



CENTRAL MICHIGAN

Student Orientation

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Compliance and HIPAA

➤ Corporate Compliance

- Corporate Compliance refers to a program designed to ensure an organization's efforts to prevent fraud and abuse.
 - Fraud is an intentional deception or misrepresentation of fact that can result in unauthorized benefit or payment.
 - Abuse means actions that are improper, inappropriate, outside acceptable standards of professional conduct or medically unnecessary.
- McLaren is a Federal Contractor. We participate with Medicare, Medicaid, Blue Cross and Commercial insurance companies, therefore we must follow their rules to keep our doors open for our community.
- Corporate Compliance is governed by the Office of Inspector General.

➤ Required Elements of a Compliance Program

- 1) Written Standards (Code of Conduct)
- 2) Education and Training
- 3) Designation of a Compliance Officer
- 4) Effective Communication
- 5) Discipline and Enforcement
- 6) Auditing and Monitoring
- 7) Response and Prevention

➤ Fraud, Waste and Abuse Laws

- The laws surrounding health care are numerous and complex. All MHC workforce members must be familiar with laws applicable to their specific roles.
 - Federal and State False Claims Acts prohibit an entity or individual from submitting a false or fraudulent claim to Medicare or Medicaid for payment. Examples include:
 - Billing for services not provided
 - Billing for medically unnecessary services
 - Upcoding
 - Stark Laws prohibit a physician from making referrals for certain health services to an entity which the physician or his/her family member has a financial relationship with.
 - Anti-Kickback Statute prohibits the offering, paying, soliciting or receiving remuneration in order to induce or reward referrals of Medicare/Medicaid business.



➤ Whistleblowers and MHC's Non-Retaliation Policy

- Both federal and state laws protect individuals who investigate or report possible false claims made by their employer against discharge or employment discrimination based on such investigation.
- Whistleblowers who experience these types of retaliation may sue in court for damages.
- MHC's Non-Retaliation Policy protects individuals who report a suspected or known violation in good faith.



➤ Avoiding and Reporting Conflicts of Interest



- MHC employees are expected to act in McLaren's best interest and conduct all activities on behalf of MHC in good faith, being careful to avoid the appearance of a conflict of interest.
- Employees may not solicit or accept anything of more than de minimus value, including a loan, reward, material or property, from a patient, patient's family, visitor, contractor, supplier or competitor. Accepting cash or a cash equivalent is strictly forbidden. Small tokens of appreciation from a patient, such as candy or cookies are permitted.
- Employees may not use any information received through MHC to obtain financial gain for themselves, their family, or their businesses.
- Employees who have been excluded from participating in federal or state health care programs must immediately notify the local or MHC Compliance Officer.
- Any situation that may be considered a conflict of interest must be reported to the local or MHC Compliance Officer, or via the MHC anonymous hotline.

➤ Compliance Reporting

- As a McLaren employee, if you become aware of any situation that could lead you or others to engage in actions that could result, or have resulted in a compliance violation, you should notify your Compliance Officer, Savan Clevesis-Laufer.
- Compliance Hotline - 989-772-6816
- You may also contact the MHC Compliance Officer at 1-866-MHC-COMPLY.
- Anything you report to the Compliance Officer is strictly confidential and will not result in retaliation of any kind.





HIPAA

Health Insurance Portability and Accountability Act

- HIPAA regulates the use and disclosure of all Protected Health Information (PHI)
- PHI is any information that can be used to identify a patient, whether that information is from the past, present, or future, and in any form, including paper, film, computer, or spoken aloud.
- The HIPAA Rules have gone through a number of “upgrades” that have heightened and tightened government oversight of our practices. One of these upgrades was to create four distinct areas: Privacy (PHI), Security (ePHI), Breach Notification and Enforcement.
- The federal government’s Department of Health and Human Services Office of Civil Rights is responsible for oversight of the HIPAA Rules.
- MHC’s workforce members must abide by the “Minimum Necessary” standards outlined in the HIPAA laws. Release of PHI other than for treatment, payment or operations purposes requires patient authorization or a court order.
- There are civil and criminal penalties which may result in monetary penalties and jail time.

