

Compliance: Offense Is the Best Defense

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by Sister M. Nika Lee, OSF

Growing up in southern Indiana—the heart of basketball country—one of the earliest things I learned was that the best defense is a good offense. That piece of wisdom applies to many situations, including the defensive environment of healthcare today, as our government takes initiatives to root out fraud and abuse. While none of us wants to be the target of a governmental investigation or a qui tam suit, we all want to be prepared for such an event. To better prepare a defense should an investigation arise, following are a few specific offensive tactics. The tactics focus on risk assessment, training, auditing and monitoring, reporting, and documentation.

Risk Assessment

Corporate compliance is an intricate and complex umbrella under which health information management plays a major role. In the health information arena, the HIM compliance specialist needs the requisite managerial, communication, leadership, and coding skills. An effective HIM compliance program begins with a risk assessment of all areas of the HIM responsibilities for that organization. This assessment should be global in scope, focus on more than coding, and be accomplished in conjunction with the corporate compliance officer, as it will involve other areas—at least peripherally.

Taking the global overview into account, develop an action plan. It should cover one to three years—in monthly or quarterly increments—depending on the size and type of the organization. The plan should address areas of deficiencies recognized in the risk assessment, as well as specific areas targeted in the OIG's Work Plan. An effective, complete action plan (see Exhibit 1) will send a strong message to external reviewers that the HIM plan is dynamic, realistic, and designed to detect and prevent fraud.

Exhibit 1—Action Plan

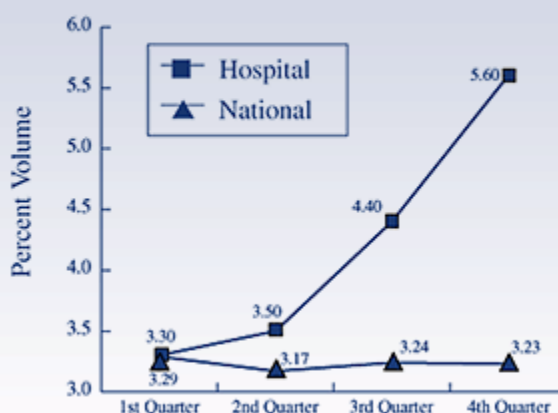
1st Quarter	Assess internal status of DRG 14, 79, 296, 416, 475 in comparison with MedPar data.
2nd Quarter	Assess transfer code use.
3rd Quarter	Develop and implement physician tool for supplementary diagnosis information.
4th Quarter	Categorize high volume DRGs in comparison with regional data.

Training

Training coding staff is important because it can potentially be the most heavily targeted area of investigation, and training may reveal any underlying tendency to code in a way that is potentially fraudulent. Document all formal training of coding staff, as well as any informal meetings during which the training is passed on to colleagues. An excellent way to record this: before the training session occurs, randomly sample the types of records to be addressed. Repeat this action shortly after the session. The record will show the effectiveness of the training and will reveal any changes in coding that need to be addressed. (See Exhibit 2.)

Document all staff training, whether informal or formal, in a centralized location. Maintain records of the materials available to staff to further their own education (including Internet resources) and the date when these materials became available. This will make document retrieval easier if/when an investigation calls for such information. It will also enable the HIM compliance specialist to correlate training with any unusual patterns of coding.

exhibit 2—coding review



Auditing & Monitoring

Quality coding is the best offense against allegations of fraud. Within the scope of the HIM compliance specialist's duties is regular auditing and monitoring. This monitoring should encompass areas highlighted by the OIG, as well as all of the paired DRGs.

The documentation of the auditing and monitoring should be complete and span the reason for the audit, the results, any additional training provided to the staff based on the audit, and followup results. Monitoring should continue until effective improvement has been achieved and maintained over time.

Reporting

The compliance specialist should report to an oversight committee. However, the structure for this committee may vary depending upon the type of facility. Reporting to an oversight committee provides multiple benefits:

- direction and financial support
- the influence of higher management
- accountability for the specialist

A direct line should exist between the corporate officer and the HIM compliance specialist. Once the committee provides feedback and direction, documentation should include the completed followup and the report made back to the committee.

Documentation

Documentation of the entire process will provide the necessary proof for response to any allegations presented by an external agency. Therefore, the documentation should be complete, centrally located, easily accessible, and labeled "confidential." Inquiries made to the fiscal intermediary or to corporate counsel should also be included.

The records should be maintained for an adequate time period. The types of documents will dictate the retention period. Generally, training documents should be maintained for at least 10 years. However, if they are involved in allegations of fraud, the retention period may be extended. Reports to the various committees should be maintained permanently.

In Conclusion

As the government's initiatives widen in scope, the chances increase for an organization to become the target of an investigation. It behooves all of us to prepare for such an investigation—whether or not the allegations are justified.

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