

Compliance and Business Integrity (CBI) General Awareness Handout

Lesson 1 – Introduction to Compliance and Business Integrity

Mission

CBI's core mission is to strengthen Veterans' trust through a culture of integrity and effective healthcare administrative oversight.

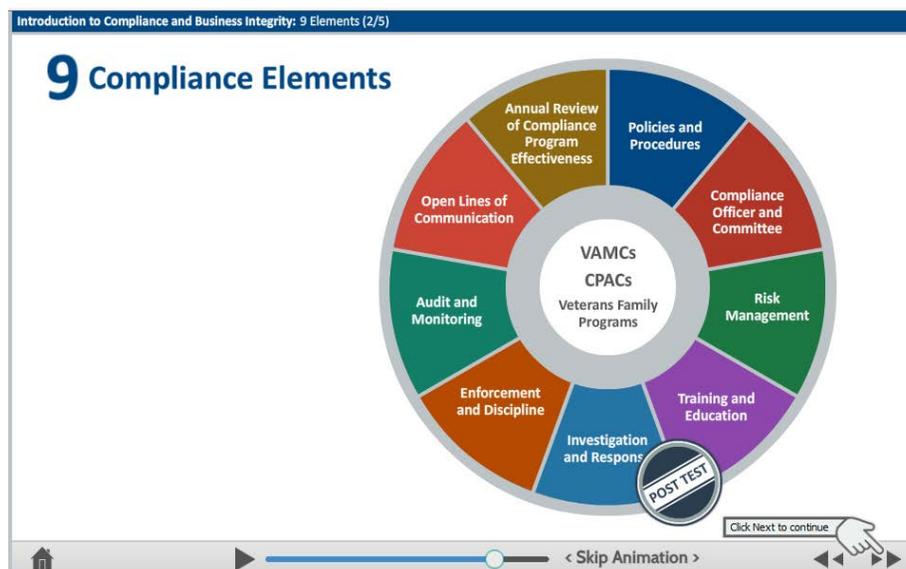
Purpose

CBI provides internal compliance oversight of VHA's complex business operations at the field and Central Office levels. By partnering with stakeholders - Veterans, their families, VISN, VA Medical Center, and Central Office staff – CBI helps solve compliance and business integrity challenges. This entails assisting in ensuring repeatable and defensible protocols are in place to prevent, detect, and mitigate noncompliant behavior and to identify opportunities for cost avoidance. Funds recovered by these activities are funneled back to care and services for Veterans.

Compliance and Business Integrity: 9 Compliance Elements

The CBI program in VHA was established around seven, industry-standard elements of an effective compliance program. These elements were developed by the Department of Health and Human Services Office of Inspector General, or HHS OIG, and the United States Sentencing Commission Sentencing Guidelines. These guidelines apply to organizations in both the public and private sector, including VHA.

In addition to the seven, two extra elements were added so that the program is better adapted to the VHA organization. Each element of the nine elements applies where CBI has an oversight presence—for example at a VA Medical Facilities, VISN Offices, Consolidated Patient Account Centers (or CPACs), VHA Central Office, Office of Community Care, and other VHA work units as determined by VHA leadership.



VHA Policies and Procedures

The first element of an effective compliance program is having policies and procedures that define roles and responsibilities, how the program functions, and individual processes where applicable. Policies and procedures are important because they set the standard by which success and effectiveness are measured.

Compliance Officer and Committee

The second element is the designation of a CBI Officer or Liaison, along with the establishment of a compliance committee. In each work unit where CBI has oversight, there must be a designated CBI Officer or Liaison who is responsible for the day-to-day operations of the CBI program. For example, each VAMC Medical Center and VISN has a designated CBI Officer, while each CPAC has a designated CBI Liaison. These individuals are critical for the success of CBI's oversight responsibilities within a specific work unit.

