

2016 Mandatory Corporate Compliance



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Why you are reviewing this training material

- Compliance programs are not a new thing in healthcare or at Lahey. But we can't just assume that everyone is on the same page about what our Compliance program requires of each of us.
- This training material has 4 sections plus a post-test. Before December 31, you must review all 4 sections and get at least 15 of the 18 post-test questions correct to complete this training.
- When you have completed your post-test, be sure to click the "Finish" button in the lower right hand corner so that your score and completion status are sent back to Lahey Learning and recorded. If you do not click the "Finish" button, your course status may remain "In-Progress."

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Here are the 4 Sections that will be covered:

1. Protecting the Privacy and Security of Patient Information
2. Putting each Patient's Care, Safety, Dignity and Well-Being ahead of Everything Else
3. Speaking Up
4. Managing Conflicting Interests

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CHAPTER 1

Protecting the Privacy and Security of Patient Information

Let's get started



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It's about trust



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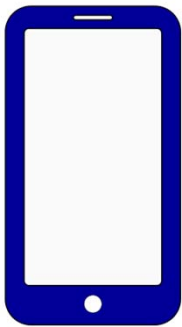
A healthcare employee who was not on a patient's care team accessed the patient's lab results - and shared them with the patient's mom and sister....



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A healthcare worker's mother was worried about the results of her lab tests. He looked up her test and told her the results before her doctor could explain what the results meant...

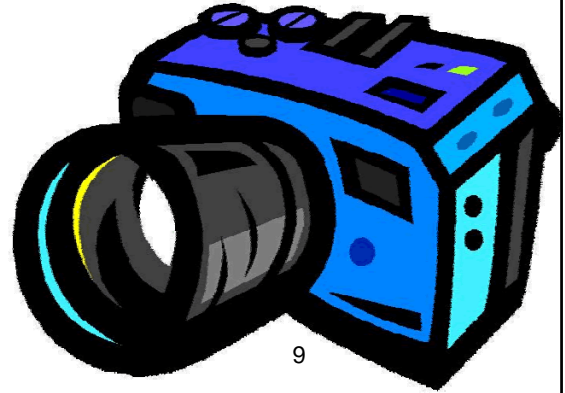
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The family of a trauma patient overheard staff talking about the patient on a cellphone to someone outside the hospital

8

Two hospital employees took pictures
of a patient's amputated leg – and
posted them on Facebook....



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Each of these cases actually
happened ... and was
reported to authorities and
the patients involved.

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Would you want any of these employees taking care
of you or your family members?



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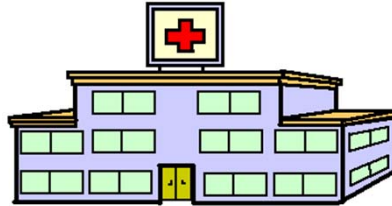
A real newspaper headline:

“Six People Fired from Hospital
Over Patient Privacy”



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Does that headline make you more -
or less - willing to be a patient at that hospital?



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In a 2015 survey of patients...

- 54 % reported they would switch to another healthcare provider if they were notified of a data breach at the one where they were currently getting their care
- 21 % reported already choosing not to share certain information with their provider because of fear of a data breach

HIPAA Breaches: Minimizing Risks and Patient Fears

<http://www.softwareadvice.com/medical/industryview/hipaa-breaches-report-2015/>

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In another survey...

73% of patients reported that if there were serious or repeated breaches of patients' personal information at a hospital where they had treatment, it would reduce their confidence in the quality of healthcare offered by the hospital.

*UK: How Privacy Considerations Drive Patient Decisions
and Impact Patient Care Outcomes (2011)*

<http://www.fairwarning.com/wp-content/uploads/2015/09/2011-10-WP-UK-PATIENT-SURVEY.pdf>

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Each day we have
opportunities to add to - or
damage - the trust patients
and their families place in
Lahey Health

**Protecting the Privacy and Security of Patient
Information – it's about each one of us**

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You know “the Rules”

- “Comply at all times with the Confidentiality Statement you signed at the outset of your association with Lahey.” – Lahey Health Code of Conduct
- Do not let curiosity be your guide - there is nothing so interesting that it’s worth losing your position to look at it.
- Passwords – don’t share them. You are accountable for what’s done under yours.
- **Emails containing Protected Health Information must be encrypted** before being sent. And **do not** reply to an outside email containing PHI in the thread that goes back out to the sender unencrypted.

Your facility’s privacy official is ALWAYS there to answer questions and clarify the rules.

