A Lawyer, a Compliance Officer, and a New Doctor Walk into…

Kiley M. Bybee
Interim Assistant Vice President, Joint Office for Compliance
Nike L. Fleming
Deputy Counsel, Legal Affairs

WELCOME TO UNIVERSITY OF IOWA HEALTH CARE

What is the role of counsel? What is the role of a compliance officer?

UNIVERSITY OF IOWA HEALTH CARE

- Belief that "consulting legal" is _____. "consulting compliance" is _____.

Role of Counsel

UNIVERSITY OF IOWA HEALTH CARE

- Counselor, not decision-maker
- Represent ALL of UI Health Care – not just UIHC, CCOM, or UIP.
- Integrity, confidentiality, trust
- Decisions made by right person at right time
- Achieve strategic objectives while minimizing risk
- Best outcome given available resources

Role of Counsel

UNIVERSITY OF IOWA HEALTH CARE

- Attorney-Client Privilege
  - Confidentiality
  - Email
- Documentation
  - Statements against Interest

Role of Compliance Officer

UNIVERSITY OF IOWA HEALTH CARE

- Policies
- Coding and Billing
- Conflict of Interest
- Research Billing
- HIPAA
- Implementing after receiving direction from Counsel
- Making sure all the bases are covered
- Risk identification
- Jack of all trades, master of none
- Great resource for who, what, when, why, and UIHC history

Your Role

UNIVERSITY OF IOWA HEALTH CARE

- Be an issue-spotter
- Be a partner
- Be an early intervener
- Be creative, flexible problem-solver
- Be aware of institution's priorities and overall risk tolerance
- Be a reader
- Be a teacher

Oh No, What Do I Do If….

UNIVERSITY OF IOWA HEALTH CARE

- Get a subpoena, government investigation, attorney calling me…
- Have a question about a law (informed consent, commitment, etc.)…
- A patient or family is disgruntled about…
- Don't know how to talk to a patient or family about…
- I need a contract…
- Have a conflict of interest question…
- Have a policy question…
- Have a joint commission question…
- Have a HIPAA question…
- Think a patient may have been harmed/made an error…
- I don't know roles in the institution…
- Want to report a compliance or other concern…
- Others?

Patient Privacy Program

UNIVERSITY OF IOWA HEALTH CARE

- UIHC has a new software system that monitors questionable employee activity regarding access of medical information.

- This tool will assist our efforts in providing excellent patient care by protecting patient privacy and enhancing our ability to monitor what is being accessed in the patient records and by whom.

Patient Privacy Program

UNIVERSITY OF IOWA HEALTH CARE

- Office for Compliance receives alerts when staff members modify or change **<u>their own medical records</u>** such as when they:
  - Create office visits with themselves as attending providers.
  - Charge for these visits as billing providers.
  - Add and/or remove their own diagnoses.
  - Order their own medications and tests.
  - Documenting their own Patient Education.

- Office for Compliance will also start receiving alerts when staff members access, modify, or change **household members', co-workers', Supervisors', and VIP's** medical records without authorization.

Um, Not To be Rude, But Do I Have Insurance?

UNIVERSITY OF IOWA HEALTH CARE

What happens if something does go wrong?

Questions?

UNIVERSITY OF IOWA HEALTH CARE