

Compliance and HIPAA 2014

Description:

Annual compliance update training, mandatory for all Aurora caregivers and Accumen associates working from Aurora/ACL locations. This training includes reminders, information regarding compliance references and resources, and training in areas of special importance. It's estimated it will take 45 minutes to complete this course.

Technical Contact:

If you have technical questions please contact Melissa Hernandez at mhernandez@accumen.com.

Content Contact:

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Learning objectives



After completing this course, you will be able to:

- Describe your role and responsibilities in helping to ensure that Aurora fulfills its legal and ethical obligations, including actions to take in the event of a compliance concern or question
- Explain the compliance policies that relate to the work that you do
- Describe compliance resources that are available to you
- Describe how to protect patient privacy in accordance with the HIPAA Privacy and Security Rules, and how to protect Aurora's information systems

See the forest for the trees



You likely have heard the saying, “he or she can’t see the forest for the trees.” This means the person is unable to see the big picture, or the broader situation. They only see individual trees, not the whole forest.

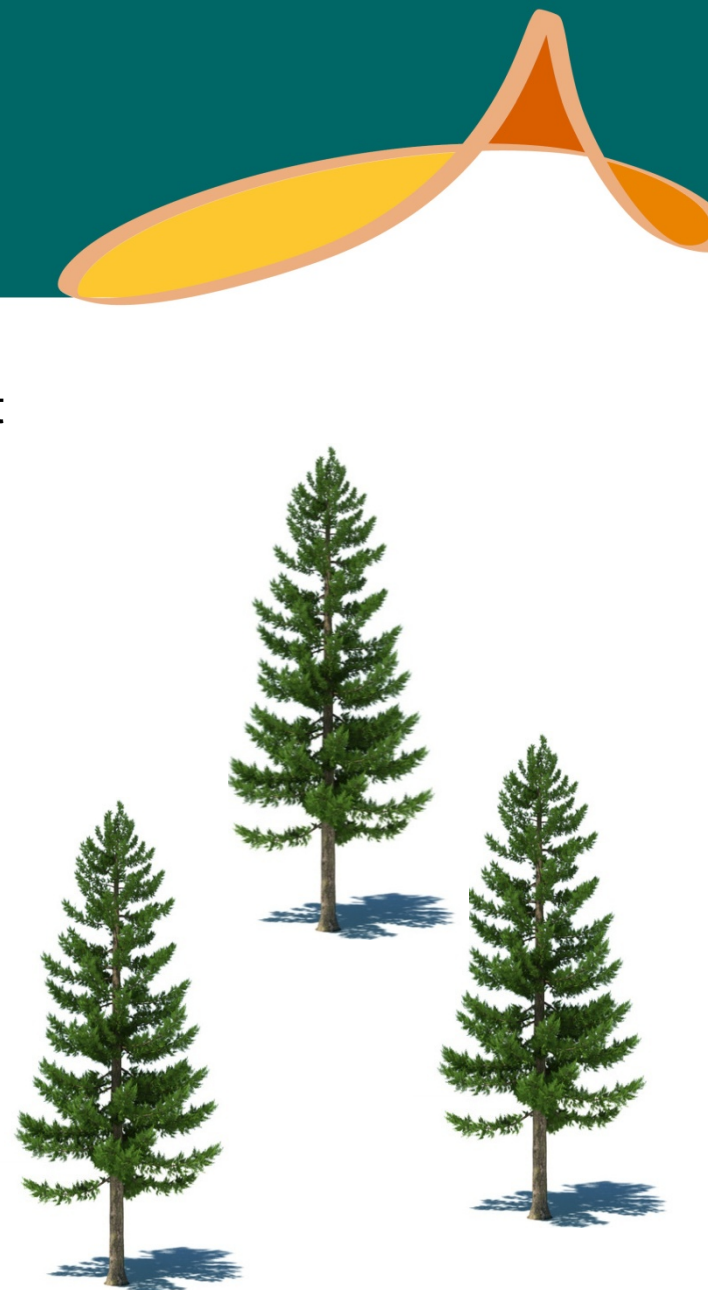


Seeing just the trees

This is an important concept when making sure you are performing your job duties in a compliant and ethical manner. Some might consider:

- How can I do my job faster?
- How can I make my job easier?
- How can I help meet Aurora's financial and other goals?

When we are asking these questions, we may just be seeing the trees.



Seeing the forest



In order to see the forest, we also need to consider:

- Am I doing my job in a way that complies with Aurora's policies?
- Am I doing my job in a way that meets all regulatory and legal requirements?
- Are my decisions ethical?
- Am I doing what is best for our patients and the communities we serve?



Aurora values – the forest



Aurora's values provide us with the big picture (the forest.)



