

# Thompson Health

## Corporate Compliance



**Elizabeth A. Talia, Esq.**  
Vice President, Legal & Regulatory Affairs  
General Counsel  
Chief Compliance Officer  
Privacy Officer

**Corporate  
Compliance Hotline**

**585-396-6234**

(This Number May Also Be Used  
for Privacy Concerns and Ethics  
Consults)

350 Parrish Street  
Canandaigua, New York 14424  
585-396-6714 (direct line)|[Elizabeth.Talia@thompsonhealth.org](mailto:Elizabeth.Talia@thompsonhealth.org)



# What is Compliance?



- The term 'Compliance' refers to compliance with the regulations and laws that are imposed by local, state and federal government.
- Healthcare is one of the most heavily regulated industries, on both a federal and state level.

## Thompson Health Corporate Compliance Standards

- Thompson Health requires all employees, medical staff, contractors and agents to report suspicions of fraud, waste or abuse.
- Thompson Health prohibits any employee from intentionally or recklessly submitting a claim, which includes fraudulent information or is based on fraudulent documentation to any government program for payment or approval.
- Government programs include Medicare, Medicaid or any other government-sponsored benefit program offered by the Centers for Medicare & Medicaid Services or the New York State Department of Health.



# What Are Examples of Health Care Fraud and Abuse?

- Billing for services that were not provided.
- Duplicate billing—Medicaid, Insurer, the Patient.
- Requiring return visits when another appointment is not necessary.
- Taking unnecessary x-rays, labs, etc.
- Up-coding (e.g., simple office visit vs. comprehensive visit).
- Unlicensed persons performing services and billing as if licensed professional.
- Billing for more time than actually provided (e.g., anesthesia, injectibles).
- Accepting payments or inducements from another provider as a reward or incentive for referring a patient to the other provider.



# Thompson Health's Compliance Plan

- Approved by the Board in 2006; amended in October, 2014
- Overarching mission is to comply with all laws and regulations and dedicate ourselves to maintaining the highest ethical standards.
- Thompson has a separate compliance code of conduct and code of ethics and professionalism. Click here for:
  - [Thompson Health Code of Compliance](#)
  - [Thompson Health Code of Ethics & Professionalism](#)
- On the next slide, please find a summary of the Code of Ethics and Compliance Code of Conduct.

## Code of Ethics

Based on CARES Values

**Commitment:** Thompson Health holds the quality and availability of health services as its most important goal. We strive to operate with high legal and ethical standards. We work to understand public need and develop programs accordingly. We strive to be accountable in our business practices.

**Action:** In everything we do, Thompson Health strives to protect patient confidentiality, to preserve the integrity of our relationships, and to avoid conflicts of interest.

**Respect:** Thompson Health seeks to communicate with patients, business partners and the community in ways that are objective, accurate, honest, and respectful. We work to foster relationships with patients, associates and medical staff that are based on mutual benefit and partnership. Our relationships reflect an appreciation for diversity and freedom from unfair treatment.

**Excellence:** Thompson Health is oriented toward personal and corporate excellence. We are committed to the highest levels of medical care, community accountability, and education.

**Service:** Thompson Health promotes access to comprehensive, affordable, high quality care. We share in community solutions to provide care for the under-served, and we focus programs according to community need. We communicate our mission, values and priorities to all associates, volunteers and medical staff whose care and service are the most visible aspect of the institution's ethical commitments and values.

## Compliance Code of Conduct

### *Compliance with Laws and Regulations*

- Thompson Health abides by all applicable laws, regulations, standards and other compliance requirements at all levels of government.
- We will not tolerate fraud, waste, abuse, kickbacks or bribes intended to induce client referrals or admissions.

### *Conflicts of Interest*

- Thompson Health associates will avoid conflicts or appearance of conflicts between private interests and
- Associates will refer to the Thompson Health gift policy before accepting gifts from others.

### *Safeguarding Resources and Interests of Thompson Health*

- Thompson Health will protect its assets, and the assets of others entrusted to it, against loss, theft, destruction, misappropriation and misuse, including physical property and proprietary information.
- Associates will be responsible for protecting Thompson Health's confidential patient and proprietary information.

### *Maintaining a Safe Health Care Environment*

- Thompson Health is committed to operating in an environment that provides for the health, safety, privacy and comfort of all patients, visitors and associates.
- We will report to our supervisor any clinical practice or condition that may violate any rule, regulation, policy or safety standard.

### *Consideration of Human Resources*

- Thompson Health will protect, support and develop its human resources to the fullest of their potential in a fair and equitable manner.
- We will not tolerate discriminatory treatment or unlawful harassment at any point during hiring, employment, or termination.