Because compliance is a team sport, the compliance committee provides an important avenue for the CBI Officer or Liaison to work with leaders and process owners to implement the local program. In particular, the compliance committee advises leadership on CBI activities, promotes compliance throughout the organization, and works to address compliance issues. Committee members are actively involved in the risk management process, development of plans for auditing, monitoring and training and education. The committee also provides input on causation/corrective action plans and any activities where the work unit is not meeting performance goals.

Risk Management

The third element, which is considered a support element, is risk management. Risk management is important because it focuses the efforts of the compliance program on business compliance issues that are the highest priority. For example, a CBI Officer or Liaison will work with his or her compliance committee to identify issues where there is a major risk to Veterans or VHA. As part of this process, the committee and the CBI Officer or Liaison will plan activities such as audits, monitors and training around those focus areas.

Training and Education

The fourth element is training and education. CBI Officers and Liaisons develop annual training and education that focus on general compliance awareness, along with job-specific training when needed. For example, a specific type of compliance issue might be occurring in a handful of VA Medical Centers because of a lack of training. In this instance, the CBI Officer would work to coordinate training to address this need.

Investigation and Response

The fifth element is investigation and response. When a compliance failure happens, it is critical that actions are taken to immediately correct the problem. In these situations, CBI Officers and Liaisons conduct fact-finding reviews to identify causes and work with the compliance committee to develop and implement corrective actions when needed.

Enforcement and Discipline

The sixth compliance element is enforcement and discipline. To ensure business compliance, all VHA employees are held accountable for following rules, processes and procedures. For example, a disciplinary action can occur when an employee does not comply with business compliance requirements. It's important to note that disciplinary actions can be taken against any VHA employee, regardless of their position. In addition, as part of this program element, CBI is responsible for overseeing VHA's compliance with avoiding employing or paying Federally-excluded parties. This means checking to make sure VHA does not hire individuals or contract with vendors who are prohibited from receiving federal funding because of prior wrongdoing.

Auditing and Monitoring

The seventh element is auditing and monitoring of VHA business processes. These activities are part of the eyes and ears of the CBI program to identify problems. Monitoring activities employ various evaluation techniques to identify and monitor business compliance risks. In most instances, monitoring is completed by the business process owner, such as the HIMs Chief or Coding Supervisor for coding accuracy, and reported back to the CBI Officer.

Auditing, on the other hand, is used by CBI to validate monitoring processes or to determine if a process or internal control is working as designed, or if it is broken. Auditing is normally completed by an entity that is independent of the business process, such as the CBI Officer or Liaison or other external auditors. During an audit, CBI Officers and Liaisons review internal controls in place and make a determination as to the adequacy of those internal controls. If compliance failures are identified or performance goals are not being met, a causation and correction action plan (CCAP) is developed by the process owner to address the issue. Progress is overseen by the compliance committee.

Open Lines of Communication

The eighth compliance element is open lines of communication. Clear communication is essential to compliance because VHA leaders and employees cannot improve operations and compliance if they do not know that problems exist or where to report an issue or concern. As a result, open lines of communication are actively fostered between the CBI Officer or Liaison and the employees in their work unit, such as a VA Medical Center or CPAC.

At the VHA level, CBI supports this element through a national CBI HelpLine. This phone number is available for Veterans, family members and employees to raise business compliance issues. Typically, the local CBI Officer or Liaison will ensure posters and other materials are available so that people know how and when to contact the CBI HelpLine. It's also important to note that employees can report issues anonymously, as VHA is required to be consistent with the NO FEAR Act, which protects those who report concerns from retaliation.

Annual Review of Compliance Program Effectiveness

The ninth and final program element, which also considered a support element, is the annual review of the CBI program's effectiveness. The review evaluates the local program's activities over the course of

the previous year. The review is not punitive; rather, it's an opportunity to evaluate and identify strengths and weaknesses of the program and find ways to continually improve.

In addition, the annual review helps to reevaluate areas in which more detailed activities may need to occur based on changing conditions. CBI Officers and Liaisons are responsible for completing an annual review and sharing the results.

