

Corporate Responsibility

What is Corporate Responsibility?

- Compliance—Obeying the law
- Ethical/Behavior/Integrity—Doing the right thing
- Provides direction on personal and corporate conduct
- A program that allows concerns to be expressed

There are 7 elements which make up BayCare's Corporate Responsibility Program. These elements are based on the Office of Inspector General's (OIG) guidance for compliance programs.

Focusing on these essential elements helps provide us with a framework for an effective Corporate Responsibility Program.

Seven Elements of an Effective Program:

Standards and Policies	Response and Correction
High Level Oversight	Monitoring and Auditing
Education and Training	Enforcing Standards
Reporting Mechanism	

Seven Elements- Education and Training

Every single team member has specific training requirements to be in compliance with the program.

- New Hire Orientation (30 days from hire)
 - Doing the Right Thing (Code of Conduct)
 - General Compliance
- Department/Unit/Role-Specific Orientation (180 days)
 - All Corporate Responsibility training must be completed within 30 days:
 - HIPAA Comprehensive
 - Assisting patients with communication needs

- Annual Team Member Essentials (TME)

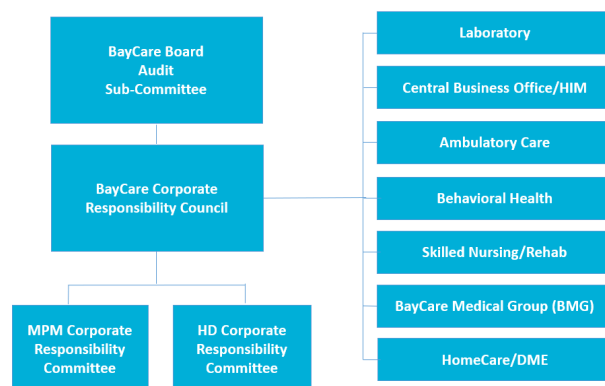
The exception is that **department managers will review** the Corporate Responsibility portion of their department-specific orientation within the first 30 days. **Once completed, they will record the completion for the Team Member.**

Access Corporate Responsibility on the BayCare Intranet

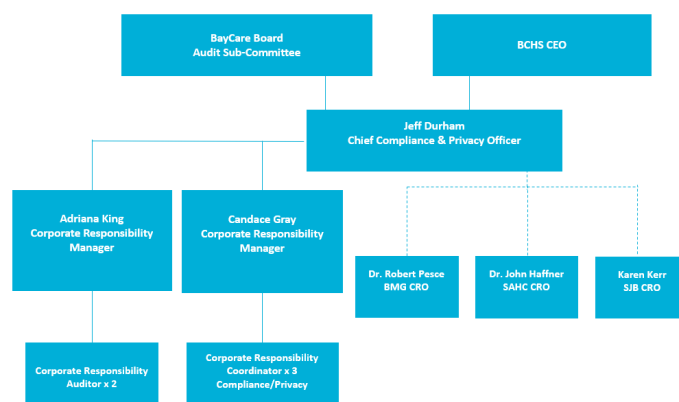
1. Index of Corporate Responsibility and Privacy policies.
2. Corporate Responsibility Department contact information including the toll-free hotline number 1-877-OUR-DUTY.
3. The Code of Conduct – Doing the Right Thing.
4. Affordable Care Act Section 1557
5. Section 504/ADA resources on how to assist individuals with special needs. This section provides resources to assist with the compliance of the Rehabilitation Act and the Americans with Disabilities Act.
6. Potential Breach Reporting Form to report privacy concerns to the Corporate Responsibility Department.

High Level Oversight

Seven Elements – High Level Oversight



Seven Elements – High Level Oversight



Reporting Mechanism

At BayCare, all team members have the responsibility to report any potential compliance or privacy concerns. You can report these concerns to your supervisor, any member of senior leadership, or directly to the Corporate Responsibility Department at:

- Toll-free Hotline **1-877-OUR-DUTY** (1-877-687-3889)
- Hotline is staffed by an outside company, not BayCare employees
- Is available for you to file a report either using your name and contact information or anonymously. If you choose to remain anonymous, we ask that you provide as much detailed information as possible
- Reporting will be treated with respect and dignity, taken seriously, reviewed and addressed
- If a team member reports genuine concerns in good faith, that team member is protected from retaliation of any kind

Please note, if you have a **privacy** specific issue that you would like to **report**, you should **complete the Potential Breach Report Form located on the Corporate Responsibility page of Team BayCare.**

Response and Correction

Respond to government agencies (State and Federal) by providing copies of records, performing self audits, and any other required or requested activities

- Office of Inspector General (OIG)
- Internal Revenue Service (IRS)
- Office for Civil Rights (OCR)
- Department of Justice (DOJ)
- Center for Medicare/Medicaid Services (CMS)
- Medicaid Fraud Control Unit (MFCU)
- Agency for Health Care Administration (AHCA – FL)

