Term 1	Definition 1
What is the identification, measurement, and prioritization of relevant events that may have a material consequence on the organization to achieve its objectives	**Risk Assessment, it's having the right controls in place to provide quality care**

Term 2	Definition 2
A process effected by an entity's board of directors, management, and other personnel desinged to provide reasonable assurance regarding the achievement of objectives is called....?	**Internal Controls**

Term 3	Definition 3
Objectives of Internal Controls (name 3)	**1) Reliablity and Integrity of Information** **2) Compliance with Policies, plans, procedures, laws, regulations and contracts 3) Safeguard Assets** **4) Econsomical and efficient use of resources** **5) Accomplishment of objectives and goals**

Term 4

What are the "types" of internal controls?

Definition 4

1) <u>Preventive</u> (e.g. ask for permission before doing an action
2) <u>Detective</u> (e.g. Determine if you have an issue, audit trails for accessing a patient's record)
3) <u>Directive</u> (e.g. put into place to advise like guidelines, P&P, training on the how to do)

Term 5

Every department has its own risks and can do a Controlled Self Assesment which helps to improve upon employee buy-in, get managers involved, and do a team approach. What is a benefit of a Controlled Self Assessment from either OIG or the US Sentencing guidelines?

Definition 5

Periodic Risk Assessment (US Sentencing Guidelines) OIG incumbent on corporate officers/managers to ensure systems are in place to facilitate ethical and legal conduct

Term 6

There are many different regulatory agencies that identify compliance risks. Name 10

Definition 6
1. SEC,
2. JCAHO,
3. Dept of Labor,
4. Dept of Transportation,
5. Dept of Justice,
6. Drug Enforcement Agency,
7. DME,
8. OIC,
9. FTC,
10. HHS,
11. JCAHO,
12. OSHA,
13. Treasury,
14. FBI

Term 7	Definition 7
What are some CMS identified areas of high risk fraud? Name 5	1. **Sudden changes in billing,** 2. **spike billing,** 3. **billing by inappropriate specialities or diagnosis,** 4. **geographical changes in billing,** 5. **increased beneficiary compliants,** 6. **compromised beneficiary / provider identities,** 7. **deceased patients / providers,** 8. **billing for part B instead of part A,** 9. **Identity theft,** 10. **High Comprehensive Error Rate (CERT) rate,** 11. **Hospice,** 12. **Nursing Facility Quality of Care,** 13. **DME,** 14. **Pharma,** 15. **Ambulance,** 16. **Research,** 17. **Third Party Billing**
Term 8	Definition 8
Management responsibility as it pertains to risk can be handled by implementing controls/techniques. Name four.	**1) Avoid Risk** **2) Transfer Risk** **3) Accept Risk** **4) Reduce or Mitigate Risk**
Term 9	Definition 9
Name the steps in doing a risk assessment	**1) Know when to do the Risk Assessment** **2) Know the purpose (Identify, Measure, Prioritize)** **3) Know where to go to do a Risk Assessment (Mgmt, OIG Workplan, Fraud Alerts, Special Advisory Bulletins)**

Term 10	Definition 10
Auditing and Monitoring have distinct differences. Explain.	**Auditing are formalized, independent, objective. Performed by someone with no vested interests or outcomes. Established approach for sampling Monitoring is day to day reviews, Not necessarily independent of business unit, part of doing business, approach may be informal.**
Term 11	Definition 11
Effective Auditing/Monitoring Plans consist of:	**Has to be applicable to business risks/strategy Risk areas need to be understood SME's Focus on the risk area and criticality Ownership of corrective action and monitoring Follow-up Auditing**
Term 12	Definition 12
What are the steps in an auditing and monitoring plan?	**1) Conduct a Risk Assessment (could include std of care/medically unnecessary procedures) 2) Prioritize the risks 3) Identify resources 4) Obtain Buyin 5) Document process of developing plan 6) Evaluate against assessed goals 7) Finalize the auditing / monitoring plan**

Term 13	Definition 13
Sampling size has two types of categories. Name them	**1) Statistical (precision, could be computer system issue, overpayments for large populations, etc.)** **2) Non statistical (potential area is isolated to one dept, person, etc.)**

Term 14	Definition 14
RAT-Stats is......?	**Primary statistical audit tool used by HHS, OIG, Audit services selecting randomized samples and evaluates them**

