

PREAMBLE

The University of Tennessee HSC has consistently demonstrated a strong and abiding commitment to ensure compliance with all applicable laws affecting health care billing and patient privacy in an academic medical practice setting. The adoption of this program represents the commitment of the University of Tennessee HSC to a formal billing compliance and patient privacy program.

The billing compliance and patient privacy program described here establishes a framework for legal compliance to be used by the University of Tennessee HSC. It is not intended to set forth all of the substantive programs and practices of the University of Tennessee HSC that are designed to achieve compliance. The University of Tennessee HSC maintains various compliance practices, which continue to be an integral part of our overall legal billing compliance and patient privacy program.

This expanded billing compliance and patient privacy program accomplishes the following essential actions to underscore the commitment of the University of Tennessee HSC to assist all clinical staff, employees, students, and residents:

- Designates a University of Tennessee HSC official responsible for directing enhanced compliance efforts, including implementing the billing compliance and patient privacy program,
- Incorporates standards and policies to guide University of Tennessee HSC clinical staff, employees, students, and residents, about billing and documentation,
- Establishes formal training programs for clinical staff and billing personnel regarding billing requirements and policies,
- Establishes mechanisms for clinical staff, clinical staff, employees, students, and residents, students, and residents to raise questions and receive appropriate guidance concerning billing activity,
- Establishes regular medical record and billing reviews to assess compliance and identify potential issues,
- Establishes a process for all clinical staff, employees, students, and residents to report instances of suspected noncompliance, including a full review of all such instances,
- Provides for regular reviews of overall compliance efforts, including unit-specific plans, to ensure that appropriate billing practices are maintained, and
- Creates a process for formulating and enforcing corrective action plans to address instances of noncompliance.

PURPOSE

The billing compliance and patient privacy program is designed to:

- Promote an ethical workplace that encourages compliance within the letter and spirit of the law,
- Ensure that the University of Tennessee HSC complies with all applicable university policies and procedures,
- Prevent, detect, and report civil/criminal conduct concerning fraud and abuse violations by its clinical staff, employees, students, and residents, or agents,
- Educate clinical staff, employees, students, and residents concerning their role in the University of Tennessee HSC billing compliance and patient privacy program, and
- Provide a workplace that enables clinical staff, employees, students, and residents to participate in the billing compliance and patient privacy program without fear of retribution.

CODE OF CONDUCT

The University of Tennessee Health HSC University Code of Conduct (1) exists for the benefit of the university and all its members. It is a dynamic document that will grow through the contributions of all members. The Code must be part of the daily activities of the University of Tennessee HSC clinical staff, employees, students, and residents. For purposes of this program, *employee* refers to faculty, house officers, and staff of the University of Tennessee HSC.

The Code of Conduct is in addition to, and does not limit, specific policies and procedures of the University of Tennessee HSC. All clinical staff, employees, students, and residents must perform their duties in accordance with such policies and procedures.

Officers, managers, and supervisors of the University of Tennessee HSC have a special duty to adhere to the principles set forth in the University Code of Conduct. They must support other clinical staff, employees, students, and residents of the University of Tennessee HSC in their adherence to the code, recognize and detect violations of the code, and enforce the standards set forth herein.

It is the duty of each member of the university to uphold the standards set forth in the Code and other policies and procedures. It is essential for clinical staff, employees, students, and residents to report violations by following the reporting procedures outlined by the university.

It shall be a violation of the Code to take any action in reprisal against anyone who in good faith reports suspected violations of the Code or other University of Tennessee HSC policies and procedures.

SCOPE

The provisions of this billing compliance and patient privacy program apply to activities performed by the university in its services provided to beneficiaries of the Center for Medicare and Medicaid Services (CMS).

The expectation of the University of Tennessee HSC is for its clinical staff, employees, students, residents and third-party affiliates to comply as follows:

- Familiarize themselves with the purpose of the billing compliance and patient privacy program,
- Demonstrate commitment to billing compliance and patient privacy with all applicable laws and regulations,
- Participate in billing compliance and patient privacy educational sessions,
- Report known or suspected noncompliance issues to the Billing Compliance/Privacy Officer or designee,
- Fully participate in an investigation of an alleged violation as requested by the Billing Compliance/Privacy Officer or designee, and
- Strive to prevent errors and provide suggestions for change to eliminate errors.