Regulations and legal requirements

In general, health care laws and regulations support Aurora's values, through regulations aimed at high quality, medically necessary, and low cost care. Through teamwork, we can better understand our legal and regulatory requirements and Aurora's ethical expectations. The Compliance Department is here to help all of us in our journey to see the forest.



Aurora's policies

This year's course focuses on a subset of Aurora's policies that relate to specific areas where compliance is especially important.

We can think of each policy as being a tree in the forest. As you learn more about these policies, think how each one may affect how you perform your work on a day-to-day basis. By the end of this course, you should be seeing the entire forest (the big picture).



Code of Ethical Conduct



Let's start with the Code of Ethical Conduct. It guides our behaviors in ensuring:

- Quality of care, patient safety, and patients' rights (including confidentiality and privacy)
- The prevention of fraud, waste and abuse
- Appropriate physician relationships
- Appropriate political activities
- Appropriate response to government investigations
- Ethical business relationships (prohibiting kickbacks, conflicts of interest, gifts)
- Equal opportunity and fair treatment of our caregivers
- Maintaining a safe environment and protecting Aurora's assets

Be as wise as an owl in the forest



If you are “doing what is right,” you will be able to answer “yes” to the following questions:

- Am I being honest and truthful?
- Am I acting fairly?
- Am I acting in the best interests of Aurora and my patients?
- Would I be proud to tell someone about my actions?
- Would I be comfortable seeing it in the news media?
- Is it consistent with the law and Aurora’s policies?

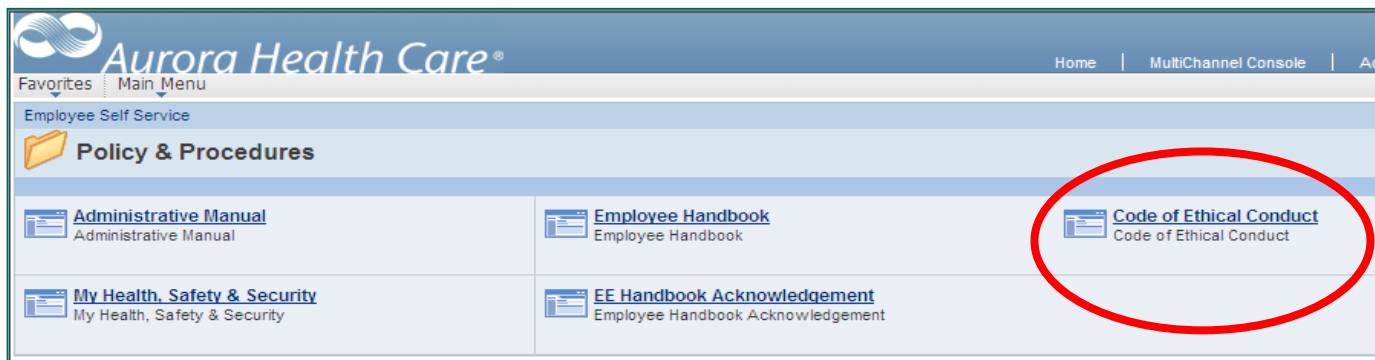
Finding the Code

You are required to review the Code annually.

Aurora's Code of Ethical Conduct is the second module to your Aurora/ACL Compliance Training. Once you complete this presentation, navigate back to your assignments tab in MTS Training program and click on link for Code.

In the future, after you have completed these training modules you can refer to Aurora's intranet, Policies and Procedures. Go to My HR Connection on Caregiver Connect (you will need to log into Caregiver Connect)

- Click the Policies and Procedures link



Aurora's Code reminds us to:

Act with integrity, including obeying the law and Aurora's policies

Report any suspected violations of law, regulation, or policy

Review and understand this entire course (no skipping to the end) and annually review the Code of Ethical Conduct

Finding Aurora policies



Caregiver Connect

Welcome,

My Quick Links ▾ Places People ▾ Facilities ↗

[Browse all Places](#)

AAHWeb ↗	Aurora At A Glance	Aurora Pharmacy Prescription Savings Club Med List [cont'd] ? By Medical Condition
Administration Options Grant Access Maintain non-employees	Aurora Classifieds	Aurora Pulse Reports ↗
Administrative/Clinical Manuals	Aurora Libraries (ALIS) ↗	Aurora Pulse Survey ↗
AFE Approval	Aurora Manager's On-line Store ↗	Aurora Recalls
AFE Requisition	Aurora Partnership Campaign	Care Management Reporting
Asset Management System	Aurora Pharmacy Automatic Refill	Caregiver Recognition Event ?
	Aurora Pharmacy Prescription Savings Club Med List ? Alphabetical Listing	Charge Code Master

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Fraud, waste, and abuse



What do you need to know about the Detecting and Responding to Fraud, Waste, and Abuse Policy?