Term 15	Definition 15
Retrospective verses Concurrent Audits can be characterized by......?	**Retrospective milestone to go back to in system, you know the sample unit from system Concurrent any time up to the final, real time**

Term 16	Definition 16
Audit Process steps include:	1) **Planning** 2) **Scope of Audit** 3) **Notication** 4) **Intro Mtg** 5) **Internal Ctls/Testing** 6) **Fieldwork** 7) **Findings / Recommendation** 8) **Mgmt response** 9) **Follow-up on CAPs**
Term 17	Definition 17
What is the ongoing process usually done by management to ensure processes are working as intended?	**Monitoring**
Term 18	Definition 18
The board should review reports on the status of the compliance program, how often?	**At least annually**

Term 19	Definition 19
What is the term called for an organization's committment to compliance by management, employees, and contractors. Statement should summarize ethical behavior and legal principles under which the healthcare organization operates?	**Code of Conduct**

Term 20	Definition 20
OIG voluntary guidance helps to enhance the internal controls of the organization. True or False	**True**

Term 21	Definition 21
When there is poor distribution beyond the compliance officer, what happens to the organization?	**Program Implementation lags which means you do not have an effective compliance program**

Term 22	Definition 22
How does one mitigate compliance risks?	**Internal Controls**

Term 23	Definition 23
The board must have a solid understanding of compliance objectives. **Name a consequence if this does not happen**	**Undue reliance on detecting vulnerabilities Weak, ineffective compliance program**

Term 24	Definition 24
Training and Education is a component of the compliance program. What are some of the responsibilities of this?	**1) Educate staff, contractors on rules of compliance with their job role/function** **2) Ensure visibility in to policies and procedures, and standards**

Term 25

What are some of the elements of an effective compliance program

Definition 25

1. **Should be led by a member of senior mgmt team and Board supported.**
2. **Mission of department should be defined.**
3. **Compliance department should be organized.**
4. **Resources should be defined including staff, budget, training, and have their own autonomy to carry out the organizations compliance mission.**
5. **Compliance function should be autonomous and where feasible report to the board directly, not to senior counsel.**
6. **Good relationship with leaders in other departments**

Term 26

First thing one should do when considering an effective compliance program

Definition 26

Focus on organizational risks (risk assessment)

Term 27

What are 3 benefits to a compliance program?

Definition 27

1. **Committment to Code of Conduct.**
2. **Increases likelihood to prevent, detect, and correct unlawful behaviors.**
3. **Minimizes financial losses**
4. **Encourages employees to report compliance problems/issues**

Term 28

What is DRA and founded by?

Definition 28

Deficit Reduction Act founded by state Medicaid program

Term 29

CMS Questions
Part A covers what?
Part B covers what?
Part C covers what?
Part D covers what?

Definition 29

Part A covers inpatient services provided by hospitals, SNF's and Home Health Agencies
Part B covers professional fee (physician) billing
Part C is Medicare Advantage
Part D is Medicare Pharmacy

Term 30

What provided the groundwork for compliance program development?

Definition 30

Federal Sentencing Guidelines

Term 31	Definition 31
What is the purpose of the QuiTam provision?	**This is provided to a whistleblower from an organization whereby an incentive to provide information (wrongdoing against CMS) to the federal government is done. Usually this is accomplished by awarding the individual a percentage of the recovered amount**
Term 32	**Definition 32**
What are the penalties of the False Claims Act?	**Removal from participation in governmental programs such as Medicare, Medicaid**
Term 33	**Definition 33**
Who can bring suit under the False Claims Act?	**Attorney General Or Whistleblower (QuiTam)**

Term 34	Definition 34
What is the Physician Payment Sunshine Act?	**Drug/Device manufacturer must disclose to government on a quarterly basis anything of value provided to physicians** **Applies to companies with annual gross revenue of greater than 100 million**
Term 35	Definition 35
What is the difference between HIPAA privacy and security?	**Privacy covers all forms of PHI (electronic, written, oral) whereas security ONLY covers Electronic PHI**

Term 36

Name a few key differences between AntiKick Back statue and Stark Law?

