

Lind Consulting & W. Robert Cooper & Associates, Ltd.

Announce New Service

Compliance and Integrity Plan and Training Services

For

Medical Practices

TURN KEY COMPLIANCE AND INTEGRITY SERVICE NOW AVAILABLE

Lind Consulting and W. Robert Cooper and Associates can bring your practice into compliance. We have negotiated a very low price for a compliance and integrity plan drafted by a nationally renowned healthcare law firm. We have materials in place for implementation of a compliance and integrity plan along with staff training on all compliance needs including additional training on HIPAA, Hazcom, infection control, records retention, etc.

Some smaller practices have difficulty covering the compliance officer position. Our attorney's have informed us that as certified medical practice executive consultants, we can serve as your compliance officer.

The following is what is currently pushing the need for compliance and integrity plans to be in place and quickly:

New Medicare Enrollment Form Has Danger Zones for Providers

If a physician practice's compliance plan isn't up to scratch, the doctor could be signing up for a Medicare witch hunt. The new CMS 855I enrollment for physicians includes some new statements that could get providers into trouble down the line. In particular, on page 24, a physician must attest that:

- he or she understands that Medicare claims must comply with all laws and regulations, including (but not limited to) the anti-kickback law and the Stark self-referral law.
- neither the doctor, nor any "managing employee" is currently sanctioned, suspended, disbarred or excluded from Medicare or other government health programs.

Both of these things are already required by law. But by signing an attestation to them, a physician could be piling on the legal jeopardy. If a provider's compliance program doesn't already address these areas, the provider should make changes right

away. Physicians should be checking the databases at both the HHS OIG and the GSA to make sure Medicare hasn't excluded **anyone** in the office. Providers shouldn't look at only the doctors, but they should also look into all employees. Anyone excluded from Medicare shouldn't be working in a physician's office. According to the OIG, excluded individuals can't be doing work that's in any way related to patient care.

Physicians have always had to comply with the Stark and anti-kickback laws, but they never had to attest to compliance before. If a doctor attests to compliance but doesn't put in place an effective compliance program, then the penalties could be much worse. Managers may be treating this as just another form for doctors to sign. The new form even includes a page outlining all the sanctions and penalties, including fines that the doctor could face for non-compliance.

The feds may be repeating a strategy they've used in the past with institutional providers: "bootstrapping" the Stark and anti-kickback laws to the False Claims Act. Because the doctor signed a document that promised to abide by the first two laws, failure to comply may also violate the FCA.

Please let me know if you wish to speak further on how we can assist you in meeting your compliance needs.

Best regards,

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"We have been very instrumental in providing leadership, direction and improvements to medical practices in organization transition or administrative leadership change. The web site above contains profiles of our healthcare management consultants. Our experience includes medical practice administration, hospital administration, free standing and hospital based radiation oncology centers, image centers, cancer centers and just about all medical practice specialties. The web page also contains a "Can Do" list of many examples of the services we offer. A client list is available upon request."