that address compliance, but they are scattered about in clinical policies, billing policies, etc.," Pearson notes. "The compliance process does not require recreating the wheel," she says. You can gather the P&Ps together to help form your plan.

Don't forget: "But each policy should be reviewed and monitored to see if it hits the target to address all compliance issues," Pearson says.

- Reports from federal agencies. (www.gao.gov, www.oig.hhs.gov, etc.) Reports from the OIG, **Government Accountability Office**, and other federal agencies highlight risk areas and pinpoint compliance pitfalls, Markette notes. Those include the OIG's work plan and semiannual report to Congress.
- OIG Special Fraud Alerts. (<http://oig.hhs.gov/fraud/fraudalerts.asp>) Special fraud alerts identify fraud and abuse hot spots. Recent alerts have covered DME telemarketing, rental arrangements with referring physicians, and hospice-nursing home arrangements.
- OIG Exclusions. (<http://oig.hhs.gov/fraud/exclusions.asp>) Know how employing an individual excluded from participation in federal programs can harm you by reading the Exclusion Authorities and downloading the excluded list.
- Applicable federal and state laws. The major ones include the anti-kickback statute, the Stark physician self-referral law, the False Claims Act, and the Civil Money Penalties statute, Markette notes.
- Federal sentencing guidelines. (www.ussc.gov/guidelin.htm) These guidelines address issues like how a compliance plan will mitigate your penalties if you are found guilty of violations.
- Compliance groups. Trade groups like the **Health Care Compliance Association** or your national and state hospice group can be valuable sources of information, Markette suggests.