Health Care Compliance Institute

Syllabus

Summer 2017
Professor Barbara Colombo
Mitchell Hamline School of Law

I. General Course Information

Course: Health Care Compliance Institute
Credits: 3
Delivery Method: Distance Learning (DL) via Blackboard
Dates: May 30 - August 14, 2017 (Orientation May 23-29)
Exam to Follow
Professor: Barbara Colombo
Office Phone: 651-290-6316
E-mail: barbara.colombo@mitchellhamline.edu
Adjunct Professor: Tescia Jackson
E-mail: tescia.jackson@mitchellhamline.edu

II. Instructor Availability

Although our online course doesn’t include a weekly physical planned meeting time, you will have ample opportunity to communicate directly with me. I am always available to answer questions and discuss class topics via email or by phone. I check messages frequently and normally respond within 24 hours. If an urgent matter arises and you need to reach me immediately, please call my cell phone at 612-306-4655.

III. Course Description and Learning Outcomes

This interdisciplinary course introduces students to the most important legal and practical concepts in the field of health care compliance. Specifically, students will develop an understanding of the laws and regulations encountered by compliance professionals in daily practice with specific attention paid to the federal regulatory infrastructure along with relevant provisions of the Patient Protection and Affordable Care Act (ACA) as those provisions exist at the time of this course. Students will also explore key operational concepts including investigations, enforcement and reporting requirements, billing and coding basics, management skills and strategies, along with employee and vendor issues, and leadership training to enhance workplace relationships. Students will test legal and operational concepts through simulation-based projects and assignments on the discussion board, small group exercises, and oral presentations.
IV. Special Note About Familiarity with Blackboard

You are expected to have a basic understanding of how to complete work as a student in Blackboard. Students, therefore, are strongly encouraged to review the Blackboard instructions located on the left margin of the course home page and participate in the online orientation available from May 23-29, 2017.

V. Course Materials

All reading assignments are from:

1. THE HEALTH CARE COMPLIANCE PROFESSIONAL’S MANUAL, (Wolters Kluwer 2016) referred to throughout the syllabus as "Manual"

2. Please note: Assignments from the Manual will be designated by paragraph numbers (par) which appear in the lower right corner of each page. Do not refer to page numbers.

3. Reading Materials on Blackboard. Click on "Readings and PowerPoints" located on the left margin of the course Home Page to display all course Lessons. Then click on the weekly Lesson to view the specific PowerPoint presentation and other assigned readings for that Lesson.

4. Online resources via Hyperlink identified throughout the syllabus. Always check your syllabus.

5. You should also purchase STRENGTHSFINDER 2.0 by Rath (2007) available through the bookstore or online.

All PowerPoint presentations will be posted on Blackboard under Readings and PowerPoints.

VI. Course Evaluation

There are three course requirements for the Health Care Compliance Institute:

1. Final Exam: A take-home (open-book) final exam will be given. The exam will account for 45% of a student’s final grade. The final exam will be administered via Blackboard. Students will select a 48-hour window of time to complete the exam during the exam period which will run from August 15-21, 2017. Additional details to follow.

2. Class Participation: This course is designed to be highly interactive with many opportunities for simulation-based learning. You will learn best by becoming a fully engaged and participating member of the learning community (your cohort). Students should be prepared to actively participate on the discussion board and in other simulation-based activities. Class
participation will account for 40% of a student’s final grade. “Participation” is based on preparedness along with thoughtful commentary and conversation on the online discussion board.

3. OIG Advisory Opinion Presentation: Students will work in teams and make a 10-minute presentation on an OIG Advisory Opinion. The presentation will be given via “conference call” to Professor Colombo and a predetermined subset of your cohort. **This presentation and accompanying written submission will account for 15% of a student’s final grade.** Additional details are available below and on Blackboard under “OIG Advisory Opinion Presentations”.

