

# Institutional Compliance

## New Employee Orientation

2019

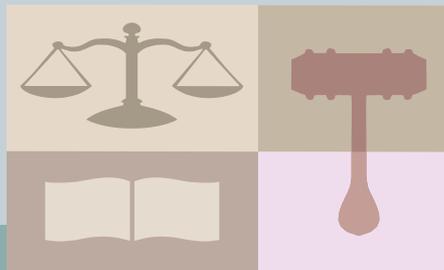
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# What Is Compliance?

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Upstate Medical University is committed to  
“Doing the Right Thing”  
**LEGALLY & ETHICALLY**

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Being “compliant” means  
performing your job functions with anyone we do business with  
(like the government, contractors, insurers, SUNY, etc.)  
according to any...

- State, Federal & Local Laws/Regulations
- Professional Standards
- Guidelines, Policies & Procedures
- Insurance Company & Vendor Contracts

These laws/requirements are intended to help prevent healthcare fraud  
and submission of false claims for services we provide.

# What is Fraud & Abuse?

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- Fraud is the intentional deception (lie) or misrepresentation that a person or business makes while knowing the lie could result in some type of unauthorized benefit to that person or business.
- If fraud and abuse is going on, you are **NON-COMPLIANT** with healthcare rules/regulations.



# What is Ethics?

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- A system of moral principles of conduct or values governing a group, profession or individual.
- Compliance is based on RULES.
  - Ethics are based on VALUES
- Ethics is not a choice.
  - It's a responsibility
- It's not just big scandals you see in the news, but the small decisions that add up.



# Common Examples of Non-Compliance That Cause Fraud & Abuse

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- Billing for services/supplies never provided or that were medically unnecessary (False Claims).
- Lying about patient care provided.
- Getting paid for more than one job at the same time.
- Performing services you aren't licensed or credentialed to do.
- Falsifying info on time sheets (punching in/out for someone else), applications, etc.
- Taking business supplies or drug samples for your own use or for family and friends.
- Accepting certain gifts, kickbacks or bribes.
  - (Know about the NYS Public Officers Law and the NYS Code of Conduct – [www.jcope.ny.gov](http://www.jcope.ny.gov))



# Straight from the Local Headlines

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- **“Local Hospital to Pay \$3.2 Million in Medicaid Fraud Claims”**
- **“Former Syracuse CEO Whistleblower Lawsuit Settled for \$9.8 Million”**
- **“State Employee Arrested for Submitting Fraudulent Sick Leave”**
- **“State Employee Pleads Guilty to Falsifying Resume with Fake College Credentials”**
- **“Syracuse Physician Accused of Hiding Cameras in Hospital Toilet Dispenser”**
- **“Local Hospital and Physician Pay Over \$1.5 Million to Resolve Billing Improprieties”**
- **“State Employee Convicted for \$12,000 Theft Using State Credit Cards”**
- **“State Employee Convicted of Stealing \$6000 from the State by Filing False Travel Claims”**
- **“State Maintenance Worker Removed Building Parts from Employer and Sold as Scrap”**
- **“State Employee Feigning Disability Caught Power Lifting at Gym”**



# Who Commits Fraud & Abuse?

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- **Can be committed by anyone, including:**
  - Doctors & Nurses
  - Any Health Care Worker
  - Hospitals
  - Patients
  - Vendors



# Why Is Fraud & Abuse A Problem?

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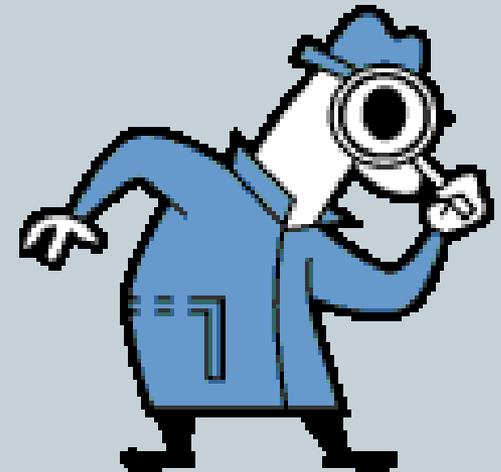
- Each year millions of taxpayer dollars are lost or wasted due to healthcare fraud and abuse across the nation.
- This \$ is a resource that should be used to pay for services to keep people in good health.