POLICY GUIDELINES

It is the policy of the University of Tennessee HSC that its clinical staff, employees, students, and residents shall prevent, detect, and report improper or unlawful conduct by its clinical staff, employees, students, residents, and agents.

- The University of Tennessee HSC Billing Compliance/Privacy Officer will identify areas deemed to pose a potential risk of unlawful activities
- The University of Tennessee HSC will establish and maintain compliance standards and procedures to be followed by its clinical staff, employees, students, residents, and agents.
- Employee education and awareness promotes compliance and helps detect improper conduct; therefore, the University of Tennessee HSC will provide educational resources to clinical staff, employees, students, and residents.
- The University of Tennessee HSC will establish a system to monitor and audit compliance with applicable federal and state laws and regulations.
- The University of Tennessee HSC will enforce its standards for compliance through existing mechanisms in consultation with appropriate legal counsel and Administration and Human Resources Services staff.
- The University of Tennessee HSC will maintain a compliance manual in the Billing Compliance/Privacy Officer's office and on the web site at www.utmem.edu/compliance to be used as a resource for clinical staff, employees, students, and residents. This manual will be reviewed and updated as required.

BILLING COMPLIANCE/PRIVACY OFFICER

Responsibility for implementing and managing the compliance plan shall be assigned to the University of Tennessee HSC Billing Compliance/Privacy Officer, who shall be appointed by the Vice Chancellor for Finance of the University of Tennessee HSC. The Billing Compliance/Privacy Officer will, with assistance of designated counsel where appropriate, perform the following activities:

- Assist in reviewing, revising, and formulating appropriate policies and procedures that will meet the objectives of the billing compliance and patient privacy program to guide clinical staff, employees, students, and residents in compliance and patient privacy activities,
- Develop the mechanisms to administer the policies and procedures and to evaluate their effectiveness,
- Identify potential compliance and patient privacy vulnerabilities,
- Monitor policies and procedures in areas of high risk of noncompliant activities,
- Ensure that clinical staff, employees, students, and residents are educated in the billing compliance and patient privacy program, specific policies and procedures, and the legal requirements relevant to their work,
- Develop a reporting structure to address reports regarding known or suspected violations,
- Ensure that all reports regarding detected or alleged violations are investigated, including tracking and resolving each complaint,
- Measure activities related to the billing compliance and patient privacy program and report data to the appropriate staff or governing body,
- Respond, in conjunction with legal counsel, to external agency requests regarding compliance and patient privacy issues,
- Review unit and administrative plans regarding the University of Tennessee HSC compliance and patient privacy policies,
- Chair the Billing Compliance and Patient Privacy Oversight Committee,
- Determine needs and actions for future reviews and policies, and
- Provide other assistance as directed by the Vice Chancellor for Finance of the University of Tennessee HSC.

The authority of the Billing Compliance/Privacy Officer shall extend to all policies relating to billing compliance and patient privacy issues. The Billing Compliance/Privacy Officer shall work closely with unit representatives and administration to foster and enhance compliance.

Before directing specific policies, the Billing Compliance/Privacy Officer shall consult with appropriate University of Tennessee HSC administrative personnel in an effort to understand the operational issues and to obtain consensus while consistently following applicable laws and regulations.

The Billing Compliance/Privacy Officer and the UT Medical Group Billing Compliance/Privacy Officer shall work cooperatively to implement, and monitor where appropriate, their respective billing compliance and patient privacy programs and policies.

The Billing Compliance/Privacy Officer will maintain the billing compliance and patient privacy program and all revised sections of the plan and related policies.

The Billing Compliance/Privacy Officer will report to the Vice Chancellor for Finance of the University of Tennessee HSC. With oversight from the Vice Chancellor for Finance of the University of Tennessee HSC, the Billing Compliance/Privacy Officer will direct the development, implementation, and monitoring of the billing compliance and patient privacy program.

BILLING COMPLIANCE & PATIENT PRIVACY COMMITTEE

The Billing Compliance & Patient Privacy Committee shall assist the Billing Compliance and Privacy Officer in achieving compliance for the following federal and state regulations:

- False Claims Act,
- Anti-Kickback Statute,
- Stark Laws I & II,
- HIPAA,
- Prescription Drug Marketing Act, and
- Billing Fraud & Abuse.