VII. Methods of Instruction and Work Expectations

This course includes 11 online lessons and utilizes the following instructional methods that promote student learning and achievement:

• On-demand lectures
• Supportive PowerPoint presentations
• Class discussions via the discussion board (nine discussion board assignments)
• Written and oral exercises
• Reading materials
• Feedback from professor, assistant adjunct professors, and fellow students (cohort members)

Each lesson will open on Tuesday at 8:00 a.m. (beginning on May 30, 2017) and **weekly assignments** (delivered via the discussion board) are due on the following Monday at 11:55 p.m. Assignments must be submitted by specified deadlines. Late assignments will not be graded and will receive 0 points, unless you contact Professor Colombo before the deadline and receive an extension.

**Please Note: Lessons 9 and 11 do NOT Include a Discussion Board Assignments**

In addition to the 11 lessons stated above, students will work in teams and will be responsible for presenting an OIG Advisory Opinion. The presentation will be given via "conference call" to Professor Colombo and a predetermined subset of your cohort.

The presentation schedule and team assignments will be posted on Blackboard on the course homepage under "OIG Advisory Opinion Presentations Schedule”. **If the schedule presents a conflict for you, it is your responsibility to reach out to your teammate/s as well as other members of our cohort to find a mutually acceptable "switch".** Cohort contact information is available on the course homepage. Please advise Professor Colombo of the switch via email at barbara.colombo@mitchellhamline.edu. If you are unsuccessful in securing a switch, please advise Professor Colombo no later than Monday, July 3, 2017. **The OIG Advisory Opinion Presentations will be discussed in greater detail during our on-demand orientation video the week of May 23rd and during Lesson 2.**
VIII. Attendance and Class Participation

The program of instruction is based on an active and informed exchange between instructor and student and between student and student. In an online course there is, obviously, no physical "attendance." However, you are required to keep up with the assignment schedule as set forth in the syllabus. Falling behind that schedule may result in your forced withdrawal from the course. It is important for you to keep up with the readings and assessments throughout the course, both to allow sufficient time to comprehend and digest the subject matter and to timely participate in group discussions. All lessons must be completed to receive credit for the course. Failure to do so will result in an incomplete.

IX. Discussion Board

A question and/or scenario will be posted on the discussion board when each lesson opens (Tuesdays at 8:00 a.m.). Answering the question or analyzing the scenario is the weekly assignment as stated above. Students are required to participate in online discussions through two substantial postings. The first post must be an original contribution to the discussion. The second post should be responsive to another student's original posting.

In order to create a genuine conversation (albeit an electronic one), the discussion item for each lesson will be open for one week. Students are required to post during that time. The discussion board for each week will open on Tuesday at 8 a.m. and close on Monday at 11:55 p.m. Each week's postings will be evaluated and considered as part of your class participation (accounts for 40% of your final grade).

Please note: These times follow Central Time

You are to approach the posted question or scenario from the perspective of work or professional experience, as well as your own personal experiences. Your evaluation will be based on the degree to which you seriously and deeply think about the weekly question or scenario. Be thoughtful, practical and well-reasoned in your postings and make sure you answer the question and/or provide an analysis for each scenario presented. Additionally, make sure you give the reasons for your position. Write clearly and as succinctly as possible—more words do not necessarily make a post better. Read and edit your posting before submitting it. Constructive but respectful debate is encouraged. Personal attacks are never appropriate.

A "quality" original posting will be several full paragraphs in length and will specifically respond to the question posed or specifically analyze the scenario presented. Levels of complexity and sophistication of your original postings will be enhanced by reference to both readings and lecture content. A "quality" responsive posting will reflect thoughtful engagement with a specific member of your cohort, building upon the original posting. This means doing more than merely agreeing or disagreeing with another student's
posting. For example, a responsive posting similar to the following is not adequate:

[person's name], you are so right. You are so thoughtful. I was thinking the same thing myself!"