Definition 36

AKS

- **Criminal/Civil**
- **Any Federal HealthCare program**
- **Any referral source**
- **Contains safe harbors**
- **OIG**

Stark

- **Civil only**
- **Medicare only**
- **Strict liability**
- **Must be a physician in the mix**
- **Exceptions**
- **CMS advisories**

Term 37	Definition 37
Stark Period of Disallowance what is this?	**Period when the referrals and medicare claims and referrals are not permitted. Excluded from medicare program**

Term 38	Definition 38
Name of the safe harbors of the antikick statute	**PIGSESDA is acronymn** 1. **Practitioner Recruitment** 2. **Investment Interests** 3. **Group Purchasing** 4. **Space Rental** 5. **Equipment Rental** 6. **Sale of Practice** 7. **Discounts** 8. **Ambulatory Surgical Centers**

Term 39	Definition 39
ARRA what is this? **Breach notification under ARRA, describe**	**American Recovery Reinvestment Act** **Breach notification, when and how you notify when a PHI breach has occurred**

Term 40	Definition 40
What is the False Claims Act?	**Most potent tool available to the government in enforcing federal fraud and abuse prohibitions**
Term 41	**Definition 41**
Name the 7 essential elements of compliance?	**1) Policies & Procedures/Standards of Conduct** **2) Compliance Officer/Compliance Committee / Compliance Oversight** **3) Education and Training** **4) Monitoring and Auditing** **5) Reporting and Investigating** **6) Enforcement and Discipline** **7) Response and Prevention**
Term 42	**Definition 42**
What is Anti-Trust?	**Price Fixing**

Term 43	Definition 43
What is EMTALA?	**Emergency Medical Treatment Active Labor Act**
Term 44	Definition 44
What is USSC?	**United States Sentencing Commission**
Term 45	Definition 45
What is a key factor in planning for monitoring and auditing?	**Scalability, you can't complete your workplan if you don't have enough resources to implement the plan by the end of the year**

Term 46	Definition 46
Response and Prevention requires ?	1) Training of people on how to conduct an investigation otherwise you can expose the organization to further litigation 2) Resolution of issues by policies and procedures
Term 47	Definition 47
What are two primary objectives of the Board of Directors?	1. Decision Making Function apply duty of care to specific decision 2. Oversight function apply duty of care to day to day business activities, BOD can delegate to the CEO
Term 48	Definition 48
When we use the term duty of care for the Board of Directors what does this mean?	It means that the BOD acted in: a) good faith b) the level of care that a prudent person would, like asking questions and understanding what is going on c) a manner that is best for the organization

Term 49	Definition 49
To become a Medicare Biller must setup what?	**Conditions of Participation (CoP)**

Term 50	Definition 50
What are the primary focus areas for the Board of Directors as it pertains to compliance?	1. **Structural - Understanding the scope of the compliance program** 2. **Operational - Understanding the operations of the compliance program**

Term 51	Definition 51
What is HIPAA?	**Health Insurance Portability and Accountability Act**

Term 52	Definition 52
What is Administrative Simplification?	**User to improve security in EDI, safeguards confidentiality of private information and protects integrity of healthcare data, standardizes electronic exchanges of clinical and administrative data**

Term 53	Definition 53
PHI or protected health information that is collected by an individual or received by a covered entity can be used or disclosed by these four areas. Name them.	**1) Uses & Disclosures for Treatment, Payment, and Healthcare Operations 2) Uses and Disclosures in public interest (e.g. flu) 3) Uses and disclosures w/an opportunity to object (e.g. spouse picking up a prescription) 4) Authorization (my permission granted)**

Term 54	Definition 54
What are the ONLY two instances where a use/disclosure does not require an authorization?	**1) To the patient w/some exceptions (MH, BH, CD) 2) To the HHS to investigate alleged privacy violations**

Term 55	Definition 55
What is FERPA and is this allowed under PHI use/disclosure?	**Family Educational Rights and Privacy Act, which safeguards or protects student educational records from uses and disclosures.**

Term 56	Definition 56
HIPAA consent and authorization have key differences, what are they?	**The Privacy Rule permits, but does not require, a covered entity voluntarily to obtain patient consent for uses and disclosures of protected health information for treatment, payment, and health care operations. By contrast, an "authorization" is required by the Privacy Rule for uses and disclosures of protected health information not otherwise allowed by the Rule.**

Term 57	Definition 57
Permissions and Required under the HIPAA rule are NOT the same thing. Explain	**You still can be denied even if you have permissions and authorizations under HIPAA whereas required is Mandatory**