### *Coding and Billing Integrity*

- Thompson Health is committed to the proposition that all payments and other transactions are accurate, complete, properly documented and authorized.
- We are committed to ensuring that coding and billing practices comply with all federal and state laws, regulations, guidelines and policies. All services will be medically necessary and properly coded.

### *Associates Issues and Concerns (Corporate Compliance Hotline)*

- Thompson Health has a *Non-Retaliation Policy and Open Communication Policy*.
- Associates, medical staff and agents should report concerns about suspected or know instances of fraud, violations of law, regulations, Thompson Health policies or its Code of Conduct. Concerns can be reported to a supervisor, the Compliance Officer or confidentially to the Corporate Compliance Hotline.

### *Physician Compensation and Contracting*

- All physician agreements will comply with state and federal requirements.
- All physician agreements will be approved by the system's CEO/President.

**Corporate Compliance Hotline:**  
**396-6234**

ThompsonHealth.com



# Federal False Claims Act, 31 USC §§3729-3733

- It is a civil statute which prohibits knowingly submitting false or fraudulent claims, including Medicare and Medicaid claims, to the government for payment. A violation of the law permits the government to seek damages and penalties.
- This statute applies to everyone who is involved in submitting claims to the government.

# Federal False Claims Act

A violation of the law permits the government to seek significant damages and penalties.

## **FEDERAL:**

Civil Liability:

- \$11,181 to \$22,363 per violation
- Treble Damages

## **STATE FALSE CLAIMS ACT:**

- Same knowledge standard
- \$6000 to \$12,000 per claim
- Double or Treble Damages



# The Stark Law

Commonly called the “Stark” Law, the Physician Self-Referral Law prohibits physicians from making certain Medicare referrals to entities with which the physician (or his or her family members) has a financial relationship.

Stark also prohibits healthcare entities from billing for improperly referred services, unless an exception applies.

The Stark Law provides a variety of sanctions, including denial of payments, refund of payments, civil monetary penalties, and exclusion from Medicare and Medicaid. Similar to the Anti-Kickback Statute, this law has exceptions.





# Anti-Kickback Statute

The Anti-Kickback Statute is considered the older cousin of the Stark Law. This broad federal criminal statute prohibits the offer, payment, solicitation, or receipt of any form of remuneration in return for the referral of Medicare or Medicaid patients.

Violation of the Anti-Kickback Statute is considered a felony, punishable by fines of up to **\$100,000 per violation**, plus **imprisonment** for up to **10 years**.

In addition, the U.S. Department of Health and Human Services may impose civil penalties and exclude violators from government health programs.



# What Is EMTALA?

- The Emergency Medical Treatment and Labor Act of 1986 (EMTALA) requires hospitals with an ED to provide a medical screening exam by qualified medical staff to patients who appear to need emergency medical services and to determine whether they do, in fact, have an emergency medical condition. If the patient does, then the hospital is obligated to provide treatment until the patient is stable or transfer the patient in conformance with the statute.
- Known as the “anti-dumping” law, EMTALA prohibits hospitals from delaying care, refusing treatment, or transferring patients to another hospital based on inability to pay.



# Gift Policy

We strive to conform to the highest standards of institutional and professional ethics. Thompson's Gift Policy is intended to provide guidelines regarding the acceptance or provision of gifts and business gratuities, whether such gifts or gratuities are offered by patients, vendors, suppliers or donors.

Certain gifts and donations are permissible. Other gifts/gratuities (often those provided by vendors/suppliers and other entities with which we have a referral relationship) could be considered illegal "kickbacks" (e.g., gifts which are intended to induce the referral of business to the party making the gift). Accepting any gift or gratuity intended to induce or reward referrals or to result in the purchase of goods or services is strictly prohibited.

Any violations of this policy must be reported immediately to the Thompson Health Chief Compliance Officer at 396-6714 or via the Compliance Hotline at 396-6234.

*Thompson Health Policy LR.05.027*

# Basic Contracted Physician and Vendor Responsibilities

- Properly document all records and transactions related to Thompson Health.
- Assist with audits or investigations at Thompson Health.
- Read and comply with relevant Thompson Policies & Procedures (Vendors: as noted on the PO from Purchasing and Contracted Physicians: as noted in Medical Staff Orientation).
- Report *All* suspected compliance or ethics violations or questionable activity to:
  - CCO Beth Talia (585-396-6714),
  - The Compliance Hotline (585-396-6234) which can be anonymous



# Questions on Compliance?



## CONTACT:

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