- Do not commit fraud, even if you think your intentions are good. While anyone can make an honest mistake, fraud is different. Fraud involves deliberate deception and is illegal. There are serious consequences to committing fraud.
- Maintain good practices that result in accurate billing, like clear charge codes and accurate and complete documentation. Failing to do so can be viewed as waste or abuse by the government.
- Do not participate in or contribute to the submission of a billing claim that is false or fraudulent. The federal False Claims Act, as well as state laws, prohibit us from doing so.

False claim examples



Examples of false claims include, but are not limited to:

- Billing for services that were performed by an improperly supervised or unqualified employee
Example: a nurse performs hospital rounds on patients but the doctor bills for the service
- Billing for services that were not provided
Example: submitting a higher level E&M code for a lower level of service provided
- Billing for services that were not medically necessary
Example: ordering an MRI when a lower cost test would have been just as effective

Did you know? Under federal law, we have 60 days to refund money that we received in error. It can take time to investigate and process these refunds. That's why you need to contact the Compliance Department **immediately** when you identify a concern.

Documentation



What do I need to know about the Medical Record Documentation Policy?

If you document in a medical record, whether on paper or electronic, you should be familiar with this policy. It includes requirements related to:

- Signing (and co-signing) documentation
- Making corrections, amendments, and late entries
- Timeliness of entries
- Use of symbols and abbreviations
- Meaningful Use



Did you know?

Many errors identified by audits that result in a repayment to a health plan are the result of inaccurate or incomplete documentation. Worse yet, poor documentation can result in lower quality and patient safety issues.

SmartChart reminders



Keep Aurora's SmartChart records accurate:

- **Never** use another person's login ID/password to sign documents. This is an example of fraudulent documentation.
- Appropriately edit any information created using copy/paste, "Make Me the Author", carry forward functionality, or templates to accurately describe the patient's condition and the services performed during the current encounter
- Use copy/paste and carry forward functionality discriminately so that only information that is relevant to the current encounter is carried forward. More documentation is not necessarily good or appropriate documentation and may result in inaccurate billing.



Consequences



The government takes fraud seriously, and has multiple agencies that are focused on auditing and investigating possible fraud. The consequences are serious. For example:

- A home health aide in Ohio was sentenced to **2 years in prison and must pay \$234,000** in restitution because she claimed she was visiting patients when she actually was visiting places like casinos and resorts.
- A doctor in Illinois was sentenced to **30 days in prison, 3 years of probation, and a \$10,000 fine** because he fraudulently altered an office visit note after being served a subpoena for patient records.

Most people, however, do not intentionally commit fraud. More often, we make unintentional errors that result in inaccurate documentation and billing. Even these unintentional errors, however, must be corrected and refunds must be made in a timely manner. If not, we face consequences under the False Claims Act.

The OIG



The U.S. Office of the Inspector General (“OIG”) publishes an annual work plan that details specific areas they will audit in the coming year. Aurora’s Compliance Department uses this information to direct its internal reviews. The OIG selects these areas because they are problem-prone. Examples of what the OIG has audited in the past include:

- Same day readmissions to a hospital
- Inpatient transfers to inpatient hospice care
- Charging for high cost drugs (wrong number of units charged) like Lupron and Herceptin
- Face-to-face physician encounters with patients before ordering home health services
- Proof of delivery of durable medical equipment (DME)

Did you know?

The OIG has identified error rates greater than 80% at some hospitals for specific areas of billing. A single hospital in California was required to repay \$2.2 million after an OIG audit. The OIG audits home health, pharmacy, physician, and other health care services in addition to hospital services.

Quiz question



I need you to change the diagnosis on this physician's visit note so this visit will be covered by the patient's insurer.

May I do this?
After all, my supervisor is asking me to do it.



Quiz answer



May this caregiver change the diagnosis documented in the medical record by the patient's physician?

Answer:

- Yes, because it is important to the patient that the insurance company pays the claim. That is doing the right thing for the patient.
- No. Documentation must accurately reflect the service that was actually provided. If a diagnosis was recorded incorrectly, the physician can make an addendum to correct the error. It is never appropriate to falsify a record.

Spotting trouble

What should you do if you spot possible trouble?



Contact the Compliance Department

Reporting compliance concerns



What do you need to know about the Reporting Compliance Concerns/Non-Retaliation Policy?

You must report compliance and ethical concerns. This is ***mandatory***, not optional. Be assured that if you report a concern in good faith, you will be protected from any form of retaliation. In other words, you may not be fired, demoted, suspended, reprimanded, harassed, or discriminated against because you reported a possible situation that you sincerely thought might represent a compliance or ethical concern.