**Grading for Postings**

Based on these criteria, grading for postings is as follows:

<table>
<thead>
<tr>
<th>Criteria</th>
<th>Maximum Possible</th>
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<tbody>
<tr>
<td>Timely posting(s)</td>
<td>2</td>
</tr>
<tr>
<td>Directly addressed the question/scenario presented</td>
<td>3</td>
</tr>
<tr>
<td>Strong analytical skills and degree to which student refers to readings and lecture content</td>
<td>6</td>
</tr>
<tr>
<td>Minimum of one original and one responsive posting</td>
<td>3</td>
</tr>
<tr>
<td>&quot; Seriously and respectfully&quot; engaged other postings</td>
<td>6</td>
</tr>
</tbody>
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**Total possible points for each discussion assignment:** 20

- 19-20 points A
- 17-18 points A-
- 16 points B+
- 15 points B
- 14 points B-
- 13 points C+
- 12 points C
- 11 points C-
- 10 points D+
- 9 points D
- 8 points D-
- 0-7 points F

**X. Course Outline and Weekly Schedule**

**Lesson One: Opens Tuesday, May 30, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, June 5, 2017**

**Regulation of Health Care in America: Why is it a Top Priority for the Federal Government and Where Does Compliance Fit In?**

- Overview of the American Health Care System
- Trends in Fraud and Abuse Enforcement
- Health Reform Influences Including the Affordable Care Act (ACA)
- Overview of the Role of the Compliance Officer and the Evolution of Compliance Programs
  - Federal Sentencing Guidelines
  - An Emphasis on Seven Essential Elements
Readings:
Manual: pars 10,100-10,115; 50,205-50,240; 30,180-30,250 (skim)

✓ Reading Materials for Lesson 1 (on Blackboard)
(Read Message from the Inspector General and Highlights only)
(Skim introduction only)

Lesson Two: Opens Tuesday, June 6, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, June 12, 2017

- Identify Major Players
  - Providers, Payers and Consumers
- Know Your Regulators
- Review Expectations for OIG Advisory Opinion Presentations (originally discussed during orientation)
- Medicare and Medicaid Programs-What's in a Name
  - Program Definitions and Key Terms
  - Introductions to Reimbursement Principles
- Corporate Integrity Agreements (CIAs)
  - Common Structure and Terms
  - Educational Tool for Senior Leadership
  - Trend Toward Quality of Care CIAs

Readings:
Manual: pars 20,050-20,075; 20,125, 20,150, 30,100, 30,300

✓ Reading Materials for Lesson 2 (on Blackboard)

Lesson Three: Opens Tuesday, June 13, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, June 19, 2017

Coding Basics for Compliance Professionals

Presentation by Patricia Bower-Jernigan, Director, Allina Hospitals and Clinics

- The Revenue Cycle in Health Care: The Life of a Bill
Readings:
Manual: pars 20,170-20,235

✓ Reading Materials for Lesson 3 (on Blackboard)

Lesson Four: Opens Tuesday, June 20, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, June 26, 2017

An Introduction to the Fraud and Abuse Laws: What the Compliance Professional Needs to Know to be Effective

- Emphasis on Individual Accountability
  - Responsible Corporate Officer Doctrine
- False Claims Act (FCA) & Regulations
  - Federal Government’s Response to Skyrocketing Health Care Costs
  - Health Care Fraud Prevention and Enforcement Action Team (HEAT)
    - HEAT Provider Compliance Training
  - Qui Tam Claims
  - FCA as a Weapon to Combat Medical Errors
  - Voluntary Self Disclosure
- Anti-Kickback Laws
  - Defined
  - Penalties
  - Safe Harbors

Readings:

✓ Reading Materials for Lesson 4 (on Blackboard)


Lesson Five: Opens Tuesday, June 27, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday July 3, 2017

An Introduction to the Fraud and Abuse Laws: What the Compliance Professional Needs to Know to be Effective (cont.)