Protecting the Privacy and Security of Patient Information

It’s about laws like HIPAA ...
 It’s about each one of us....



But most of all it’s about trust

Chapter 2

Putting Each Patient's Care, Safety, Dignity And Well-being Ahead Of Everything Else

Let's get started



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Putting Patient Care, Safety, Dignity and Well-being ahead of everything else

Sounds easy?



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This includes:

- ✓ Proper patient identification;
- ✓ Making sure all patients can access our services equally;
- ✓ Providing additional “aids” to some patients to achieve that equal access;
- ✓ Following policies, rules and regulations and;
- ✓ Sometimes saying “No”.

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Proper patient care starts with proper patient identification.

Patient identification is one of the most critical processes colleagues must follow. To ensure the right patient receives the right care at every encounter, always use at least two identifiers:

- Full Name
- Date of Birth
- Other, if needed

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Making sure all patients can access our services equally means:

- Watching for signs that patients can't hear or see well
- Offering assistive aids like:

portable amplifiers, communication boards,
captioning and qualified interpreters



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Did you know...

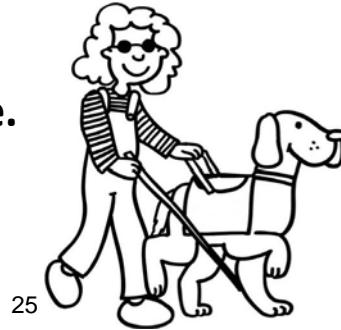
- About 33% of our patients between the ages of 61-70, and 85% of those over the age of 85, probably have some hearing loss?
- **And they may not volunteer – or even admit - this fact.**
- But if they can't hear you, they aren't asking or answering the questions needed for the best care.

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Equal access also means...

- **Accommodating patients' own assistive devices** – hearing aids, guide dogs, and glasses - wherever and whenever possible.

- **It's our duty – and also good care.**



“Strategies” to avoid

- Talking **LOUDER**
- **Addressing information and questions to the patient's spouse, companion or other family member – instead of the patient**
- **Would you want your caregivers to SHOUT at you? Or speak to your family members instead of you about your care?**

Care, Safety, Dignity and Well-being - ahead of everything

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Equal access also means...



using qualified interpreters isn't optional.

Did you know...

In the Boston area:

- At least 138 different languages are spoken at home
- 23% of those age 5 and over speak a language other than English at home

[Census Bureau Reports at Least 350 Languages Spoken in U.S. Homes](#) (Nov. 3, 2015)

If you and the patient can't communicate...

How will you ensure

- appropriate care
- pain management
- informed consent
- medication reconciliation
- patient education

Care, Safety, Dignity and Well-being – ahead of everything

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Interpreter Dos and Don'ts

- Do know how to access interpreter services - in person and by telephone - in the areas and settings where you work.
- Do let the patient know that interpreter services are available without charge.
- Don't suggest that a family member or friend of the patient be the "interpreter".



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Examples of some Policies, Rules and Regulations:

- Speaking Up Policy - [Lahey Health Policy on Speaking Up](#)
- HIPAA (Health Insurance Portability and Accountability Act) - A 1996 Federal law that restricts access to individuals' private medical information.
- EMTALA (Emergency Medical Treatment & Labor Act) - A federal law that requires us to stabilize and treat anyone who comes to our emergency department, regardless of their insurance status or ability to pay.
- Stark Law – Generally prohibits physician referrals for certain ancillary health care services to entities or organizations with which the physician (or a member of the physician's immediate family) has a financial relationship, unless an exception to the law applies.
- Contract Policy - [Lahey Health Contract Review Policy](#)

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Saying “No”

- Sometimes patients, their family members or others may ask us to do something that's wrong – maybe even something that violates the law.
- Other times a patient may want to form a personal relationship with their caregiver that is outside the boundaries of professional conduct.

It's never easy, but in those cases the right answer is a respectful, but clear “No”.

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So, for example...

- Some patients may ask that colleagues of a particular race or nationality be assigned – or not assigned – to take care of them.
- They have every right to ask this, but granting their request and assigning staff for that reason violates the law and the rights of the colleagues involved.

Sometimes you have to say “No”.

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Putting

Patient Care, Safety, Dignity
and Well-being ahead of
everything

Not always easy . . .

**But ALWAYS the right thing
to do**

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Chapter 3

Speaking Up

Let's get started



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- You've probably seen this logo somewhere during the past year.
- In this section of the training you will learn why Speaking Up is important, how you can do it, and why "Compliance will be there when you do."