The Billing Compliance and Privacy Officer with advice of the Vice Chancellor for Finance shall determine the composition of the Billing Compliance and Patient Privacy Committee and may reorganize and restructure the committee depending upon the needs of the University of Tennessee Health Science Center. The committee will be composed of individuals to promote legal and regulatory compliance for billing and patient privacy matters. The committee for billing services and patient privacy shall include representation for Family Medicine, College of Dentistry, College of Nursing, Boling Center for Developmental Disabilities, Physical & Occupational Therapy, and Laboratories. To insure patient privacy, a representative from the College of Medicine for research activities, from the IRB, and from Information Technology shall be included. A member of the department of Legal Counsel and Administration shall also serve to provide advice.

Responsibilities of the Committee

1. Analyze the University's regulatory environment, the legal requirements with which it must comply, and specific risk areas
2. Assess existing University policies and procedures that address these areas for possible incorporation into the billing compliance and privacy program
3. Work within the University to develop standards of conduct and implement written policies and procedures to promote compliance with federal regulations defined for this committee
4. Recommend and monitor the development of internal systems and controls relative to defined specific regulations to implement the University's standards, policies, and procedures as part of its daily operations
5. Insure and validate appropriate documentation for billing and privacy matters by University healthcare providers
6. Determine strategy to promote compliance of billing and privacy matters
7. Define and refine training for compliance and patient privacy
8. Insure the solicitation, evaluation and response to billing and patient privacy complaints
9. Conduct/review internal monitoring of billing and patient privacy audit results
10. Enforce standards through well-publicized disciplinary guidelines
11. Respond promptly to detected offenses and develop corrective action
12. Review publications of federal compliance updates for billing and privacy matters and insure the distribution of the information to the appropriate employees of the University.

ADMINISTRATIVE RESPONSIBILITY

The Vice Chancellor for Finance will delegate responsibility for implementing, managing, and administering the University of Tennessee HSC billing compliance and patient privacy program to the University of Tennessee HSC Billing Compliance/Privacy Officer.

The University of Tennessee HSC Billing Compliance/Privacy Officer will work in conjunction with the UT Medical Group Billing Compliance/Privacy Officer and appropriate administrators and managers on audits that affect compliance and patient privacy with the University of Tennessee HSC.

The University of Tennessee General Counsel's Office will provide legal advice to the Billing Compliance/Privacy Officer and University of Tennessee HSC administrators, as appropriate, to determine the university's approach regarding an external inquiry.

The Billing Compliance and Patient Privacy Oversight Committee shall assist the Billing Compliance/Privacy Officer, as requested, in developing, implementing, and monitoring the billing compliance and patient privacy program.

IMPLEMENTATION OF BILLING COMPLIANCE AND PATIENT PRIVACY PROGRAM

The Billing Compliance/Privacy Officer will work with the Billing Compliance and Patient Privacy Oversight Committee to develop an implementation plan.

The implementation plan at a minimum will include:

- Identification of areas of concern to review with tentative timetables
- Written policies and procedures relating to medical, business, and legal compliance issues
- Educational and training programs relating to compliance and patient privacy
- Assessment of unit and administrative compliance and privacy policies or plans
- A monitoring system to assess university billing and patient privacy compliance
- An annual review of the existing billing compliance and patient privacy program to identify the need for changes and to identify specific compliance goals and objectives during the succeeding year

UNIT AND ADMINISTRATIVE COMPLIANCE POLICIES

The billing compliance and patient privacy program applies to all university units in their providing services to beneficiaries of the Center for Medicare and Medicaid Services. Administrative and management leadership must endorse and encourage clinical staff, employee, student, and resident adherence to the billing compliance and patient privacy program.

Every unit will augment the billing compliance and patient privacy program with policies that address specific legal and/or regulatory requirements relevant to their unit.

Each unit will develop a policy on the dissemination and implementation of the billing compliance and patient privacy program. The Billing Compliance/Privacy Officer will review the policies. Each policy must specify

- How all clinical staff, employees, students, residents and third-party affiliates will be introduced to and trained in the billing compliance and patient privacy program
- Legal and regulatory compliance issues relevant to that unit or administrative area
- Who will train new clinical staff, employees, students, residents and third-party affiliates
- The time line for training new clinical staff, employees, students, residents and third-party affiliates;
- The ramifications for failure to follow the billing compliance and patient privacy program and relevant unit compliance policies

Alleged noncompliance by government agencies must be directed to the Billing Compliance/Privacy Officer for review and legal advice. Clinical staff, employees, students, and residents shall not attempt to resolve noncompliance matters alone. The sudden appearance of a government agency representative must be handled cautiously. The representative will be requested to momentarily delay the intended investigation for the arrival of the Billing Compliance/Privacy Officer, legal counsel, or other official of the University of Tennessee HSC.