# Who Monitors Healthcare Fraud & Abuse?

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- State and Federal government
- Private insurance companies
- **These agencies are well funded and becoming more aggressive in identifying and investigating potential problems.**



# Laws Related to Fraud & Abuse

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## **FEDERAL:**

- False Claims Act (31USC§§3729-3733) & (31USC Chap. 38§§3801-3812)

## **NEW YORK STATE CIVIL & ADMINISTRATIVE:**

- NY False Claims Act (State Finance Law §§187-194)
- Social Services Law §145-b False Statements
- Social Services Law §145-c Sanctions

## **NEW YORK STATE CRIMINAL:**

- Social Services Law §145 Penalties
- Social Services Law §366-b Penalties for Fraudulent Practices
- Penal Law Article 155 Larceny
- Penal Law Article 175 False Written Statements
- Penal Law Article 176 Insurance Fraud
- Penal Law Article 177 Health Care Fraud
  
- For specific information: [www.omig.state.ny.us](http://www.omig.state.ny.us)



# Laws Related to Ethics

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- New York State Public Officers Law §73 & 74
- Civil Service Law §107
- Ethics in Government Act (1987)
- [www.jcope.ny.gov](http://www.jcope.ny.gov)



# Upstate Medical University Compliance Efforts

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- Compliance efforts, as outlined in the Compliance Plan, are designed to establish a culture within UMU that promotes the...

## ***Prevention, Detection & Resolution***

...of any instances of conduct that do not conform to Federal/State law and Federal/State/Private Payer healthcare program requirements, as well as SUNY ethical and business practices.



# What Does Upstate Medical University Do To Insure Compliance?

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- Compliance Plan
- Policies & Procedures i.e. fraud & abuse policies
- Code of Conduct
  - [www.upstate.edu/compliance](http://www.upstate.edu/compliance)
- Compliance Officers
- Education & Training
- Monitoring & Auditing
- Enforcement of Standards/Laws/Regulations
- Open Lines of Communication
- Appropriate Response to Detected Offenses



# How Does Compliance/Ethics Apply To Me?

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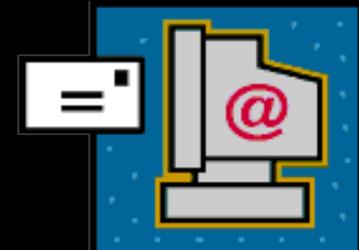
- You are all part of the Compliance & Ethics Team now!
- EVERY employee is held responsible & accountable to make sure we are following the rules.
- You are OBLIGATED to expose unethical or illegal behavior if you are aware of or suspect it, even if you aren't the cause of it!
  - Internal & NYS Codes of Conduct state your obligation.
  - Follow the chain of command if possible.



# Where Can I Report Suspected Known Fraud/Abuse/Ethics Violations or Obtain Additional Information?

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- **Compliance Office:**
  - Hospital Issues: Room 330 CAB
  - Physician Issues: Room 300 CAB
- **Anonymous Hotline: 464-6444 (24 hours per day/7days per week)**
- **Compliance Office Phones:**
  - Hospital Compliance Officer: 464-4343
  - Faculty Practice Compliance Officer: 464-4793
- **E-Mail Officers:**
  - [noyesda@upstate.edu](mailto:noyesda@upstate.edu)
  - [baxterd@upstate.edu](mailto:baxterd@upstate.edu)
- **Compliance Website:**
  - [www.upstate.edu/compliance](http://www.upstate.edu/compliance)



