

### Mandatory Compliance

Disclosure of Commercial Interests

Employment:

Alma College (Michigan)

Professor: At this time I have no commercial interests relevant to this program. From time to time in the future I may work on consulting or commercial publishing projects involving long-term care.

American College of Health Care Administrators - 2017

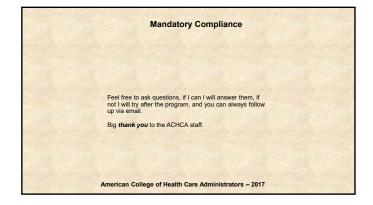
### Mandatory Compliance

Tom Ealey has four decades of experience with long-term care as a consultant, writer, researcher and seminar leader. He writes frequently for the Health Care Compliance Association.

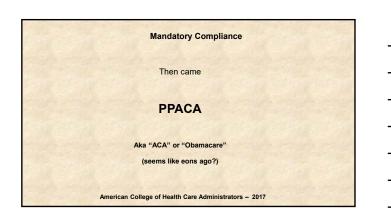
Tom is a professor of Business Administration at Alma College in Alma Michigan. He advises and lectures in the College's Integrated Health Studies Institute.

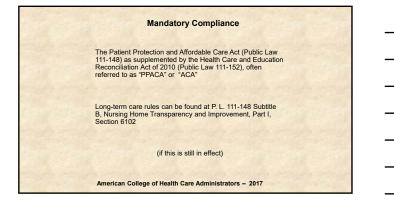
A hard copy handout will be provided, courtesy of Alma College. Free materials can be found at a Dropbox.com Long-term Care Share, link at https://healthcarethinktank@blogspot.com

Contact: Ealey@alma.edu

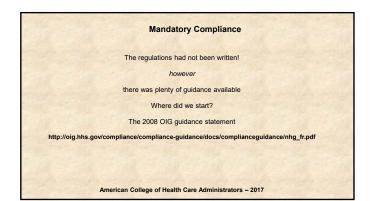










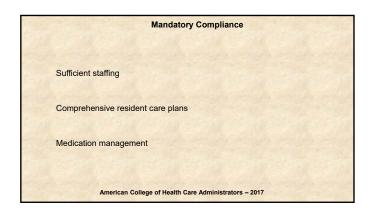


the start	Mandatory Compliance
and the second	
-	Other resources
	Your (health care specialist) lawyer
	Trade and professional associations including ACHCA
	Health Care Compliance Association
	Trade publications
	Newsletters, websites
	American College of Health Care Administrators – 2017

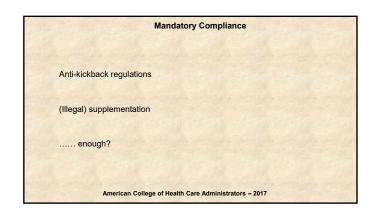








Mandatory Compliance
Psychotropic med utilization
Safety: mistreatment, neglect, abuse
Billing Integrity
American College of Health Care Administrators – 2017



Mandatory Compliance

Legal news:

Sally Yates became famous when President Trump fired her from DOJ for insubordination. Before that, she became famous for the 2015 **"YATES MEMO"** 

Yates memo = white collar criminals should go to prison

American College of Health Care Administrators - 2017

### Mandatory Compliance

Why we should be very, very careful

Momence Meadows Nursing Center

U.S. ex rel. Absher v. Momence Meadows Nursing Center, 2:2004-cv-002289 (Aug. 20, 2014)

False claims gone wild!

Or maybe not..... (provider won on appeal)

# Mandatory Compliance

### Recent and current litigation

Whistleblowers and the feds versus just about everybody! Unnecessary and unreasonable amounts of therapy done to residents who did not need it, then billed to the feds Massive settlements and of course legal fees

American College of Health Care Administrators - 2017



# Mandatory Compliance - the New Era

And then we go back to the roaring 90s therapy rears its' ugly head Kindred Care (and affiliates) settled for big dollars

Genesis settled for big dollars

Repeat after me....