- Stark Law (Physician Self-Referral Laws)
  - Designated Health Services
  - Exceptions
Relationship to Anti-Kickback

Physician Payment Sunshine Laws

Readings:

✓ Reading Materials for Lesson 5 (on Blackboard)


https://www.cms.gov/openpayments/

Lesson Six: Opens Tuesday, July 4, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, July 10, 2017

A Compliance Plan and Program: Essential Considerations

- Code of Conduct
- Gifts and Gratuities Policies and Issues
- Effective Whistleblower Strategies and Procedures
- Hotlines and Other Reporting Mechanisms
- Screening and Evaluating Agents and Vendors
- Role of Compliance Committee and the Importance of Oversight
- The Importance of Interviewing Skills and Techniques

Readings:
Manual: pars 50,100-50,180; 50,205-50,265; 50,850-50,880; 51,150-51,250; 60,500-60,540 (skim)

✓ Reading Materials for Lesson 6 (on Blackboard)


http://www.hcca-info.org/Portals/0/PDFs/Resources/Compliance_Today/1214/ct-2014-12-ivers.pdf (Optional)

Lesson Seven: Opens Tuesday, July 11, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, July 17, 2017
Discovering Your Strengths and Enhancing Your Leadership Skills

*Workshop by Marie Anderson Ph.D, SKS Consulting Psychologists*

- Increase your understanding of your individual strengths and talents
- Identify ways to more intentionally work with team members to enhance performance and compliance.

**Mandatory Assignment:** All students are required to complete and submit the Clifton StrengthsFinder web-based assessment no later than June 10, 2017 to: https://docs.google.com/forms/d/e/1FAIpQLSdFO8qlk6SzGN2No9KOkcqzEmD5LDW7VTppaHmV1KU0wcsw/viewform?usp=sf_link

✓ Reading Materials for Lesson 7 (on Blackboard)


http://www.entrepreneur.com/article/245268


**Lesson Eight:** Opens Tuesday, July 18, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, July 24, 2017

**Risk Assessment Basics for Compliance Officers**

- Risk Identification Process
- Risk Assessment Process
- Determining Level of Risk Tolerance within an Organization
- Role of the Board in Managing and Mitigating Risk
- Considerations by Practice Area

**Readings:**

Manual: pars 40,100-40,150

✓ Reading Materials for Lesson 8 (on Blackboard)

**Lesson Nine:** Opens Monday, July 25, 2017 at 8:00 a.m. *This Lesson does NOT include a Discussion Board Assignment*

**Strategies for Enhancing Your Effectiveness as a Compliance Professional**
Presentation by Daniel Roach, J.D., Chief Compliance Officer and General Counsel, Optum 360° and Co-Chair of the Society of Corporate Compliance & Ethics

- Seven Habits of an Effective Compliance and Ethics Officer
  - Intersection between Compliance and Ethics
- Role of General Counsel in Compliance

✓ Reading Materials for Lesson 9 (on Blackboard)

**July 24, 25, 26, & 27**

*OIG Advisory Opinion Presentations: See Assignment, Schedule and Call-In Instructions Posted on Blackboard*

**Lesson Ten:** Opens Tuesday, August 1, 2017 at 8:00 a.m. with Assignment due at 11:55 p.m., Monday, August 7, 2017

Compliance Training: Enhancing Employee Comprehension and Retention Through High Impact Education Strategies

*Presentation and Training by Lori Oleson, JD, Compliance Director, Prime Therapeutics*

- OIG Compliance Guidances and Integrity Training
- How to Promote Effective Learning
- Emerging Trends in Learning
- Creating and Executing Training Plans
- Measuring Training Effectiveness
- HEAT Provider Compliance Training (see Lesson 10 Videos)

**Readings:**

 Manual: pars 50,500-50,585 (skim)

✓ Reading Materials for Lesson 10 (on Blackboard)


**Lesson Eleven:** Opens Monday, August 8, 2017 at 8:00 a.m. This Lesson does NOT include a Discussion Board Assignment

- Safety, Quality and Compliance
• How to Best Regulate Quality
• Compliance and Mandatory Reporting of Adverse Events, Near Misses, and Mistakes
  o Medical Errors-Scope of the Problem
  o Legal Reporting Obligations
• Never underestimate the power of an apology

Readings:
Manual; pars 22,600-22,650

✓ Reading Materials for Lesson 11 (on Blackboard)

http://www.jointcommission.org/assets/1/18/wrong_site_brochure.pdf

http://www.health.state.mn.us/patientsafety/


http://www.sorryworks.net/apology-laws-cms-143