

2024 Workforce Compliance

Workforce Compliance

2024



Objectives

The goal of this course is to provide you with an understanding of Fraud, Waste, and Abuse (FWA) in Healthcare, key Federal laws that combat FWA, and our obligations to detect, prevent, and report FWA and compliance issues in general.

Upon Completion of this Module, the participant should be able to:

1. **List** the three primary rules and requirements regulating healthcare that target Fraud, Waste, and Abuse;
2. **Discuss** Baptist's and your obligations to comply with the law; and
3. **Identify** your duty to report known and suspected instances on non-compliance.

2024 Workforce Compliance

Fraud, Waste, & Abuse (FWA)

What should I do? I'm facing a dilemma where I need to choose between speaking up about a potential problem and keeping quiet to keep up with my work. Have you ever been in a similar situation?



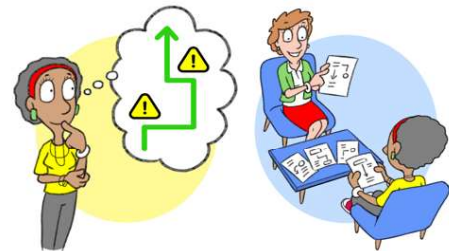
Here's the scenario: In reviewing a medical record, I noticed that the doctor I work for has inappropriately charged for surgical services performed by her Advanced Practice Provider.



Should I report this discrepancy, knowing that doing so could create an issue with the provider and cause more work for me? Or do I just let it go, hoping that maybe there are facts I don't know that make this situation okay? It's a challenging situation.



Turns out, choosing the best course of action was not as difficult as I originally thought. I got some excellent advice and here's what I learned. Maybe my story will help you make the best choice at a similar point.



2024 Workforce Compliance

Fraud, Waste, & Abuse (FWA)

My situation might involve Fraud, Waste and Abuse. "Fraud, Waste and Abuse" is the terminology used for a series of health care laws that make it illegal for us to perform or bill for certain services.

Here are some common examples of fraud, waste, and abuse:

- Billing for services that were not performed
- Misrepresenting services provided
- Ordering unnecessary tests
- Charging for a service more than once
- Miscoding to charge for a higher-priced procedure
- Breaking a procedure into multiple bills to increase cost



Once I understood the definition of fraud, waste and abuse, I realized that we all need to be alert for possible instances of these unethical practices in our daily work.



The following are some practices that are red flags for fraud, waste and abuse:

- tests or treatments that don't correspond to diagnostic codes provided;
- extensive or elaborate treatments for minor illnesses or injuries;
- bills for multiple procedures that seem to be part of a single treatment;
- misspelled or incorrect medical terminology;
- provider and patient signatures that seem to be identical;
- copies submitted instead of original records; and
- sudden changes in diagnostic codes shortly before a benefit for treatment of the original diagnosis expired.



2024 Workforce Compliance

Fraud, Waste, & Abuse (FWA)

And finally, what I learned reinforced that whenever we encounter an instance of suspected fraudulent activity in the workplace, we must report it. Failure to do so can be a crime and subject both individuals and Baptist to litigation, fines and reputational damage.



I am feeling much better ... and I hope you are too!



Key Federal Healthcare Laws

Have you ever been in a situation where you were unsure if something you are doing at work might violate a criminal or civil law? Or you were apprehensive that your actions could expose you – or our organization – to serious penalties?



These situations are common in the highly regulated and competitive healthcare industry. It can be a challenge to keep up with business demands while consistently complying with the law.



2024 Workforce Compliance

The good news is that by the end of this course, you'll have the tools to confidently make the best decision in these kinds of situations. You'll make the right choices for both yourself and for Baptist Health Care, avoid potential risks or liabilities, and feel a whole lot better in the process.



The first step is to IDENTIFY the laws that have the most impact on our role in the Healthcare industry. The three most essential U.S. Federal laws to be aware of are the Anti-Kickback Statute, the Physician Self-Referrals Law and the False Claims Act.



It's important for us to UNDERSTAND what each law is about. Our daily actions are governed by these criminal and civil laws, and having a thorough understanding of them will keep both ourselves and our organization safe.



The **Anti-Kickback Statute** makes it unlawful to knowingly and willfully offer, pay, solicit, receive, recommend or arrange anything of value, either directly or indirectly, for the purpose of inducing the referral of federal health care program business.