Monitoring and Auditing

Monitor government regulations (old, new, and revised) to ensure compliance

- Review and modify current processes
- Develop new processes
- Provide education

Monitoring and auditing activities help ensure BayCare has an effective Corporate Responsibility Program including:

- Compliance with training requirements
- Compliance with policies and procedures
- Compliance with laws and regulations
- Appropriateness of patient admission status
- Accuracy of coding
- Accuracy of charges
- Exclusion Screening
- Proper access to electronic patient records

Exclusion Screening

- Team Members – Screened before hiring and monthly
- Vendors – Screened prior to signing a contract and monthly
- Medical Staff – Screened during credentialing and monthly
- If excluded while working, must report to supervisor

Enforcing Standards

BayCare must have disciplinary standards for non-compliant behavior. Those who engage in non-compliant behavior may be subject to any of the following:

- Mandatory training or re-training
- Disciplinary action
- Termination

Fraud, Waste, and Abuse

- **Fraud**– when someone intentionally deceives or makes misrepresentations to obtain money or property of any health care benefit program
- **Waste**– the overutilization of services or other practices, that directly or indirectly result in unnecessary costs to the Medicare program
- **Abuse**– when health care providers or suppliers perform actions that directly or indirectly result in unnecessary costs to any health care benefit program

Fines and penalties could add up to millions of dollars!

What is Non-Compliance?

Non-compliance is conduct that does not conform to the law, Federal health care program requirements, or ethical and business policies.

CMS has identified the following high risk areas:

- Conflicts of interest
- Credentialing
- HIPAA
- Quality of care
- Ethics
- Documentation and timeliness requirements
- Claims processing
- Medical Necessity

Consequences of Non-Compliance

Failure to follow Medicare program requirements and CMS guidance can lead to serious consequences including:

- Criminal and civil monetary penalties
- Exclusion from participating in all Federal health care programs

After Non-Compliance is Detected

After non-compliance is detected, it must be investigated immediately and promptly corrected.

Internal monitoring should continue to ensure:

- There is no recurrence of the same non-compliance
- Ongoing compliance with CMS and other requirements
- Efficient and effective internal controls
- Patients/beneficiaries are protected

Non-Compliance Affects Everybody

Without programs to prevent, detect, and correct non-compliance, we all risk harm to patients/beneficiaries, such as:

- Delay in services
- Denials
- Difficulty using providers of choice
- Lower Star ratings

Your Role as a Team Member

- Abide by the Code of Conduct
- Be familiar with policies and procedures
- Protect patient privacy
- Do not abuse electronic access
- Report suspected/actual compliance and/or privacy violations
- Complete all necessary training

Ethics and Organizational Responsibilities: Code of Conduct

Objectives

- Understand your responsibilities as it relates to the Code of Conduct
- Protect the privacy of all patient and other confidential information
- Understand that documentation directly relates to accurate coding and billing
- Recognize fraud, waste, and abuse
- Know your resources for reporting questionable practices

Why is this important to me?

- All Board Members, officers, team members, physicians, volunteers, and students expected to comply
- Vendors, consultants, contractors, and suppliers expected to comply
- Basis for our Corporate Responsibility program
- Establishes a system for team members to express concerns and seek guidance when questions arise
- Reflects the values and principles that guide our day-to-day actions at work

Team Member Rights and Responsibilities

- You have the right to be treated in a fair and respectful manner
- Familiarize yourself with the Code of Conduct and Team Resources policies
- Use resources, equipment, tools, and time wisely and for your job functions only
- Use BayCare e-mail and the intranet only for job related functions
- Always wear your badge when working
- Report events or concerns that are not in keeping with the BayCare values, organizational policies, or laws
 - Supervisor
 - Senior Leadership Team
 - Facility Corporate Responsibility Officer
 - BayCare Chief Compliance and Privacy Officer

Report concerns to the Hotline: **1-877-OUR-DUTY**

Patients Rights and Responsibilities

To comply with the Patient Rights & Responsibilities:

- Obtain informed consent
- Safe medical care
- Be treated with courtesy and respect
- Participation in medical care
- Privacy protected
- Inform of complaint process
- Resources
- Provide care without prejudice

Conduct Research Ethically

- Obtain approval for all research through the Institutional Review Board (IRB) prior to conducting research
- Submit only true and accurate information for review and approval
- Obtain informed consents as appropriate
- Do not bill patients or payers for costs paid by the research sponsor
- Submit accurate, appropriate costs related to each research grant

