



MONTEFIORE MEDICAL CENTER

The University Hospital for the
Albert Einstein College of Medicine

ADMINISTRATIVE POLICY AND PROCEDURE

SUBJECT: DETECTION AND PREVENTION OF FRAUD, WASTE AND ABUSE NUMBER: JC30.1

OWNER: COMPLIANCE OFFICE

EFFECTIVE DATE: 2/07 REVIEW/REVISED DATE: SUPERSEDES:

REFERENCE: S. 1932, Deficit Reduction Act of 2005

CROSS-REFERENCE: Administrative Policy and Procedures, JF11.1, Provider Billing Compliance, JF03.1 Billing by Teaching Physicians, JE16.1, Ethical Conduct, Legal Compliance, Fraud and Misconduct, MMC Code of Conduct

Policy:

It is the policy of Montefiore Medical Center (“MMC”) that all associates (employees), physicians, vendors, consultants and agents who provide health care services shall comply with all pertinent Federal and New York State false laws and regulations including federal and state fraud and abuse and false claims laws. It is incumbent upon MMC to develop systems to detect, correct and prevent fraud, waste and abuse, especially in the areas that have been identified by the Office of the Inspector General of the Department of Health and Human Services to be “high risk” for fraud and abuse.

Scope:

This policy applies to all associates and physicians of MMC, whether assigned to perform duties in a division or unit of MMC or a corporate affiliate of the MMC, or at another institution under a contract between the MMC and such institution, and to all MMC clinical chairpersons regardless of MMC that is their employer. It is also applicable to all vendors, consultants and agents who perform services under contracts with MMC, with respect to their activities while performing those services or otherwise on behalf or purportedly on behalf of MMC.

Definitions:

Fraud - Fraud is the intentional deception or misrepresentation that an individual (1) knows to be false or does not believe to be true and (2) makes knowing the deception could result in some unauthorized benefit to himself/herself or some other person.

Abuse - Abuse involves incidents or practices that are inconsistent with accepted sound medical, business, or fiscal practices. These actions may result in unnecessary program costs

and improper payment for services not meeting professionally recognized standards of care or medical necessity.

Application:

Montefiore Medical Center has adopted an extensive set of programs in for detecting and preventing fraud. The Compliance Office oversees these programs and depending on the nature of the allegations works collaboratively with the Department of Audit Services, Risk Management, Legal Affairs and other departments to conduct investigations in these areas.

As part of the commitment to ethical and legal conduct, associates are required to bring immediately to the attention of their immediate supervisor, department supervisor, or the Compliance Officer, information regarding suspected improper conduct. Associates may also call the Compliance Hotline at 1-800-MMC-8595 (1-800-662-8595) to discuss concerns about possible violations of the law or institutional policy. MMC is committed to investigating any such allegation of fraud, waste, or abuse swiftly and thoroughly and will do so through its internal compliance programs and processes. To ensure that the allegations are fully and fairly investigated, MMC requires that all associates fully cooperate in the investigation.

MMC devotes substantial resources to investigate allegations of fraud and abuse and therefore, expects that all associates will bring their concerns to MMC first in order to address and correct any fraudulent activity. Any associate of MMC who reports such information will have the right and opportunity to do so anonymously and will be protected against retaliation for coming forward with such information both under MMC's internal compliance policies and procedures and federal and state law. However, MMC retains the right to take appropriate action against an employee who has participated in a violation of federal or state laws, regulations, requirements of regulatory, licensing or accrediting agencies or hospital policy.

Certain state and federal laws provide that any private citizen may bring their concerns of fraud and abuse directly to the government; however, MMC strongly encourages its associates bring their concerns to MMC and to give MMC reasonable time to investigate and respond to the allegations. Failure to do so will be considered a breach of the associate's duty of loyalty to MMC.

Procedures:

Work Plans – Each year, the Compliance Office prepares work plans for the following year for each of the following areas: Corporate Compliance, HIPAA Privacy and Security, and Billing Compliance. The work plans set for the auditing and monitoring activities that will be undertaken in the calendar year. All work plans are approved by the Executive Compliance Committee and presented to the Compliance Committee of the Board of Trustees.

Auditing and Monitoring – The AVP of Billing Compliance, along with the billing compliance staff, performs routine and periodic reviews of claims submitted to Medicare, Medicaid and other health care plans. Reviews of the claims development and submission process are also conducted, and may include reviewing the work of coders, billers, admitting and registration clerks, physicians and ancillary departments. Reviews may also be scheduled as a result of a complaint made directly to the Compliance Office.

For HIPAA compliance, routine reviews of the clinical information system designed to identify

unauthorized and/or inappropriate access to medical information are performed.

Risk Assessment – Certain laws and regulations require that a health care provider perform a periodic risk assessment. Risk assessment activities may be accomplished via the administration of questionnaires, departmental reviews, or using computer-based tools.

Education and Training – Depending upon the results of the reviews and other ongoing monitoring activities, the Compliance Office will design department-specific training sessions to address the issues of potential non-compliance. In addition, some training sessions are mandatory for specific groups, such as the teaching physician guidelines training session, HIPAA privacy and security training, and training involving billing for research-related services.

Corrective Action/Re-Review – In accordance with policy JF11.1, Provider Billing Compliance, departments or any and all other providers that are performing below the threshold for error will be put on a corrective action plan that may include 100% audit of claims, and may be subject to disciplinary action. Violations of HIPAA privacy and security will result in written disciplinary action, and in some cases, termination.

Responsibility:

Compliance Office

Regulatory Reference(s):

Deficit Reduction Act of 2005, S.1932 Sect. 6032 and Social Security Act, 42 U.S.C. 1396a(a)(68); Federal False Claims Act 31 U.S.C. 3729-3733; and New York State False Claims Provisions, Social Services Law Article 5 Title 1 §145-b; OIG Model Compliance Program Guidance for Hospitals, 63 FR 8987-8988 (2/23/98); OIG Supplemental Compliance Program Guidance for Hospitals, 70 FR 4858-4875 (01/31/05),