EDUCATION AND TRAINING

The Billing Compliance/Privacy Officer shall be ultimately responsible for ensuring that the billing compliance and patient privacy program and appropriate University of Tennessee HSC policies concerning compliance are disseminated and understood. To accomplish this objective, the Billing Compliance/Privacy Officer and designee(s) will be responsible for presenting the billing compliance and patient privacy program within the University of Tennessee HSC. In addition, the Billing Compliance/Privacy Officer will work with appropriate unit personnel to ensure that there are systematic and ongoing training programs to educate and maintain awareness of the billing compliance and patient privacy program and policies among existing and new clinical staff, employees, students, and residents.

Participation, at a minimum, of one annual training program shall be mandatory for clinical staff, employees, students, and residents. The training programs will be designed to review the billing compliance and patient privacy program and delineate any changes in current policies that affect specific responsibilities. Some clinical staff, employees, students, and residents may be required to attend additional training sessions of particular issues that are relevant to their job responsibilities.

Unit compliance representatives, the Billing Compliance/Privacy Officer, and the Billing Compliance and Patient Privacy Oversight Committee will work together to develop training materials and a system to document the training that has occurred.

All training session attendees will be provided with information regarding whom to contact for specific questions.

The billing compliance and patient privacy program will be available to all clinical staff, employees, students, and residents.

MONITORING

The Billing Compliance/Privacy Officer shall establish a schedule to monitor University of Tennessee HSC billing and patient privacy performance. Reviews of various compliance and privacy procedures will be scheduled. The review will be a limited audit, generally conducted through a random sampling, of the specific issue being monitored. All areas regarded as high-risk shall be reviewed at least annually.

The Vice Chancellor for Finance of the University of Tennessee HSC, Billing Compliance/Privacy Officer, Billing Compliance and Patient Privacy Oversight Committee, and university management will identify areas that require review and monitoring. In addition, any employee can identify an issue believed to require review or monitoring. The Billing Compliance/Privacy Officer will review these suggestions. The Billing Compliance/Privacy Officer has the authority to:

- Determine which issues will be reviewed and monitored
- Determine when the review will be conducted
- Determine who will conduct the review
- Determine with whom the review results will be shared
- Approve a corrective action plan designed and proposed by the involved unit

The Billing Compliance/Privacy Officer may, after consultation with legal counsel and the Associate Vice President of the University, engage external auditors in accordance with university policy to assist in the monitoring procedure.

If any of these reviews identify instances of possible noncompliance, the Billing Compliance/Privacy Officer shall report the issue to the Vice Chancellor for Finance of the University of Tennessee HSC. In consultation with legal counsel, the Billing Compliance/Privacy Officer shall review the situation with appropriate University of Tennessee HSC staff to determine whether there has been any activity inconsistent with legal or regulatory requirements and University of Tennessee HSC policies.

REPORTING AND INVESTIGATING COMPLIANCE ISSUES

For the University of Tennessee HSC to achieve its expectation to conduct business within the letter and spirit of the law, clinical staff, employees, students, and residents are encouraged to report suspected problems. Types of violations that should be reported may include, but are not limited to:

- Billing, payment, and collection, and chart documentation issues that violate the False Claims Act
- Anti-Kickback Law and Stark I and Stark II regulation violations
- Fraudulent transactions
- Potential criminal violations
- Patient Privacy Violations that violate HIPAA Privacy rules

Clinical staff, employees, students, and residents will receive instructions for filing a report with the Billing Compliance/Privacy Officer. Complaint forms will be available at strategic locations in university facilities and through website access at www.utmem.edu/compliance. In addition, the training materials will direct clinical staff, employees, students, and residents to report to the Billing Compliance/Privacy Officer any activity they believe to be inconsistent with the University of Tennessee HSC policies or legal and regulatory requirements. The training materials will also provide clinical staff, employees, students, and residents with information about programs and practices of the university designed to achieve compliance with legal requirements.