Maintain a Safe and Healthy Environment

- Know your department policies and procedures
- Take proper precautions when handling, storing, or disposing of hazardous materials
- Become familiar with Material Safety Data Sheets (MSDS) for those materials you may encounter
- Operate equipment in a safe manner
- Immediately report concerns of equipment problems or unsafe conditions to your supervisor
- Protect yourself from harm by using the proper personal protective equipment
- Understand injuries/accidents common to your job

Provide the Right Care, At the Right Time, At the Right Place

- Admit patients based on physician orders
- Place patients in the appropriate status
- Perform only licensed services
- Comply with transfer regulations
- Comply with EMTALA and Florida Access to Care laws
- Provide medical screening to all Emergency Department patients
- Ensure appropriate discharge planning

Respect Copyrights and Licenses

- Comply with copyright and licensing laws
- Do not make or distribute copies of articles to avoid paying subscription fees
 - Printed material
 - Electronic material
- Do not copy software

Avoid Conflicts of Interest

Team Members must act in the best interests of BayCare and be fair in making business decisions

Avoid situations which may be perceived as a potential or actual conflict of interest such as:

- Accepting gifts or payments from outside vendors
- Accepting vendor paid travel or lodging
- Directing business to a relative
- Owning a company that competes with BayCare
- Consulting for a vendor

Complete Annual Potential Conflict of Interest Disclosure Form

Vendor Relationships

- Follow all policies and procedures when obtaining goods & services
- Select and use vendors based on objective criteria
- Stay within your purchasing authority
- Do not disclose prices or terms to anyone outside of BayCare
- Never accept gifts in return for conducting business with vendors
- New vendors are required to be screened for exclusion

Tax Exempt Status

- BayCare has a non-profit organization (501(c)(3)) status with the Internal Revenue Service (IRS)
- Must operate to serve the public rather than private interests
- Must not participate in political activities

Patient Referrals

- Patient referrals are based on medical need, not for financial or personal gain
- Do not offer or accept anything of value in exchange for referrals
- Do not waive co-pays or deductibles
- Do not pay patients
- Physician agreements should not include any language requiring them to refer patients to our system
- Do not provide gifts to Medicare/Medicaid patients above the federal dollar limits

Follow Laws on Physician Agreements

- Many regulations covering physician agreements:
 - Stark
 - Anti-Kickback
 - State law
- Contracts with physicians:
 - Must be in writing
 - Must be reviewed by legal
 - Must not contain payments for referrals
- Ensure physicians are not excluded

Comply With Antitrust Law

- Antitrust laws prohibit competitors from sharing information that would reduce competition
- Protect pricing and managed care information
- Keep strategic or marketing plans from competitors
- Contact facility Corporate Responsibility Officer or BayCare Chief Compliance and Privacy Officer with antitrust concerns

Responding to Government Investigations

- Always co-operate
- Types of Investigative Requests:
 - Subpoenas
 - Court Orders
 - Administrative requests
 - Search warrants served during an unannounced visit
- Unannounced Visits
 - Notify Supervisor, AOD, Facility Corporate Responsibility Officer, BayCare's Chief Compliance & Privacy Officer, and Risk Management
 - If in charge:
 - *Verify identification
 - *Only answer questions related to location of documents
 - *Speak truthfully, never mislead an investigator
 - *State only facts, don't guess or give opinions
 - *Do not destroy or alter any documents

Safeguarding Privacy: What is PHI?

Name	Birth Date
Address	Admit Date
Telephone Number	Discharge Date
Social Security Number	Fax Number & Email Address
Account Number	Clinical Information
Medical Record Number	Implant Number
Insurance Plan Number	Photographs
License Plate Number	Fingerprints

Safeguarding Privacy: Fines and Penalties

- Individuals and covered entities are subject to fines & penalties
- Fines - \$100 to \$1.5 million
- Criminal penalties – 1 to 10 years

Safeguarding Privacy: System Access

- Team member access to patient information is monitored at all times
- Using patient information other than for your job will result in disciplinary action
- Inappropriate access includes viewing or using information of:
 - Celebrities or high profile patients
 - Friends, relatives, or co-workers
 - Child
 - Spouse
- If inappropriate access is suspected, contact your supervisor or the BayCare Corporate Responsibility Department

Safeguarding Privacy: Computer Access

- Log off computer application completely (or lock screen)
- Turn computer screens away from visitors
- Secure all laptops, tablets, or smart phones
- **NEVER** share your computer network user ID or password

Accessing Medical Records (paper and/or electronic):

- **NEVER** leave patient information visible on a computer screen unattended
- Only place information about a patient's diagnosis on inside of medical record
- Store charts in chart racks with patient's name facing inward
- Do not leave paperwork unlocked/unattended
- Review each page of discharge instructions

Safeguarding Privacy: E-mailing PHI

- Encrypt all emails with PHI in either the body or in an attachment
- Type "encrypt" in the subject line
- Do not include PHI in the subject line
- Use a password to protect any attachments
- Contact I/S Help Desk