Getting to Know your CBI Officer/Liaison

Your station has a designated CBI Officer/ Liaison who is responsible for the administration of your local compliance and business integrity program. They function as an independent, objective person who reviews and evaluates compliance issues and concerns at the local level.

CBI Officers/Liaisons are responsible for effectively identifying, planning, assessing, responding to and monitoring areas of high risk and coordinating efforts to improve performance as deemed necessary. In the smaller medical centers, it is not uncommon for the CBI Officer to function as the Privacy or FOIA Officer, among many other collateral duties. They should be your first step in guidance concerning business compliance issues.

The CBI Officer/Liaison's key role is to provide reasonable assurance to local senior management whether VHA business operations follow applicable laws, regulations and policies. They also help foster a culture of business integrity and quality by:

- Developing risk management solutions and associated mitigation plans
- Preventing illegal and unethical conduct
- Responding to alleged violations of law, rule or regulation
- Reporting alleged violations to appropriate existing channels for investigation and resolution

Lesson 2 – CBI Areas of Focus

CBI Officers/Liaisons focus on compliance and business integrity in the VHA revenue cycle and Non VA Medical Care programs. These business functions play a critical role in allowing VHA to provide care and services to Veterans, whether the care is provided directly by VA or purchased by an outside provider. Because of the high complexity and vast scale of these operations, independent oversight efforts are essential for maintaining accountability in these systems, which is where CBI comes in.

Icons:

Veterans Family Programs

The CBI program provides internal oversight of VHA's Office of Community Care (OCC) Veterans Family programs. Your CBI Officer works to detect, prevent and assist in the mitigation of potential business compliance risks at OCC .

For Veterans Family Programs (VFP), CBI oversight includes:

Claims Processing - The process of entering a claim in the system to properly allocate the payment of the claim being entered.

Eligibility - The process of entering an application into the system to verify the eligibility of the beneficiary.

Separation of Duties - The facility and business function must have processes in place to ensure that staff do not perform conflicting functions within a financial transaction.

Conflict of Interest - The facility and business function must have processes in place to ensure that staff do not perform any transaction where either the staff member, someone related to the staff member, or an entity in which the staff member has a financial stake will benefit from the transaction. Even the appearance of a conflict is cause to avoid processing these transactions.

VFP Areas of Oversight

The following are the active major areas of focus for VFP employees.

Other Health Insurance - The process of verifying OHI for the proper processing of submitted claims.

CHAMPVA - Oversight areas include eligibility and payment accuracy.