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What is it all about?

- Like privacy... Speaking Up is partly about trust. It's about the trust each of us has in our colleagues, our leaders and the organization itself.

- What is in it for you?

Though we all want to do our best at work, sometimes, we make mistakes. By respectfully telling a colleague that he has made a mistake, you build trust and constructively address the problem.

Speaking up is not easy, especially when you have seen something that may be illegal, unethical or otherwise improper. When we can trust each other enough to speak up, we ALL win!

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And ...

Speaking Up is also about **making Lahey better**.

That's why our Code says "It is our duty to speak up – so that Lahey can address problems and keep them from happening again."

Go here to see the Lahey Health Code of Conduct:
<http://massshare/sites/corpcorp/comp/Pages/Code-of-Conduct.aspx>

It is also why we have a policy called "Speaking Up About Dangerous, Illegal or Unethical Conduct".

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**Every time one of us
doesn't speak up when
we see something that
looks dangerous,
unethical, illegal or
otherwise improper...**

- Patients or colleagues may be hurt!
- Things don't get fixed
- We may act based on "bad" assumptions or information
- Lahey may be subject to penalties or fines
- We are distracted from pursuing Lahey's mission
- Money, time and energy can be wasted

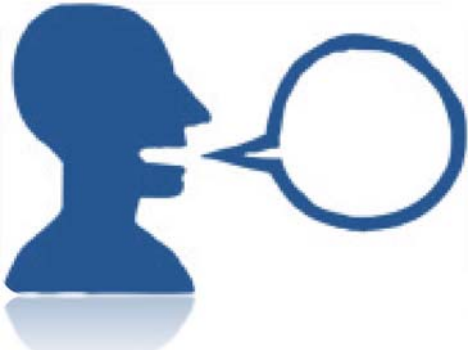
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What are some of the dangerous, unethical, illegal or otherwise improper concerns that should be reported?

- Anything that might cause physical or psychological harm
- Failure to provide necessary care - or providing medically unnecessary care
- Billing for care that is not provided or not documented
- Other improper documentation issues
- Stealing, wasting or personal use of Lahey resources
- Failure to follow Lahey policies or procedures or The Code of Conduct
- Retaliation against someone who has raised a concern in good faith
- Discrimination or harassment
- Anything that does not "feel right"
 - If you think you saw something, say something!
 - Speak up! Compliance will be there when you do!

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Yes, Speaking Up isn't easy



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Reasons People Give for Not Speaking up

"Nothing has ever changed when I spoke up in the past"

"I'm afraid"

"No one ever said life is fair"

"I'm not sticking MY neck out"

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4 Ways to Speak Up

- Speak directly with the person involved. That shows the person the respect and dignity you would want if the situation were reversed. It also gives you a chance to check any assumptions you have made.
- Speak to the person's supervisor – or your own.
- Seek guidance from members of the Compliance, Legal and/or Human Resources teams.
- Put your concern in SafeSpot (if available) or call the Compliance Hotline (855-392-5782) or go online (www.laheyhealth.ethicspoint.com).

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Compliance Reporting

Compliance tracks inquiries and concerns through Safespot* and the Compliance Hotline.

Safespot* and the Compliance Hotline are places where you can raise a concern that you believe Compliance should investigate further, or where you can make a Compliance-related inquiry. All reports/inquiries will be kept as confidential as possible.

*Safespot is not available at Winchester Hospital, but coming soon! 45

Lahey Health Corporate Compliance

Corporate Compliance • Home

Corporate Compliance | About | Code of Conduct | How To Speak Up | Lessons Learned | Policies and Notices | FAQs | Resource Library

Corporate Compliance at Lahey Health

Welcome to the Corporate Compliance Home Page!

This is your "one-stop shop" for everything you need to know about the basics of the Lahey Health Corporate Compliance Program. Regardless of where you sit in the organization, this is the place to visit for Compliance information.

On this site you will find:

- An overview of the Compliance Program structure
- Contact information for members of the Compliance team
- Specifics about the Lahey Health **Code of Conduct**
- "**Lessons Learned**" by those who got compliance wrong the first time around
- Access to **Lahey Health Compliance policies**
- Guidance on how to speak up with Compliance concerns or questions
- Other helpful and interesting information about the world of Compliance in the health care industry

The materials we post are designed to be of practical use for you and will be updated frequently. So enjoy browsing, but remember to check back from time to time to see what we have added or changed.

We are also eager for suggestions and feedback—just email [anyone on the team](#).