Term 58	Definition 58
Name some examples of Uses and Disclosures for other purposes aside from TPO (treatment, payments, healthcare operations)	**Public Health Health Oversight Law Enforcement Avert Serious Threat Research Worker's Compensation Organ/Tissue Donation Decendents Information**

Term 59	Definition 59
What is Deldentification as it pertains to PHI?	**Removal of any identifiers or the individual, relatives, employers, or household members**

Term 60	Definition 60
What is Limited Data Set (LDS)?	**Smaller paired down information necessary to do function (minimal necessary). Applies to areas such as Public Health, Research, Healthcare operations**

Term 61	Definition 61
You may disclose PHI with applicable laws and standards of ethical conduct if.....?	**Good faith believes the disclosure to avert serious and imminent threat to public and/or individual.**

Term 62	Definition 62
All Uses and Disclosures of PHI that are not explicitly required or allowed under the regulations may ONLY be done with an authorization. Name 2 examples	**Marketing Fundraising**

Term 63	Definition 63
Uses and Disclosures that provide an opportunity to object may include:	1. **Facility Directory (in hospital setting)** 2. **Family, Friends, Others involved in patient's care or payments for patient cares** 3. **Notifications (natural disasters)**

Term 64	Definition 64
What information can a patient not get access to in a Designated Record Set?	**Mental Health/PsychoTherapy Litigation CLIA (lab)**

Term 65	Definition 65
Willful neglect differs from reasonable diligence, explain.	1. **Reasonable diligence is the business care a reasonable person seeking to satisfy a legal requirement under similiar circumstances** 2. **Willful neglect is conscious, intentional failure or reckless indifference to the obligation to comply with the administrative simplification provision.**

Term 66	Definition 66
What has OIG has identified high risk area **they are as follows** **Home Health** **DME** **Identify the reasons for each element above as to why they are high risk for OIG** **A)**	

Term 67	Definition 67
What impacts compliance infrastructure?	**Size** **Financial Resources ($$)** **Scope of Compliance Program**

Term 68	Definition 68
Name some Key Buy-in Techniques	1. **Motivation** 2. **Participation** 3. **Cooperation** 4. **Education**

Term 69	Definition 69
IN order to build to trust to facilitate what should a compliance professional do? How to influence change in the organization.	**Communicate good and bad news** **Honor confidentiality** **Allow frustrations** **Keep your commitment**

Term 70

Challenges in training physicians

Definition 70

1. **Peer to peer instruction**
2. **Time commitment**
3. **Hesitance to open dialogue**
4. **Issues differ from employee**

Term 71

Why should training be evaluated?

Definition 71

1. Make sure it's correct and current
2. Make sure it's effective to identify areas of improvement
3. Is the training repeatable

Term 72

What are some of the levels for training evaluation?

Definition 72

1. Action
2. Learning
3. Behavior
4. Results

Term 73	Definition 73
Training requirements for compliance include:	1. **Engaging** 2. **Thought Provoking** 3. **Positive call for action**

Term 74	Definition 74
In a COI what is the first thing a compliance professional should do?	**Has there been a disclosure? Investigation?**

Term 75	Definition 75
Voluntary Disclosure Process with CMS	1. **Validate** 2. **Notify Government** 3. **Investigate** 4. **Report**

Term 76	Definition 76
You've identified a Medicare (CMS) billing issue what is the first thing you do	**Stop Billing, notify CMS, and return any moneys that are due**

Term 77	Definition 77
If a provider is on the OIG sanctions list, what do you do first? (list valuation report)	**Put provider on the administrative leave**

Term 78	Definition 78
Why are Compliance Programs Important?	1. **Raises Awareness (publicity exposure can harm brand/company so showing you have a compliance program helps)** 2. **Mitigation Factor (self disclosure penalties decrease when this is done)** 3. **Communicates Commitment** 4. **Avoids Corporate Integrity Agreemetn** 5. **Reduces the threat of QuiTam (whistleblowers)**

Term 79	Definition 79
If the Board of Directors do NOT exist, who should the compliance officer report to?	**Highest level of authority**

Term 80	Definition 80
What is a compliance program?	1. **Prevents & Detects violations of laws or policy** 2. **Defines expectations for employees for ethical and proper behaviors when doing business** 3. **Demonstrates organization's "doing the right thing"** 4. **Encourages problems to be reported** 5. **Provides mechanism for constant monitoring** 6. **Recommended by the government**