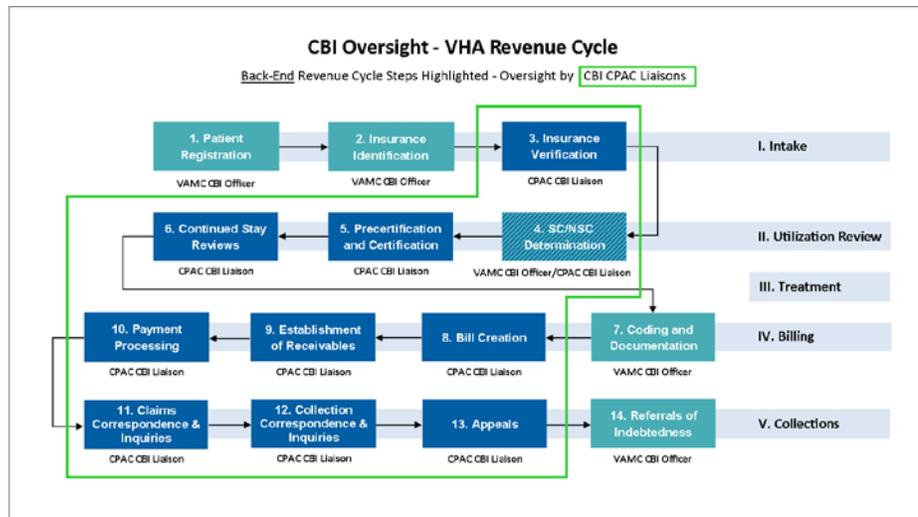
Foreign Medical Program

Spina Bifida Health Care Program

CPAC

VHA Revenue Cycle Flow

Accuracy in the Revenue Cycle means our Veterans receive the best quality of care and the most access at the lowest cost. Thoroughness and accuracy are critical to effective third and first party collection activities. As information travels through the Revenue Cycle, it is important that all steps are thorough and accurate. Let's take a look at the process and flow of the Revenue Cycle.



- **Insurance Verification:** Confirmation that insurance is valid for billing non-service connected care to Veterans' third party insurance carriers.
- **Service Connected/Not Service Connected:** The doctor determines if the Veteran's injury is related to a service connected injury. UR is the only department that can access these records in CPRS.
- **Precertification & Certification:** Obtaining prior authorization for services from a third party payer.
- **Continued Stay Review:** Review during patient's hospitalization to determine insurance coverage for continued in-patient care.
- **Bill Creation:** Process of generating a claim to third party payers for services of care provided to a Veteran.
- **Establishment of Receivables:** Creation/activation of a claim in the Accounts Receivable package.
- **Payment Processing:** Posting remittance from either a third party insurer or first party debtor to a specific account number.
- **Claims Correspondence & Inquiries:** Insurance companies asking for information on a claim.
- **Collection Correspondence & Inquiries:** Follow up on the claim itself with third party payers.
- **Appeals:** Providing information to Regional Counsel on behalf of an appeal.

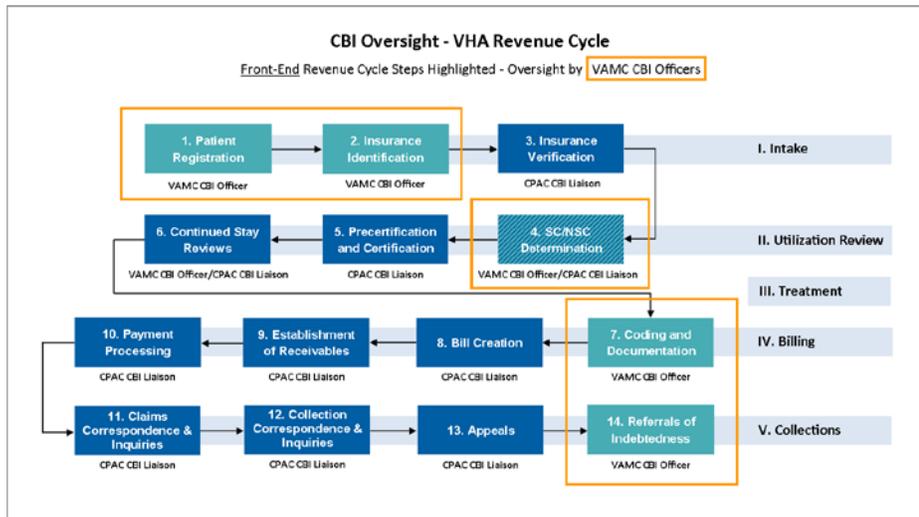
CPAC Areas of Oversight

The following are the major areas of focus for CPAC employees.

- **Insurance Verification**
- **Billing**
- **Accounts Management**
- **Cash Management**
- **Veteran Financial Services**
- **Revenue Utilization Review**

VAMC Facility Areas of Oversight

CBI Oversight VHA Revenue Cycle – Front-End Revenue Cycle Steps Highlighted – Oversight by VAMC CBI Officers:



For facility based programs, CBI oversight includes:

- **Patient Registration:** Involves activities related to Veterans' application, registration and eligibility for VA health care services.
- **Insurance Identification:** Obtaining information of a third party payer to cover a portion of medical care provided to the Veteran.
- **Service Connected/Not Service Connected:** The doctor determines if the Veteran's injury is related to a service connected injury.
- **Coding:** The process of assigning numeric codes for diagnoses and procedures documented by the clinician.
- **Medical Record Documentation:** The record of the care given to patients by providers.
- **Referrals of Indebtedness:** The process of referring an unpaid claim to a collection agency.