What's New

Welcome to the new Corporate Compliance website! Questions? Check out the FAQs: [Click here to view.](#)

Speak up!

Compliance will be there when you do.

COMPLIANCE HOTLINE:
1.855.392.5782
LaheyHealth.EthicsPoint.com

Resources — there's a page for that! 46

Your Speaking Up is protected.

- **By Lahey** – “Lahey Health will not tolerate retaliation of any kind – not even in the form of a cold shoulder - against a person who reports a concern in good faith.” (Code of Conduct)
- **By Compliance, Legal Services and HR colleagues** – whose job it is to create a safe outlet for those who speak up and to investigate reports.
- **By the State of Massachusetts *** – in laws against retaliation
- **By the federal government *** – which also has laws against retaliation

* Learn more about these laws on the Compliance Intranet site:
http://massshare/sites/corp_comp/Pages/Policies.aspx

Lahey Leaders – you have an additional duty
 “Urge others to raise concerns of illegal, unethical or other improper conduct, and protect those that do so from retaliation in any form.”



Ann-Ellen Hornidge, JD
 Chair
 Lahey Health Board of Trustees



Howard Grant, JD, MD
 President and Chief Executive Officer
 Lahey Health

Speaking Up

Sometimes it may seem scary ...

But in the end, it's about making things better.

**It's about trusting those we
work with, our leaders and Lahey
Itself.**

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Chapter 4

Managing Conflicting Interests

Let's get started



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It's about integrity



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An administrative director signs a supply contract for her department - with a company for which she does independent consulting



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A surgeon designed an implant device, gets royalties from the company that sells it, and wants to use the device in his patients' operations....

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A patient's father comes up to a colleague and says "I'm sure you will take great care of my child" while holding out a \$50 bill.

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Situations like these happen
... and the potential conflicts
of interest need to be
recognized and managed.

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A real newspaper headline:

“[Physician] Group Faces Scrutiny
Over Drug Industry Ties”



56

Does that headline make you more -
or less - willing to get your medical care
from that group practice?

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Your father is a patient and sees another
patient give a nurse a large, wrapped gift
box. Does that make him think that he
might not be treated well – unless he also
gives gifts to those taking care of him

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Possible conflicts of
interest situations happen to all of us.



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Having a conflict of interest doesn't mean
that you have done anything wrong. But
there are right – **and wrong** – ways to act
when conflicts present themselves.

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You know “the Rules”

- “Always disclose facts and circumstances that might give even the appearance of a conflict of interest or a personal benefit to you.” – Lahey Health Code of Conduct
- A personal benefit to you includes the business relationships, investments and employment or professional associations that members of your immediate family have – not just your own.
- Depending on the level of your responsibilities, you may also be required to complete and submit an annual conflict of interest questionnaire and to update it during the year, if circumstances change.
- If you’re not sure whether you have a conflict of interest between your personal interests and your job responsibilities, ASK!

Rules about gifts from patients

At Lahey, our policy on gifts says that in general we don’t accept personal gifts from patients or their family members or friends.

The exception is:

“A Colleague may accept a gift ... if the gift is of nominal monetary value (such as a flower arrangement, holiday basket, baked good or the like); in such cases the Colleague is encouraged to share the gift with others in the Colleague’s department.”

Accepting gifts of cash, cash equivalents or any item of other than a nominal monetary value is **prohibited**.



Gifts from those we do or might do business with

Our Code of Conduct, gift policy and vendor interactions policy are all clear – “Do not accept any gift from those with whom we currently, or may, do business.”

What’s a gift?



- Entertainment or recreational items (such as golf balls, sports bags, artwork, CDs, tickets to sporting events, theater, etc.)
- Cash, gift cards, gift certificates and coupons
- Calendars, pens, coffee mugs and other advertising novelties
- Holiday gift baskets and other food or beverage items
- Meals and refreshments at restaurants or elsewhere
- Grants, scholarships and medical related items
- Travel expense reimbursement
- Any other items, services or payments

Conflicts of Interest – integrity is in how you manage them.



Still have questions?

You have lots of
resources for
getting
answers:

- Your local Privacy Officer or Compliance Director
- The Lahey Health Privacy/Confidentiality policies
- The Chief Compliance and Privacy Officer
- The Compliance Hotline (855-392-5782 or www.laheyhealth.ethicspoint.com)
- The Compliance website on your Intranet (<http://massshare/sites/corpcomp/Pages/Home.aspx>)
- (For most of you) SafeSpot on your Intranet
- A member of the Legal Services Department (781-744-5252) 65