



EDUCATIONAL RESOURCES

Major Compliance Concerns for DME



About Your Speaker

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- President of Capital Healthcare Group
 - A consulting provider in Bethesda, MD, founded in 2000
 - Helping both large and small providers in managing their audit and regulatory compliance issues
 - Accreditation and state licensure survey issues

The Top Ten Compliance Concerns for DME

- Review the Top Ten Compliance Concerns for DME Suppliers- what they are and how to meet them.
- Items ranked from #10 to #1
- Tips to Consider
- Sample Compliance Scenarios

Issue # 10

- Using the Correct Method to Make/Approve Changes in the Medical Record
 - As you review your medical records for providers, ensure that corrections they make in their handwritten or typed records are done correctly
 - Strike through incorrect documentation
 - Always initialed
 - All corrections are dated
 - CMS will not accept and documentation that does not have corrections performed correctly
 - This applies to your own documentation in a record as well

Issue #9

■ Maintaining Your Accreditation

- Since 2008, all DME providers who wish to do business with Medicare must be approved by a Medicare-approved accreditation organization
- Your accreditor communicates directly (weekly) with Palmetto/Novitas to inform them of all of their accredited organizations, the organization's address, PTAN/NPI Number and the products they have been accredited to provide
 - Before you add any additional products you intend to provide, you must contact your accreditor to see what their requirements are so that they can add this product to your Comprehensive Product List on file with Palmetto/Novitas so that your claims can be processed- otherwise they will be rejected
- Working on your renewal before your three-year accreditation renewal/expiration is key to ensuring that this happens well in advance of that renewal/expiration date.

Issue #8

■ Updating Your Organizational Chart

- This is a common problem, that organizations do not keep their Organizational Chart updated.
 - Label your chart with the current month/year when you have reviewed/revised it (each year makes sense) EX: Rev 4/2023 in lower right corner
 - Make sure you identify all employment areas/departments, the reporting structure
 - Start with Leadership and work your way down
 - Use separate charts if you need to which you can show as continuation of each other
 - Include any satellite offices
 - When possible, make it easier on yourself by not including names, just titles
 - Show direct reports as a solid line and indirect reports as a dotted line

Issue #7

■ Perform Annual Evaluations

- Ensure that your evaluations are performed by reviewing the tasks included in that employee's job description
 - Can be bi-annually if annually is too frequent for a small company
 - Make sure your policy matches
 - Have a place for both the employee and their supervisor to sign and date
 - Can be done at one designated time for all or can be on the employee's anniversary date
 - Might be easier for a large group to do them on an employee's anniversary date rather than having a HUGE amount to do at the end of each year

Issue #6

■ Complete Your Annual Educational Requirements

- Review your accreditation standards to ensure that you cover all of the required topics each year. This can be done in a variety of ways:
 - Subscribe to an educational service
 - Offer educational opportunities through your local health department or hospital
 - Offer a your own monthly “Lunch and Learn” Program utilizing videos, webinars, local speakers/experts
- There is not requirement to the manner in which you do this, as long as you offer this to all employees at the owner’s expense.
- CEU’s for licensure are not included in this requirement

Issue #5

- Complete the Correct I-9 Form and Keep Them Readily Accessible in the Event of an Audit
 - Check the Date on Your I-9 Form. It may have expired

Check the date on your form.

No need to get updated I-9s on staff, but be aware if you do, that you have the reason why you did it.



Employment Eligibility Verification
Department of Homeland Security
U.S. Citizenship and Immigration Services

USCIS
Form I-9
OMB No. 1615-0047
Expires 10/31/2022

▶ **START HERE:** Read instructions carefully before completing this form. The instructions must be available, either in paper or electronically, during completion of this form. Employers are liable for errors in the completion of this form.

ANTI-DISCRIMINATION NOTICE: It is illegal to discriminate against work-authorized individuals. Employers **CANNOT** specify which document(s) an employee may present to establish employment authorization and identity. The refusal to hire or continue to employ an individual because the documentation presented has a future expiration date may also constitute illegal discrimination.