Facility Areas of Oversight

The following are the major areas of focus for facility employees.

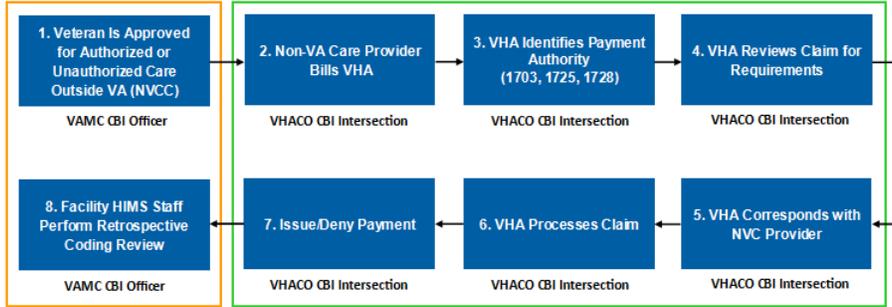
- **Consult management, eligibility and enrollment**
- **Insurance identification and accuracy**
- **Billing, claims correspondence and payment processing**
- **Community care authorization, billing and compliance (self-referrals)**

CBI Oversight – NON-VA Care (NVC)

The CBI program provides internal oversight of VHA's business programs. Your facility CBI Officer works to detect, prevent and assist in the mitigation of potential business compliance risks at your location. CBI oversight specifically for facility-based NVC programs include:

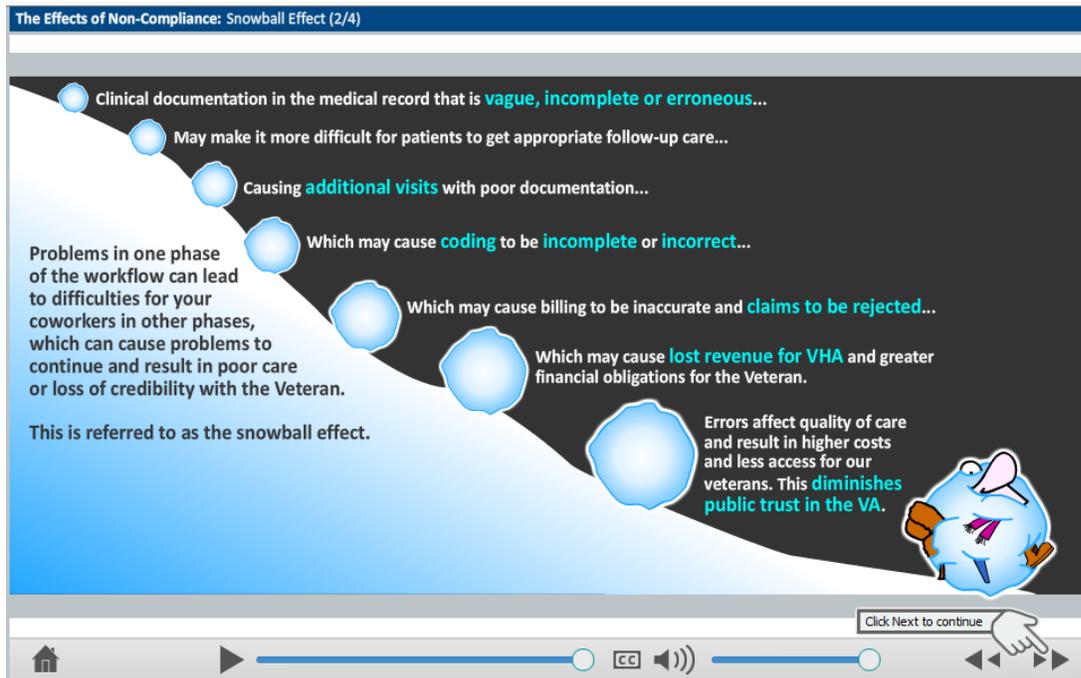
CBI Oversight - Non-VA Care (NVC)