Term 81	Definition 81
What are some preventive ways to avoid a QuiTam (whistleblower) lawsuit?	1. **Create a corporate atmosphere that encourages compliance** 2. **Set up a hotline** 3. **Listen to employees**

Term 82	Definition 82
A compliance program provides:	1. **Education** 2. **Prevention** 3. **Detection** 4. **Collaboration** 5. **Enforcement**

Term 83	Definition 83
Who Needs a Compliance Program? Name a few.	1. **Physician Practices** 2. **DME** 3. **Home Health** 4. **Hospitals** 5. **Labs** 6. **Teaching Institutions** 7. **Others....**

Term 84	Definition 84

Name Organizational Steps to an Effective Compliance Program.....	1. **Gain Support Commitment**
	  ○ **Board**
	  ○ **Management**
	  ○ **Providers**
	  ○ **Staff**
	2. **Financial Support**
	  ○ **Development/Start up**
	  ○ **Educational Materials**
	  ○ **Staffing**
	  ○ **Ongoing Operations**
	3. **Develop code of conduct**
	  ○ **Organizations ethical attitude**
	  ○ **Address weak areas**
	4. **Identify Staffing needs**
	  ○ **Appointment compliance officer**
	  ○ **Oversight committee**
	  ○ **Counsel**
	5. **Conduct Internal Assessment**

- Interviews
- Identify Risk Areas
6. Develop Mission and Goals

Term 85	Definition 85
Compliance Oversight Responsibilities has different duties based on job role/function. Name them based on the job role below: • **CEO and board of directors oversight** • **Ownership/Senior Level Down** • **Compliance Officer**	1. **CEO/Board Oversight oversee frequency of reporting and provide governance structure** 2. **Ownership/Senior Level Down address are resources sufficient, are compliance elements integrated into performance, how are compliance issues reported and handled** 3. **Compliance officer ensures they are right fit and address personal and professional risk**

Term 86	Definition 86
As part of the compliance tenets, employee training is key. name some of the elements to effective training	1. **Committment presence** 2. **Training geared to increase compliance knowledge of employees** 3. **Training for high risk areas covered** 4. **Training incorporated into day to day business operations** 5. **Proof / documentation of training**

Term 87	Definition 87
What are the effective elements for monitoring and auditing?	1. **Have you got an auditing plan** 2. **Auditing methodology what types of audits being done** 3. **Has your program gone beyond process audits** 4. **Proactive verses Reactive audits** 5. **Auditing strategy** 6. **Results reporting** 7. **Corrective Action and verification**

Term 88	Definition 88
What are the effective elements for enforcement and discipline?	1. **Appropriate and consistent disciplinary mechanisms in place** 2. **Tracking system developed for disciplinary actions**

Term 89	Definition 89
If there was a problem with an employee and his manager and the compliance is contacted, what is your next action?	**Direct them to Human Resources and ask for a follow-up report**

Term 90	Definition 90
If there is a detection of wrong doing, what is the first step for the compliance professional?	**Contact legal counsel who can make the initial assessment of the risks involved**

Term 91

What is the purpose of a baseline audit?

Definition 91

1. **Outlines current operational standard**
2. **Identifies real and potential weaknesses**
3. **Offers recommendations regarding necessary remedial actions**

Term 92

Compliance officer imposes disciplinary actions.

Definition 92

This is FALSE, since a compliance officer can ONLY recommend disciplinary actions but not impose. Management enforces discipline.

Term 93

What is the next step once resources have been identified when implementing an auditing/monitoring plan?

Definition 93

Obtain Buy-In

Term 94	Definition 94
When reviewing compliance efforts, what is the first thing to be done?	**Review one of the guidances and see if the risks areas are listed in the OIG guidance and make sure these risks are addressed in your organization**

Term 95	Definition 95
Once a compliance program is established, what is the first thing that an organization should do?	**Conduct a Risk Assessment**

Term 96	Definition 96
When physicians are billing for services that are performed by residents, what is this called?	**Physicians at a Teaching Hospital**

Term 97	Definition 97
You have done a compliance plan.What comprises a compliance program?	**Budgeting, Resources, Compliance Board(and listing), Compliance Officer**

Term 98	Definition 98
What is key techniques for obtaining buy-in?	**Motivation**

Term 99	Definition 99
One of the processes for risk identification is document review. Name some of the documents that should be considered for review.	**OIG work plan, Fraud Alerts, Management Inputs**