A billing compliance and patient privacy telephone hotline will be installed. Reports can be made anonymously. Clinical staff, employees, students, and residents who report in good faith possible billing compliance and patient privacy issues will not be subjected to retaliation or harassment as a result of their report. Concerns about possible retaliation or harassment should be reported to the Billing Compliance/Privacy Officer or designee. Attempts will be made to make communications anonymous and confidential to the point possible to pursue an investigation. No employee shall experience retribution as a result of reporting a matter considered being a violation of the law.

The Billing Compliance/Privacy Officer or designee will:

- Initiate an investigation of a complaint after a report has been filed. The Billing Compliance/Privacy Officer will either personally conduct the investigation or refer the complaint to a more appropriate area within the university
- Recommend corrective action or work with other units within the university to recommend corrective action
- Ensure that appropriate education and training is provided to clinical staff, employees, students, and residents to minimize the risk of repeated compliance violations
- Follow up corrective action to ensure compliance
- Record follow-up and assign closing date
- Write a report of findings after conducting the review and investigation
- Respond to the complainant if a method for contact is provided in the complaint

CORRECTIVE ACTION PLAN

Whenever a compliance issue has been identified and determined to be a problem through monitoring, reporting of possible issues, investigations, or otherwise, the unit manager shall develop a plan to address the issue. In developing a corrective action plan, the unit manager may obtain advice and guidance from the Billing Compliance/Privacy Officer, legal counsel, and other appropriate personnel. The Billing Compliance/Privacy Officer must approve the corrective action plan prior to its implementation.

Corrective action plans shall be designed to ensure that the specific issue is addressed and that consideration is given to similar problems in other units. Corrective action plans may require that compliance and patient privacy issues be handled in a designated way, certain training occur, restrictions be imposed on particular clinical staff, employees, students, and residents, or the matter be disclosed externally. Disciplinary actions in accordance with university policy may also be recommended. If it appears that certain individuals have exhibited a propensity to engage in practices that raise compliance concerns, the corrective action plan shall identify actions that will be taken to prevent such individuals from exercising substantial discretion in regard to that compliance area.

Usually, if an employee does not comply with the University of Tennessee HSC billing compliance and patient privacy program and policies, the initial level of corrective action may be by the immediate supervisor in accordance with the university disciplinary process. Other actions if necessary will be tailored to the situation in consultation with the supervisor, Personnel Services, the Billing Compliance/Privacy Officer, and the Vice Chancellor for Finance.

REVISIONS TO PLAN

The billing compliance and patient privacy program and policies as well as unit and administrative policies are intended to be flexible and readily adaptable to changes in regulatory requirements and to the health care system as a whole. The billing compliance and patient privacy program will be reviewed annually, or as necessary, to assess if the program is working.

The Billing Compliance/Privacy Officer and Billing Compliance and Patient Privacy Oversight Committee will prepare an annual report that describes the general compliance efforts that have been undertaken during the preceding year and identifies any changes that might be made to improve compliance and patient privacy. This report shall be provided to the Vice Chancellor for Finance of the University of Tennessee HSC and, as appropriate, to others who can assist in the compliance process.

EXPECTATIONS

To excel in our mission, we function as a team. We establish standards for patient care, teaching, and research. Every employee/team member is vital, fully aware of his or her role and responsibilities, possesses a set of unique attributes and skills, is empowered to contribute to mutually established goals, and is accountable for his or her own and our collective actions. Each employee/team member is regularly acknowledged for his/her contribution toward our continued achievements.

We organize and locate our programs and services to meet the expressed needs and expectations of our customers (patients, payors, referring physicians, University of Tennessee HSC faculty and staff, UT Medical Group, Inc., and affiliated patient provider entities) and do so in a manner that optimizes the return on the resources available to us.

Our efficiency is continuously reviewed and variations minimized through process improvements.

The effectiveness of the health services that we provide is continuously challenged as new technologies become available and cost reductions can be realized.

Our achievements and outcomes for the health care services provided are measured by patient centered methodologies and by peer standards for our research and educational enterprises.

We expect all who seek to join us at the University of Tennessee HSC to share our mission, exemplify our values, and strive to meet our expectations.

The billing compliance and patient privacy program is accepted as revised on February 1, 2005:

By William R. Rice
William R. Rice
Interim Chancellor
University of Tennessee Health Science Center

By Carolyn Moffitt

Carolyn Moffitt
Billing Compliance/Privacy Officer
University of Tennessee Health Science Center

University of Tennessee Billing compliance and patient privacy program

Reference Page

(1) The University of Tennessee Personnel Policies, Section 500, Policy 580, Revision (1):
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