Section 1. Employee Information and Attestation (Employees must complete and sign Section 1 of Form I-9 no later than the first day of employment, but not before accepting a job offer.)

Last Name (Family Name)		First Name (Given Name)		Middle Initial	Other Last Names Used (if any)		
Address (Street Number and Name)			Apt. Number	City or Town		State	ZIP Code
Date of Birth (mm/dd/yyyy)	U.S. Social Security Number		Employee's E-mail Address			Employee's Telephone Number	

I am aware that federal law provides for imprisonment and/or fines for false statements or use of false documents in connection with the completion of this form.

I attest, under penalty of perjury, that I am (check one of the following boxes):

<input type="checkbox"/> 1. A citizen of the United States
<input type="checkbox"/> 2. A noncitizen national of the United States (See instructions)
<input type="checkbox"/> 3. A lawful permanent resident (Alien Registration Number/USCIS Number): _____
<input type="checkbox"/> 4. An alien authorized to work until (expiration date, if applicable, mm/dd/yyyy): _____ Some aliens may write "N/A" in the expiration date field. (See instructions)
Aliens authorized to work must provide only one of the following document numbers to complete Form I-9: An Alien Registration Number/USCIS Number OR Form I-94 Admission Number OR Foreign Passport Number.
1. Alien Registration Number/USCIS Number: _____ OR
2. Form I-94 Admission Number: _____ OR
3. Foreign Passport Number: _____ Country of Issuance: _____
QR Code - Section 1 Do Not Write In This Space

Signature of Employee	Today's Date (mm/dd/yyyy)
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Preparer and/or Translator Certification (check one):

I did not use a preparer or translator. A preparer(s) and/or translator(s) assisted the employee in completing Section 1.
(Fields below must be completed and signed when preparers and/or translators assist an employee in completing Section 1.)

I attest, under penalty of perjury, that I have assisted in the completion of Section 1 of this form and that to the best of my knowledge the information is true and correct.

Signature of Preparer or Translator	Today's Date (mm/dd/yyyy)
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Issue #4

- **Update Your Emergency Plan Annually or As Needed**
 - Your Emergency Plan Should be evaluated and tested annually. Read your accreditation standard for what is required in an Emergency Plan to ensure that you have identified all required areas of risk and mitigation
 - After activating an Emergency Plan (or after annual testing) evaluate what works and what did not work so that updates can be made for the future

Issue #3

■ Remote Workers and PHI

- In these days of remote working, the opportunity for non-secure PHI is a major concern
 - It used to be that we were concerned about having write-on boards with patient names that anyone could see in the workplace, or protecting our files from cleaning personnel who might come into the office afterhours.
 - Explain to remote employees the requirements for keeping Personal Health Information (PHI) secure
 - Make sure they keep information confidential- away from others in their residence- that their work area is protected (having them provide a picture works)
 - Ensure that the mechanism that you provide for them to work in your system is secure and that all data is encrypted

Issue #2

■ Maintaining Current Licenses and Licensed Staff

- Maintain YOUR state DME licenses as well as copies of those for your licensed staff
 - Create a management system (excel tracking sheet) where you are proactively monitoring your license renewals and reach out to your state if you have not heard from them 3 months in advance of your expiration/renewal date
 - Especially during the pandemic, some states were VERY behind in getting renewals out in a timely manner
 - For licensed staff (where a license is required to perform their job-EX: Respiratory Therapist) ensure that your licensed staff bring you a copy of their renewed license as the current one is expiring. Place any staff on temporary suspension if they do not comply with their requirement to maintain an active license