NVC Process Steps Highlighted by CBI Oversight Provider - Field CBI or VHACO CBI Intersection



Lesson 3 –The Effects of Non-Compliance

Veterans may not get the proper follow-up care if their medical record contains vague, incomplete or erroneous information. Even seemingly small errors or lapses in compliance can have larger consequences. In a system where work flows from one area to another, or when there is an error in one phase of the process, there is often an impact in other areas.



VHA identifies potential problems and manages them according to a formal risk assessment process. While this sounds broad and abstract, each of us play a role in reducing the potential for these kinds of problems that directly impact the Veterans we serve.

VETERANS FAMILY PROGRAMS RISK FACTORS

- **Data Entry:** Ensure that initial data entry is correct and that claims are paid accordingly.
- **Improper Payments (Duplicate/Over and under payments):** Review payment transactions to determine if payments have been made properly and if improper payments are identified and a bill of collection created in a timely manner.
- **Other Health Insurance (OHI):** Review transactions to determine if OHI was reviewed prior to payment and that payment was made accordingly.
- **Eligibility of Benefits:** Review eligibility to determine if payment was made according to dates of service associated with the beneficiary.
- **Separation of Duties:** Review transactions and access assignments to determine if staff have performed conflicting functions within a transaction or hold conflicting security access keys.

CPAC RISK FACTORS

- **Refunds:** Ensure refunds are handled appropriately and in a timely manner.
- **Denials:** Determine and address the root cause of denials.
- **Billing:** Review billing practices to determine if first and third parties are billed correctly and that follow-up is performed according to policies and procedures.
- **Overpayments:** Ensure that overpayments are identified and returned in a timely manner, rather than inappropriately retained.
- **Exclusions:** Individuals and entities identified on Government Sanctions Lists (GSL) are excluded from participation in certain federally funded programs, including VHA. CBI screens current VHA individuals/entities against the following two sources to ensure that they are not inappropriately employed/contracted:
 - List of Excluded Individuals and Entities (LEIE) from Health and Human Services' Office of Inspector General
 - Excluded Parties List System (EPLS) from General Services Administration

VA MEDICAL CARE RISK FACTORS

- **Erroneous billing:** Includes billing for services not provided.
- **Upcoding:** The practice of using a billing code that provides a higher reimbursement rate than the billing code that actually reflects the service furnished.
- **Medically unnecessary services:** Ordering lab tests, procedures or services which are not medically necessary for the patient and may increase reimbursement from insurance companies.
- **Kickbacks:** Similar to bribes, the act of soliciting or receiving payments/gifts in return for referral of patients or goods/services funded by Federal programs.
- **Sanctions List:** A public list of health care providers and or other related entities excluded from participation in all Federal health care programs. New VHA employees are screened to check if they are on the sanctions list.
- **Self-Referral:** Referring a patient to a practitioner's private practice for financial gain.

Your Role

Proactive risk management in compliance helps reduce administrative and business errors, and facilitates the seamless delivery of Veteran care. You have an important role to help mitigate small errors or minor lapses from snowballing and ultimately affecting the Veterans we serve.

Lesson 4 – Fraud, Waste, Abuse and Addressing CBI Concerns

What is fraud, waste and abuse?

Fraud is the act of making false representations of material facts whether by words or conduct, by concealing information, or by making misleading statements in order to obtain some benefit or payment that would otherwise not exist. These acts must have been committed knowingly, willfully and intentionally.