# What Happens If You Report A Suspected Fraud & Abuse Violation?

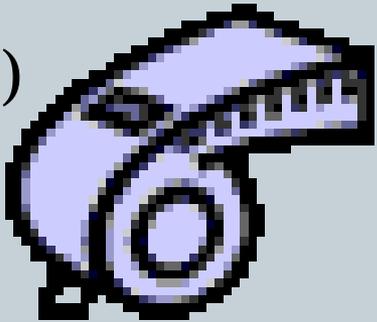
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- Hospital is obligated to investigate
- Hospital is obligated to remedy
- Retaliation strictly prohibited against reporter



# Whistleblower Protection Against Retaliation

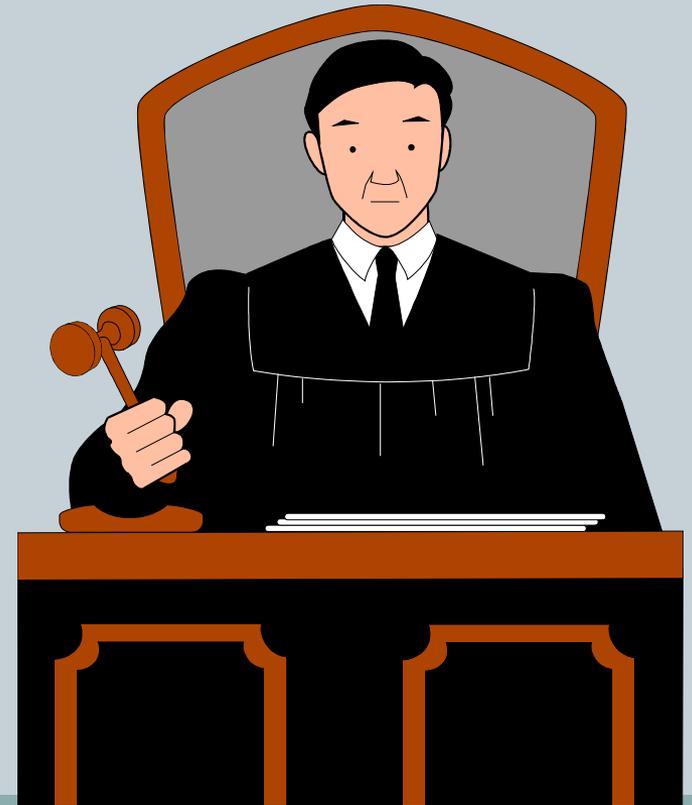
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- Federal False Claims Act 31 U.S.C. §3730(h)
  - NY False Claims Act (State Finance Law §191)
  - NY Labor Law §740
  - NY Labor Law §741
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- Qui tam relators cannot be “discharged, demoted, suspended, threatened, harassed or in any other manner discriminated against in the terms and conditions of their employment
  - For specific information: [www.omig.state.ny.us](http://www.omig.state.ny.us)  
or [www.upstate.edu/compliance](http://www.upstate.edu/compliance) (Non-Retaliation)

# What Could Happen to You if You Don't Report Possible Fraud & Abuse Non-Compliance?

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- **You could be:**
  - Fined (Civil Monetary Penalties)
  - Go to Jail (Criminal Conviction)



# One Other Rule You Need To Know About:

## EMTALA

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- **Emergency Medical Treatment & Active Labor Act (COBRA – Anti-Dumping)**
  - Federal law protecting patients from discrimination based on economic factors when they come to an Emergency Room...
- **But it also applies to anyone requesting emergency care at any property owned by the hospital campus that is located within 250 yards of the main building including in a parking lot, on a sidewalk, in a driveway, etc.**
  - If we don't provide assistance, at the very least, we can be fined.
  - Depending on location, call 4-4444 Downtown and 2211 at CC (or) 911 to send the response team out of the hospital to assist.
  - Check with your Supervisors when you start in your area for procedure.
  - Know policy “CM E-15 Emergency Medical Response Teams”
    - ✦ [www.upstate.edu/policies/documents/intra/CM\\_E-15.pdf](http://www.upstate.edu/policies/documents/intra/CM_E-15.pdf)



# So Basically...

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- No Lying, No Cheating, No Stealing...  
unless you want to end up on the Compliance Wall of Shame!