Issue #1

- **Implementing a Federally Mandated Seven-Element Compliance Plan**
 1. Implement written policies, procedures and standards of conduct
 - Policies and procedures should promote the organization's commitment to compliance and address specific areas of risk.
 2. Designating a Compliance Officer and a Compliance Committee
 - The Compliance Officer is charged with operating and monitoring the Compliance Program. The Compliance Committee should include members of key functions within the organization that can support and advise the Compliance Officer, such as legal, information technology and privacy
 3. Conducting effective training and education
 - All staff receive training on fraud and abuse, regulatory requirements and the compliance program

Issue #1 (continued)

- **Implementing a Federally Mandated Seven-Element Compliance Plan**
 4. Developing effective lines of communication
 - All employees must feel comfortable reporting internally and there should be multiple reporting avenues such as the Compliance Officer and an anonymous hotline. All reports must be taken seriously and conduct a follow-up with employees, when applicable.
 5. Conduct internal monitoring and auditing
 - This involves an ongoing process of evaluation and assessment to deter bad behavior and ensure the effectiveness of education and corrective action(s). The compliance program should also monitor compliance with privacy and provide a risk assessment of potential privacy issues

Issue #1 (continued)

- Implementing a Federally Mandated Seven-Element Compliance Plan
 6. Enforcing standards of conduct through well publicized and disciplinary guidelines.
 - Standards of conduct outline an organization's rules, responsibilities, proper practices and/or expectations of its employees. Compliance should work with Human Resources to ensure that the standards and consequences for violations are strictly enforced.
 7. Responding promptly to detected offenses and undertaking corrective actions
 - Failure to ensure timely and effective remediation for offenses can create additional exposure for the organization.

Some Common Mistakes Suppliers Have Made

1. Not having a Complete Compliance Program
2. Not naming a Compliance Officer or a Compliance Committee
3. Not having an annual meeting documented
4. Not conducting internal audits---responding to external audits is not the same
5. Not offering employees an anonymous reporting line/mechanism
6. Not being consistent with responses to detected offenses

Steps You Should Take

What Steps Does The Government Expect You To Take When A Compliance Issue Is Identified

- A well-designed compliance program will have an efficient and trusted mechanism by which employees can anonymously or confidentially report allegations of a breach of the company's code of conduct, company policies, or suspected or actual misconduct.
 - Are there proactive measures that create a workspace atmosphere without fear of retaliation?
 - Is the process mapped out to include routing to proper personnel, timely response, as well as appropriate follow up and discipline?

Guidelines for Conducting an Investigation

- Assure records are maintained on compliance investigations
- Participate in negotiation with regulatory agencies
- Assure that overpayments to payers are refunded in a timely manner
- Collaborate with legal counsel regarding voluntary disclosures
- Coordinate investigations to preserve privileges, as applicable
- Facilitate independent investigations when necessary
- Recommend modification of corrective action plans

Common Compliance Concerns

- Signatures of prescribers not matching
- Signatures of client not matching what is on file
- Anonymous reporting line concerns not being forwarded and documented
- Fragmented orientation for new employees--- not being oriented to expectations of compliance

Sample Scenarios

▪ Example #1

Data Breach/Data Ransom

Steps are to be taken to inform all customers that their PHI may have been compromised. Steps include:

- Notifying all patients in writing of the possible breach (printing and mailing)
 - Following up on any undeliverable mail
- 30, 60 and 90 day required tasks
- Putting a statement on the supplier's website
- Providing a mechanism for customers to ask questions/receive answers about the breach ~90 days
- Offering links to credit reporting services of customer desires
- Reporting the breach to the Office of Civil Rights (when the breach affects more or less than 500 customers)
 - "Safeguards in place..." and "Actions taken in response..."

Retain documentation of everything.

Sample Scenario

- Example #2
- Sales Person A comes to you to tell you that he has “heard through the grapevine” that Sales Person B is personally signing all of the orders they directly receive.
 - Conduct an investigation
 - Interview ALL staff
 - Apply discipline promptly and completely
 - Assess if there are any refunds that need to be made
 - Make the refunds promptly



Questions?



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Thank you

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