Waste is spending money or using resources on goods or services in excess of actual need. Waste does not necessarily produce a benefit for the individual, but is an act of poor management of funds.

Abuse consists of practices that cause unnecessary costs to the Department of Veterans Affairs. Abuse can be similar to fraud, except that it is not possible to prove that abuse was performed knowingly, willfully and intentionally.

What is the Impact?

- Wait times for Veteran care can increase due to funding shortages
- State-of-the-art care may be unavailable for some Veterans due to budget constraints
- All VA employees lose credibility when news of fraud, waste and abuse in VA comes to light
- The public lose confidence in the integrity of our public institutions and services

Preventing fraud, waste and abuse

CBI is committed to supporting the prevention and detection of compliance issues that may lead to fraud, waste and abuse. Here are some things already in place:

- Awareness training for providers, beneficiaries and employees
- Prepayment claim review (target based on red flags)
- Claim scrubbing and code editing software
- Internal and external controls established
- Quality Assurance and Internal Controls departments
- Corporate Integrity Agreements exist to set expectations
- Audits, trending and analysis
- Post payment claim reviews

Process of Reporting Potential Compliance Issues

It is every employee's duty to report potential fraud, waste and abuse. If you detect or see a business compliance issue, first ask yourself some key questions:

- Is the action legal and ethical?

- Does it comply with the applicable laws and regulations?
- Does it fit with our VA’s mission and values, and uphold public trust?
- Do I feel comfortable with the business practice?
- Would you feel good about yourself if you did it?
- Would you be comfortable discussing this with your family, friends, patients and community?
- Adverse Media Attention: If this were on the front page of the USA Today, would you be proud of your organization?

If you answered “no” to any of the previous page, you should follow the steps below.

1. Discuss your concern with your supervisor. If you are not comfortable discussing the issue with your supervisor, go to the next step.
2. Discuss your concern with a higher-level manager. If you are not comfortable talking with a higher-level manager, go to the next step.
3. Discuss your concern with your CBI Officer/Liaison or call the CBI HelpLine toll-free at (866) VHA-HELP / (866) 842-4357.
4. If all else fails, contact the VA Office of the Inspector General (VA OIG).

The VHA CBI HelpLine

The major objective of the VHA CBI HelpLine is to provide a mechanism for employees, Veterans and others to raise questions and report concerns or allegations as it relates to VHA's business practices.

Call: (866) VHA-HELP / (866) 842-4357

Write: US Mail: VHA/Office of Compliance and Business Integrity

Attention: VHA CBI HelpLine

110A Meadowlands Parkway - Suite 202

Secaucus, New Jersey 07094

E-mail: vhacbiHelpLine@va.gov

Fax: (201) 643-1184

Anonymity

It’s important to note that the information you provide to your CBI Liaison/Officer or through the CBI HelpLine cannot remain confidential – if it did, then we wouldn’t be able to investigate and resolve the situation which led to your concerns. What we can do is protect your anonymity. That means we will not use your name as the source of the information which led to a compliance inquiry.

The VA Office of the Inspector General (VA OIG)

The goal is to address compliance issues at the lowest level possible. When the supervisor and higher level managers are part of the problem, the CBI Officer/Liaison is there to act as a guide for reporting issues or simply getting questions answered. In some cases, it will be appropriate to elevate the situation directly to the VA OIG for investigation.

The VA OIG Hotline handles complaints about VA-related criminal activity, systematic patient safety issues, gross mismanagement of waste of VA resources and misconduct by senior VA officials. There are

many complaints commonly brought to VA OIG that cannot be investigated because another Government agency is better positioned to resolve the issue. More information can be found on the OIG website: <http://www.va.gov/oig/hotline/faq.asp>

VA OIG Contact

Call: (800) 488-8244

Write: VA Inspector General Hotline (53E)

810 Vermont Ave., NW

WASHINGTON, DC 20420

E-mail: vaoighotline@va.gov

Fax: (202) 495-5861