"reasonable and necessary"

# Mandatory Compliance Litigation is pending with HCR Manor Care SavaSeniorCare LLC (last fall Sava was thumped in an appeal trying to redefine the issues) There is some hope on technical appeal grounds but do not use that as a rationale. Repeat after me.... "reasonable and necessary" American College of Health Care Administrators – 2017

# Mandatory Compliance – the New Era

RUG fudging is a good way to get a beating email is a government lawyer's best friend

bonuses based on RUG fudging and minute stuffing – no no

corporate created "budget" (quota) numbers can be dangerous

HPL is not a solely adequate defense

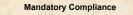
Documentation must establish "reasonable and necessary"

which employee is your future whistleblower?

American College of Health Care Administrators - 2017

# Mandatory Compliance CMS 2016/2017 Nursing Home Action Plan Four Main Goals Better care and lower costs Prevention and population health Expanded health care coverage Enterprise excellence

Mandatory Compliance
CMS - five principles of action
enhance consumer awareness
strengthen survey process, standards, training
improve enforcement activities
promote quality improvement
create strategic approaches through partnerships
American College of Health Care Administrators – 2017



The news is not all bad.... Compliance can improve performance Compliance can improve the revenue cycle

You are likely already doing much of the work anyway!

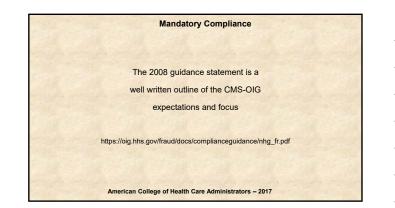
American College of Health Care Administrators – 2017

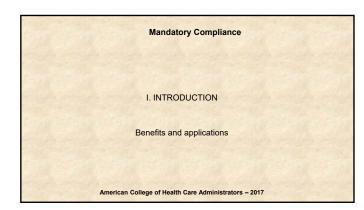
# Mandatory Compliance - the New Era

# Consider the benefits

- improved billing cycle performance
  - develop training needs list
    - evaluate technology assets
      - extra review POC and follow through

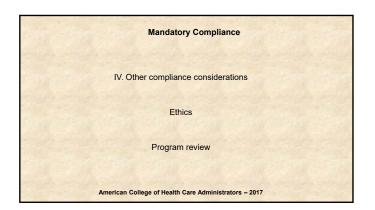
one more look at medical records

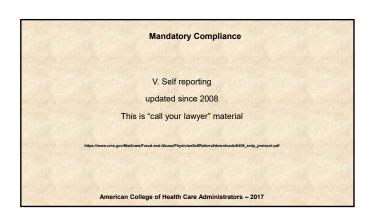


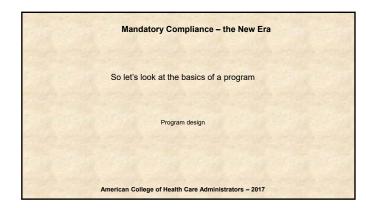




	Mandatory Compliance
	III. Fraud and abuse risk areas
	Quality
	Accurate claims
T ANG TAN	Anti-Kickback
at the second	Other risk areas
	HIPAA
16	
	American College of Health Care Administrators – 2017

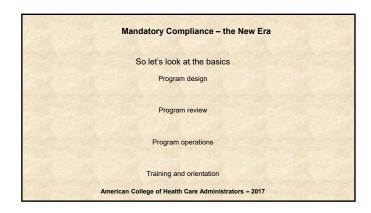


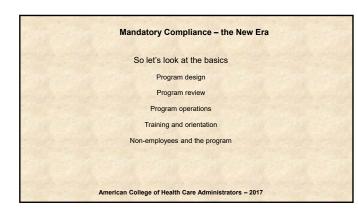


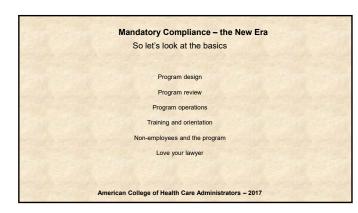












Mandatory Compliance – the New Era	
So let's look at the basics	
Program design	
Program review	
Program operations	
Training and orientation	
Non-employees and the program	
Love your lawyer	
Stay informed	



