

HEALTH CARE COMPLIANCE
FALL 2017

5297 Health Care Compliance

Credits: 2

Professor: Allyson H. Kinzel (Adjunct)

Email: ahkinzel@mdanderson.org

Office Hours: Contact me and we will schedule a time to meet; I can arrive early before or stay late after class as needed

Course Materials: Students will need to purchase the following book: AHLA Health Care Compliance Legal Issues Manual, 4th Edition, ISBN: 9781632806154

Additional materials, which will be provided in hard copy and/or on the Blackboard Learning System prior to the start of class, will include, without limitation, the following:

- Compliance Program Guidance for Hospitals (63 Fed. Reg. 8987; February 23, 1998)
- Supplemental Compliance Program Guidance for Hospitals (70 Fed. Reg. 4858; January 31, 2005)
- Practical Guidance for Health Care Governing Boards on Compliance Oversight (Office of Inspector General, U.S. Department of Health and Human Services, Association of Healthcare Internal Auditors, American Health Lawyers Association, and the Health Care Compliance Association; April 20, 2015)
- Measuring Compliance Program Effectiveness: A Resource Guide (HCCA-OIG Compliance Effectiveness Roundtable; issue date March 27, 2017)

Course Outline: This course will examine health care compliance programs and the laws, regulations, and federal guidance attendant thereto, including OIG rules and federal agency enforcement actions. This course will explore ethical considerations of building effective compliance programs, including state law implications. This course will explore how to handle both internal and external investigations, including whistle-blower actions. This course will focus on the practical implications of laws that apply to health care organizations, and how organizations help ensure adherence to relevant rules through effective compliance programs.

Syllabus: This is a **DRAFT SYLLABUS** that is subject to change and clarification. A more detailed syllabus will be available at the beginning of the course. Over our fourteen (14) weeks together, we will cover the following:

- The Federal Regulatory Enforcement Environment
- The Framework for Compliance Programs, focusing on the Federal Sentencing Commission's Federal Sentencing Guidelines for Organizations and the Health and Human Services Office of Inspector General's Guidance for Compliance Programs
- In-Depth Review of Each Element of an Effective Compliance Program:

- Compliance Officer and Compliance Committees
- Policies, Procedures, and Standards of Conduct
- Open Lines of Communication
- Appropriate Training and Education of Workforce Members
- Risk Monitoring and Auditing
- Response to Detected Deficiencies
- Enforcement of Disciplinary Standards
- Hotline Complaints and the Anatomy of an Internal Investigation (Including Potential or Actual Whistleblower Complaints)
- Anatomy of an External Investigation
- Review of Federal Civil Monetary Penalties, Settlement Agreements, Corporate Integrity Agreements, and Corrective Action Plans
- Exclusions Checks/Criminal Background Checks
- Key Elements of Research Compliance Programs (may have guest speaker)
- Key Elements of Privacy Compliance Programs (may have guest speaker)
- Key Elements of Billing and Reimbursement Programs (may have guest speaker)
- How to Appropriately Manage Corrective Actions (including Refunds and Reimbursements)
- The Importance of Ethics in an Effective Compliance Program

Final Exam Schedule: There will be one exam in this class, which is an in-class, closed book, final exam scheduled on December 9, 2017, at 9:00am. There will be no mid-term exam, quizzes, or papers.

Course Requirements:

Attendance: I expect to see you in my class every week, and will track attendance. We will follow the UH Law Center's policy on class attendance.

Participation: I expect to hear your ideas and analyses every week. I will call on you at random during the class period. I reserve the right to adjust your grade one increment based on your class participation (or lack thereof). By way of example, I may increase your grade from a B to a B+ if you have been an active participant over the course of the semester or decrease your grade from a B to a B- if you have had little or no participation in class.

Class Etiquette: Your cell phone must remain in silent mode (or be turned off) and put away during the entirety of class. You may have a computer in class, but you may only use it to take notes or refer to assigned materials.