

Tweets from Health Care Compliance Association New England Regional Conference  
September 9, 2011

[healthblawg](#) David Harlow  
200 HC compliance profls at [#HCCANE11](#) today and none knew abt PatientsLikeMe - Hmm  
[#s4pm](#)  
[9 Sep](#)

[healthblawg](#) David Harlow  
[#HCCANE11](#) It's a wrap - Thanks everyone for a terrific day  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Ortiz tips: Do surprise visits thruout org; followup on anything untoward; also  
come up w cr8v incentives 4 internl whistleblowing  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Ortiz tips: Make sure employees are trained to the compliance program, regularly  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Tip: Get nonemployed privileged docs in compliance program, bcs they can  
expose hosp to [#FCA](#) liab  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Financial reasons, not clinical reasons driving decisions abt care delivery, care  
setting = problem  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Trusiak - Approach to new tech, new procedure ... Can't be, eg, inpt only if  
procedure is not on inpt-only list  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) CIA's / exclusions - DOJ/USAtty role - none (HHS OIG only) - can have multiple  
nego's on same conduct  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Trusiak: If past sanctions imposed don't act as deterrent, we'll change it up (eg  
holding indivs crim liab - Parke doctrine)  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Ortiz: Will use crim liab for indiv execs in rare cases where there is willful  
blindness to crim activity  
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[#HCCANE11](#) Trusiak: Only goal = the truth.  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Ortiz: data mining, other tools, addl resources in Boston ofc thx to successes to date, help USAtty ofc in its efforts  
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[#HCCANE11](#) Ortiz: cooperation incl waiving statute of limitations by orgzns  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Ortiz: if we're involved, we'll be looking for cooperation. Gr8r cooperation/disclosure will help re mitigation in fines/sentences  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Trusiak sez his agenda is mostly set by qui tam relators (& other taskforce members) - looks at broader issues wrt same provider  
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[#HCCANE11](#) Trusiak has active monitoring program, task force w regular mtgs w comml payors, state gov, fed agcys, gets better sense  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Trusiak: If something bubbles up to USAtty ofc:civil and criminal investigns. An ounce of prevention... Admin lvl may be fine only  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Robt Trusiak AUSA WDNY, Carmen Ortiz USAtty D MA on panel today  
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[#HCCANE11](#) If [#RAC](#) finds overpymt 36 mos. back, provider nds to look \*further\* back & come clean - otherwise [#FCA](#) liability  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Rvw compliance plan 2x/yr just like smoke detector batteries. Statutory changes, enforcement priorities, changes in practice  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) the prosecutors' panel as cleanup hitters this afternoon  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) I'm up next, and I will not tweet my own preso, and haven't prescheduled any.  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) [#RAC](#) med necessity rvws doubled in last 2 quarters - admits by MDs, but hits hospitals  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Don Romano serving up alphabet soup for lunch. If it weren't so crazy it would be hilarious.  
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[healthblawg](#) David Harlow  
RT [@rkumar](#): [@healthblawg](#) if we think 140k codes of iCD10 are too many! Wait till Snomed takes over!! [#HCCANE11](#)  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) 140K codes in ICD-10 !!! When will it end ?  
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[#HCCANE11](#) Lahey is now having coders rvw claims to see whether documentation provided under ICD-9 will be sufficient under ICD-10  
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[#HCCANE11](#) Toughest job w ICD-10 will be MD training on documentation. 18K codes -> 140K codes.  
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[#HCCANE11](#) 10-1-13 conversion date for ICD-10. Will take a couple yrs to realize full value (more granular coding) - affects many functions  
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[#HCCANE11](#) » ICD-10 readiness: [#compliance](#) matter, not just IT  
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[#HCCANE11](#) If problems ID'd w claims on prebilling basis has an overpymt been ID'd? What if you see it likely indicates a past pattern? Hm.

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[#HCCANE11](#) Panel emphasizing value & limitations of conducting investigation under atty-client privilege

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[#HCCANE11](#) internal investigations panel: Karen Murray CCO Steward Larry Vernaglia Foley & Kelly Sauders D&T

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[#HCCANE11](#) [#ACA](#) s.6002 MD pymt discl - modeled on MA law. Regs due soon - impl date not likely to slip. See <http://slidesha.re/nt3u7C>

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[#HCCANE11](#) Gov auditors extrapolation of improperly pd claims in some cases not subj to judicial rvw. Congress may hv some concerns abt this

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[#HCCANE11](#) [#RAC](#) prog expanded to Mcaid, Mcare Advantage & Mcare Part D. All states must sign up a [#RAC](#) by yr-end [#ACA](#) s.6411

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[#HCCANE11](#) Remember: monetary and nonmonetary comp to docs must be reas, not vary w volume/value of referrals - even for employed docs [#Stark](#)

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[#HCCANE11](#) Practice pointer: must have clear policies, tracking systems & training - So CCO can know what is being done w docs

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[#HCCANE11](#) [#ACA](#) s.6409 [#Stark](#) self-disclosure protocol - [#CMS](#) had been wanting to set this up, but didn't have auth until this legislation

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[healthblawg](#) David Harlow  
[#HCCANE11](#) [#ACA](#) s.6402 Claim submitted re: svc barred by [#AKS](#) = viol of [#FCA](#) (new in stat, but this has been used in the past, I believe)  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Barker: DOJ less flexible than HHS (ans q re: is mand compl prog CoP and also condx of pymt. NY Mcaid makes it condx of pymt)  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Too cute? Until all amts due in and out are ID'd for a rptg pd perhaps there is no 'obligation' - Nd sys to track all ins n outs  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) [#ACA](#) s.6402 If ID overpymt, provider must report n return w/in 60 days of rcpt or cost rpt due date. If not: 'oblig' under [#FCA](#)  
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[robinrae22](#) Robin Robinson  
@  
[@healthblawg](#) OUCH. Was said spkr from Boston? [#HCCANE11](#)  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) bad joke fr spkr: 'Being a compliance ofcr is like being a corpse at an Irish wake. U need one, but nobody really cares who it is'  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Barker telling story abt overlapping jurisdiction in FL, Leavitt going undercover for a day as Russian mobster  
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[healthblawg](#) David Harlow  
[#HCCANE11](#) Overview of [#ACA](#) & compliance, Tom Barker spkg, starting w s.6401 re mandatory compl progs  
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[healthblawg](#) David Harlow  
At HCCA New Eng regional conference - [#HCCANE11](#)