
Compliance Reporting

What is compliance?

Compliance is an organization's adherence to laws, regulations, and policies applicable to its operations. Violations may result in punitive action, including the imposition of fines and/or criminal charges. Clinicians have a responsibility to adhere not only to their profession's clinical and ethical standards, but all applicable laws, regulations and policies.

What are corporate compliance programs?

A compliance program integrates health care federal and state regulations, laws and professional standards and company standards into a common framework and provides a means for confidentially reporting concerns. An effective corporate compliance program helps ensure that clinicians and managers are conducting clinical activities and business operations ethically, legally, and with a high level of integrity. A successful compliance program also helps develop a culture of accountability and shared responsibility within an organization, facility, or company. A compliance program may be developed and carried out by the internal staff of the organization or may be contracted to an external entity. In both instances, the rules governing confidentiality of reporting and protections are the same.

Compliance officers function as an independent and objective body that is responsible for developing and implementing the compliance program as well as reviewing and evaluating compliance issues/concerns within the organization. Specifically, compliance officers carry out the following responsibilities:

- Serve as the primary point of contact for all compliance concerns
- Direct compliance issues to appropriate resources for investigation and resolution

- Represent an internal resource with whom concerned parties may communicate
- Facilitate requests from external entities on behalf of the organization in the case of denials, medical review, and investigations related to fraud, waste, and abuse
- Have a duty to report violations to duly authorized enforcement agencies as appropriate and/or required by law
- Are legally bound to maintain confidentiality of those reporting violations and to ensure those who report violations not subject to retribution.

In instances where confidentiality has been breached or a retaliatory measure has occurred as a result of information shared with the compliance officer, the situation can be reported to the Office of the Inspector General (OIG). See the contact information at the end of this document.

Confidentiality Versus Anonymity

Clinicians are often confused by the terms confidential and anonymous—particularly in regard to which reporting method provides the most protection when reporting waste, fraud, and abuse. Confidential reporting identifies the reporter to the compliance officer and transfers legal protection to the reporter. When reporting compliance issues to a designated compliance officer, confidentiality provides the best protection and is accomplished by making the report official rather than attempting to report without disclosing your identity. Anonymity is the concept of cloaking the identification of the reporter. Anonymity can be hard to maintain and does not allow protections under the applicable federal and state whistleblower laws if the identity of the reporter is discovered.

Recommended Steps for Reporting

- Immediately stop engaging in any activity that you believe to be a compliance violation.
- Discuss concerns and questions with your immediate supervisor.
 - Although concerns are best addressed directly, remember that only compliance officers are legally bound to ensure confidentiality and whistleblower protections.
- Contact your facility and/or corporate compliance officer or hotline.
 - Go to the compliance officer for your direct employer if you are not employed by the facility where you work. If they do not respond satisfactorily, you can go to your facility compliance officer, as well.

If you are unable to satisfactorily resolve the issue through the available internal channels:

- For Medicare and Medicaid compliance issues, report your concerns to the Department of Health and Human Services (HHS), Office of Inspector General (OIG).
- For issues related to state regulations, consider reporting your concerns to your state ombudsman programs and/or your state's Office of the Attorney General.
- If you have concerns about your liability or protections, seek professional legal counsel.
- Contact your national professional association (American Occupational Therapy Association [AOTA], American Physical Therapy Association [APTA], and American Speech-Language-Hearing Association [ASHA]) for guidance if you have questions.

Department of Health and Human Services (HHS), Office of Inspector General (OIG)

The OIG is responsible for fraud and abuse prevention, detection, and reporting.

- OIG Website: <http://www.oig.hhs.gov>.
- OIG Compliance Education Materials: <http://oig.hhs.gov/compliance/101>
- OIG Spotlight Articles: <http://oig.hhs.gov/newsroom/spotlight/index.asp>
- OIG Report Fraud Brochure:
- <https://forms.oig.hhs.gov/hotlineoperations/posters/OIG%20Hotline%20Ops%20Brochure%20-%20Professional%20Print%20.pdf>
- Stop Medicare Fraud: <https://www.stopmedicarefraud.gov/forproviders/index.html>
- OIG Compliance Website: <http://oig.hhs.gov/compliance/101/>

Compliance Guidance for Skilled Nursing Facilities

- Guidance (2000): <https://oig.hhs.gov/authorities/docs/cpgnf.pdf>
- Supplemental Guidance (2008): https://oig.hhs.gov/compliance/compliance-guidance/docs/complianceguidance/nhg_fr.pdf

Contact the OIG National Hotline

- <https://forms.oig.hhs.gov/hotlineoperationsPhone>: (800) HHS-TIPS [(800) 447-8477]
- TTY: (800) 377-4950
- Fax: (800) 223-8164
- Mail: Office of Inspector General
U.S. Department of Health and Human Services
ATTN: HOTLINE
P.O. Box 23489
Washington, DC 20026

Association Resources and Links

AOTA Visit <http://www.aota.org/About-Occupational-Therapy/Ethics.aspx>

ASHA <http://www.asha.org/Practice/ethics/>

APTA <http://www.apta.org/EthicsProfessionalism/>

NASL <http://www.nasl.org>