> Patient rights under HIPA

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- Right to confidential communication of PHI
- Right to access or receive a copy of their medical record
- Right to receive a notice of the McLaren's uses and disclosures of PHI
- Right to request changes to their medical record
- Right to receive a list (accounting) of PHI disclosures made by McLaren during the prior six year period
- Right to request a restriction on how their PHI is used



How to keep information secure



- Develop a complex password at least 8 characters long, with uppercase letters, lowercase letters, numeric digits and special characters i.e., Wizardofz!
- Never share your password or post it on our around your workstation. Store it in a secure location such as a locked drawer.
- When you leave your workstation, log out of the application or system or lock it.
- Never copy PHI or McLaren business documents onto a personally owned device (phone, USB, etc) without a supervisor's permission. All USB's must be encrypted.

➤ Electronic Security

- Cameras or other video/audio recording devices are not permitted to be used on McLaren premises. This includes personal telephone cameras.
- When using e-mail to send PHI outside of the McLaren network, the e-mail must be encrypted as specified in the *McLaren Email Communications and Collaboration Policy (MHC_IS2020)*.
- Beware of “phishing” scams which require you to click on a link or enter data such as a bank account number. These links can launch computer viruses into the McLaren network. Notify the I.T. Service Desk if you notice any unusual e-mails.



➤ Mobile Devices and Removable Media

- Never text confidential or proprietary information, including PHI, on a mobile device.
- Never remove any records, files or work product from MHC's premises without supervisory approval.
- Supervisory approval is required in order to obtain access to McLaren e-mail from a mobile device.
- All removable media containing PHI, such as a USB drive or CD, must be stored in a locked cabinet and transported using a secure envelope or box.
- Contact the I.T. Service Desk immediately if you suspect that a mobile device with access to MHC data has been lost, stolen or compromised in any way.



➤ Breach Notification Requirements

- A ***breach*** is the acquisition, access, use, or disclosure of PHI in a manner not permitted, which compromises the security or the privacy of the PHI.
- A Breach Risk Assessment must be performed by your Compliance Officer.
- If the breach is substantiated through the Risk Assessment, we are required to notify the patient in writing of the breach, as well as a report filed with the Department of Health and Human Services Office of Civil Rights.
- If the breach affects 500 or more individuals, the local media must be notified.
- All violations or potential violations must be reported!
- The Safety Culture policy will be applied to all safety or quality events. This includes a HIPAA violation. If warranted, an employee will be disciplined according to the HIPAA Violation Policy.

➤ Our Commitment to Providing Patient Care



- McLaren Health Care strives to provide excellent results in every situation and expects its workforce members to treat all patients and their families with care, respect and dignity.
- This commitment to excellence includes the physical, emotional, psychological and spiritual care of each person.
- Patients will not be denied appropriate care on the basis of race, religion, color, national origin, sex, age, disability, marital status or source of payment.
- If quality or safety concerns are not being met, it is your responsibility to raise the concern through appropriate channels.

➤ Our Commitment to Providing Patient Care - Continued



- All McLaren workforce members are expected to create a proper atmosphere for patients and visitors through:
 - Attention to both facility and personal appearance
 - Individual professionalism – being responsible for your actions and taking pride in your work
 - Effective communication – using plain language, making eye contact, using proper phone etiquette, smiling and greeting patients and family members
 - Exceeding the expectations of patients, patient family members, and co-workers
- If a patient or family member expresses concern about the care received at McLaren, workforce members are individually responsible to address the issue or refer it to the appropriate person in the organization.

➤ Patient Rights



- McLaren Health Care will ensure that patients have the right to make informed decisions for the proposed course or choices of treatment based on information about their medical conditions, presented in a manner that the patient can easily understand.
- Patients are entitled to refuse treatment to the extent provided by law and to be informed of the consequences of that refusal.
- Patients are entitled to receive information about designating another person to make decisions about their medical care (Advance Directives) in the event they are not capable to making their own decisions.
- McLaren providers will comply with a patient's Advance Directives within the guidelines of the law and medical ethics.

➤ Safety First Reporting System

SAFETY FIRST electronic incident reporting system is used to help capture, identify and address safety risks while promoting a culture of transparency and patient safety. Events can be reported anonymously.



Example of events and concerns that should be reported:

- Near Misses/Other Safety Concerns
- Equipment Issues or Failures
- Security/Safety Issues
- Medication dispensing errors
- Patient Identification and/or Consent Issues
- Patient falls when McLaren staff are present
- Employee/Staff Injuries
- Patient Feedback (Compliments, Complaints, Grievances)