In other words, it is illegal to attempt to persuade a physician to use our hospital by providing some type of gift or service, such as:

- Paying for a physician to go on a lavish trip unrelated to BHC business;
- Creating a sham medical director agreement under which the physician gets paid even though he or she does not provide any real services;
- Allowing a physician to use office space or clinic space for free; or
- Letting an independent physician use hospital staff in his or her office.



2024 Workforce Compliance

Next, is the **Stark Law**. This law makes it unlawful for a physician to refer patients to our hospital for designated health service, such as lab work, physical therapy, or x-rays if the physician or an immediate family member of the physician has a financial relationship with us.



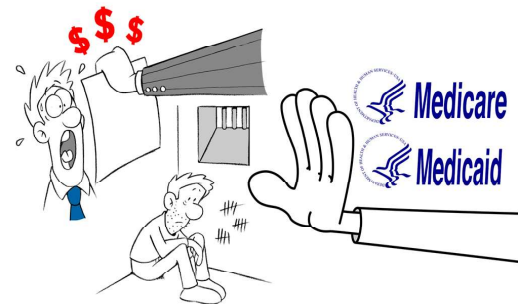
There are many exceptions in the Stark Law that make these referrals acceptable **if all** components of the exception are met.

For example, Stark does permit us to:

- Provide meals to physicians if they are on campus working;
- Provide modest gifts like Doctor's Day gifts or flowers as long as those expenditures are tracked in Medical Affairs and under the annual limit;
- Lease space to and from physicians if there is a written lease in place approved by the legal department;
- Pay a physician for legitimate personal services if there is a written agreement in place approved by the legal department.



Any organization or individual who violates these laws could incur penalties such as fines and, in some cases, jail time. Violations can also affect our ability to participate in Federal Healthcare programs like Medicare and Medicaid, which would have a serious impact on our ability to do business.



Want to learn more about these laws? Visit:

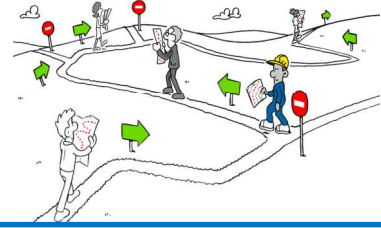
[Fraud & Abuse Laws](#) | [Office of Inspector General](#) | [Government Oversight](#) | [U.S. Department of Health and Human Services \(hhs.gov\)](#)

The last step is to **REPORT** any incidents that violate or potentially violate the law to our organization's Compliance Department. Failing to do so subjects us to legal action and potentially serious fines.



2024 Workforce Compliance

Following the policies and procedures that Baptist has put in place, can help us to avoid violating these laws. Compliance with the law is everyone's job.



In summary, we must be sure that we can **IDENTIFY** the laws that have the most impact on our industry, thoroughly **UNDERSTAND** each law and how they affect our day to day activities and **REPORT** any incidents that violate or potentially violate any healthcare laws. Three simple steps to confidently making the best decision.



If you have compliance concerns or learn of a compliance issue, our values of Ownership and Integrity require you to report such concerns and issues. Failure to report an actual or suspected violation could result in disciplinary action up to and including immediate termination. You can report your concerns to:

- Your leader
- Human Resources
- The Compliance Department
- The Baptist Health Care Incident Reporting System
- The Baptist Health Care Compliance Hotline



If you wish to remain anonymous, a report can be made using the Corporate Compliance Hotline by calling **1.704.323.4980** or by visiting ebaptisthealthcare.ethicspoint.com



WE DO NOT TOLERATE RETALIATION.

Team members will not be penalized in any way for making a *good faith* report about conduct concerning themselves or another person. If you feel you have been retaliated against for reporting something, you can report it to Human Resources, the Compliance Department, or through the hotline.

2024 Workforce Compliance

If you have any questions about our compliance with federal laws, FWA, or other compliance issues, please contact our compliance department. [We're here to help.](#)

BHC Compliance Office

448.227.3850
compliance@bhcpns.org

BHC Compliance Hotline

704.323.4980
ebaptisthealthcare.ethiscpoint.com



Ask Yourself:

- What feels wrong about this situation or action?
- Is this situation against Baptist policies or the law?
- How could my decision affect Baptist as a whole?
- How could my decision affect Baptist's reputation and my own?