Safeguarding Privacy: Faxing PHI

Fax Machines:

- Place in a secure area
- Pre-program frequently used numbers
- Regularly verify stored numbers
- Check often

Faxing PHI:

- Use authorized fax cover sheet
- Do not include PHI on cover sheet
- Include your name and phone # on cover sheet
- Stay at the fax machine until the fax sends

We must use reasonable and appropriate safeguards to protect patient information from:

- accidental or intentional use or disclosure
- inadvertent disclosure to persons other than intended
- incidental disclosure

If PHI Faxed to the Wrong Number Outside of BayCare:

- Notify manager/supervisor
- Complete and submit **Potential Breach Reporting Form**

Other Privacy Safeguards

For patient-related communication between providers and team members:

- Only the BayCare-approved secure texting application may be used for texting (refer to Policy & Procedure NCL 0105)

For laptops, other BayCare mobile computing equipment, and PHI:

- Must be secured at all times (lock your vehicle, office, drawer)
- Must not be visible from outside the vehicle
- Must not be left in the vehicle overnight
- Follow BayCare policy when disposing

Other Safeguards

- Ensure written materials with PHI is placed face down or charts faced inward
- Do not leave documents unlocked while unattended
- Ensure mail includes a legible return address. Do not use post cards.
- Keep printers and copiers free of PHI
- Shred documents or place in shred bins for proper disposal
- Do not discuss PHI in public areas
- Do not approach patients or relatives unless within the scope of your assigned duties
- Close curtains and doors when communicating with patients and/or their representatives
- Conduct patient interviews in a way that gives the patient the most privacy

Documentation and Billing

Retain and Release Documents Appropriately

- Do not alter documents (paper, electronic, etc.) or remove unauthorized portions of medical or financial records
- Make corrections or additions in accordance with policy
- Retain records in accordance with BayCare and department policies
- Refer requests for medical information to Health Information Management (HIM)
- Contact Corporate Responsibility with any questions related to HIPAA documents
- Contact Risk Management with any questions related to *non*-HIPAA documents

Bill Accurately

- Never mislead a patient or payer
- Make sure all services and products are properly documented
- Correct any known billing errors
- Report any known system or process problems that may be causing errors
- Implement corrective actions to prevent future errors
- Keep up to date with current billing and coding issues
- Ensure any identified government overpayments are returned within 60 days

Recognize and Report Fraud, Waste, and Abuse

- BayCare Policies and Federal and State Laws prohibit knowingly submitting false claims or being involved in other fraudulent activities

Examples:

- Billing for services or supplies not provided or not documented
- Coding to get a higher payment (not supported by documentation)
- Falsifying any employment, payroll, medical, financial, research, or expense records
- Falsifying cost reports
- Any misuse or theft of money, supplies, or equipment
- Receiving payments (kickbacks) for awarding contracts
- Internal controls, auditing, and monitoring prevent and detect fraud, waste, and abuse
- It is every Team Members' responsibility to report suspected or known acts of fraud, waste, or abuse
- Don't ignore possible fraud **(1-877-OUR DUTY)**
- Contact BayCare's Chief Compliance & Privacy Officer for guidance
- Team members are protected from retaliation

Your Role as a Team Member

- Never ignore a questionable situation
- Always make the decision to **Do The Right Thing**

Warning signs

- “No one will ever find out”
- “This conversation never happened”
- “We can get paid more if we do it this way”
- “I don’t care if it is not exactly right”
- “Just do it now and I will explain later”

Ask Yourself

- Is it legal?
- Is it against policy?
- How would I feel if my decision was published in the newspaper?
- Is there enough privacy here to discuss this?
- Is it the right thing to do?
- Am I violating someone’s trust?
- Would I feel good if my family knew?
- Will I sleep soundly tonight?

Know Your Resources

- BayCare Intranet (Corporate Responsibility Department)
- Supervisor/Manager/Director
- Senior Management
- Facility Corporate Responsibility Officer
- BayCare’s Chief Compliance and Privacy Officer
- Hotline **1-877-OUR-DUTY** (1-877-687-3889)

Questions?

Please Contact:

- Corporate Responsibility Department at **(727) 519-1731**
- Email: **corporate.responsibility@baycare.org**

Summary

- Chief Compliance and Privacy Officer– Jeff Durham
- Compliance Hotline– 1-877-OUR DUTY
- Access Corporate Responsibility resources on Team BayCare
- Protect patient and other information
- All TMs are responsible to report:
 - A Concerns related to real/perceived Fraud, Waste, and Abuse
 - B Actual/potential compliance and privacy violations
- 6. Maintain complete and correct documentation
- 7. Code and bill accurately
- 8. Choose to Do the Right Thing