Did you know?

If you feel you are experiencing retaliation because you reported a compliance concern, you should contact the Compliance Department immediately.

Your reporting options



You may use any of the following options to report a compliance concern:

1. Discuss your concern with your immediate supervisor/leader.
2. Discuss your concern with another leader in your area or facility.
3. Discuss your concern with Accumen's Chief Compliance Officer, Dana Simonds, at (858)207-3960.
4. Make a report online at www.accumen.ethicspoint.com
5. Call the Accumen AlertLine hotline at (855) 727-6720 and leave a message. You may leave your name and contact information, or you may remain anonymous. You may call the hotline 24 hours a day, 7 days a week.

Myth vs fact



Myth: It's not my job to report a concern.

Fact: Reporting compliance concerns is a requirement of employment at Aurora. Thus reporting is part of your job.

Myth: I cannot report a concern because I do not want to get my co-worker(s) in trouble.

Fact: Reporting is required. You are violating the Reporting Compliance Concerns/Non-Retaliation Policy (AHC System Policy # 199) by not reporting. It may help you to know that many compliance concerns involve errors or lack of education, not misconduct. That means in many cases no one gets in trouble and the compliance concern is addressed.

Myth vs fact (cont.)



Myth: Nothing will change if I report a compliance concern.

Fact: The Compliance Department investigates each and every concern that is brought to their attention. They are held accountable to do so by Aurora's compliance committees, executive leaders, and Aurora's Board of Directors.

Myth: My leader will retaliate if I report a concern.

Fact: Your leader is prohibited by the Reporting Compliance Concerns/Non-Retaliation Policy (AHC System Policy # 199) and the law from retaliating against you just because you reported a compliance concern in good faith.

Not making a sound

If a tree falls in the forest and no one is there to hear it, does it make a sound?



If you do not report a compliance concern, will the Compliance Department hear about it so it can be corrected?

Policies



Want to know more?

Please consult the below listed Aurora Policies:



Detecting and Responding to Fraud, Waste and Abuse



Medical Record Documentation



Reporting Compliance Concerns/Non-Retaliation



Quiz question



Wow! It looks like my coworker has been using the wrong charge for this test. I bet we have overbilled this on a lot of patients. What should I do?

Quiz answer



What should this caregiver do if he thinks a billing error has occurred?

Answer:

- He should immediately notify his supervisor or another person responsible for billing, or report the issue to the Compliance Department. All billing errors must be corrected.
- He should report the error only if he was the one who made it. It is not his responsibility to report errors made by other Aurora caregivers.

Regulatory investigations

What do you need to know about the Government Requests, Investigations, Search Warrants, and Subpoenas Policy?

Government investigators may contact you at work or at home for issues related to your work at Aurora. If you are contacted by a government investigator, contact the Compliance Department immediately. Rely upon Compliance to work with the investigator to determine when and how the investigation or interview will be conducted. Remember -- any statements you make may be considered legal admissions, which can be used against you and/or against Aurora in a legal proceeding. No matter what, do not destroy any documents or attempt to hide evidence.



Letters from regulatory agencies

If you receive or come across a letter from a regulatory agency, contact Compliance. Examples of regulatory agencies include, but are not limited to:

- Centers for Medicare & Medicaid Services (CMS)
- Office of the Inspector General (OIG)
- Drug Enforcement Agency (DEA)
- WI Bureau of Consumer Protection
- U.S. Department of Health & Human Services (HHS)
- WI Department of Health Services (DHS)
- Environmental Protection Agency (EPA)
- Department of Justice (DOJ)
- U.S. Food and Drug Administration (FDA)



Policy



Want to know more?

Please consult the below listed Aurora Policy:



Government Requests, Investigations, Search Warrants, and Subpoenas



Privacy of patient information



What do you need to know about Aurora's privacy policies?

There are multiple policies related to HIPAA and state privacy laws. In general, using these common sense principles will help you to comply with Aurora's policies:

- Only access patient information as needed to do your job
- You may disclose patient information to another health care provider for treatment purposes
- You may discuss patient information with the patient's family or friends **only with the patient's verbal permission**. This permission must be documented in the patient's record.
- In all situations where use or disclosure is allowed, only use or disclose the minimum necessary information
- Handle all documents containing patient information with special care. Double-check that you have the correct patient's information when faxing, mailing, or handing documents to a patient.

Unauthorized access



Accessing or using patient information that you do not need for your job duties is really no different than stealing the patient's information. Thieves face serious consequences, and the same is true for those who misuse or impermissibly disclose patient information.



Family, friends and you

Aurora's policy does not allow you to look up or otherwise access information about your family members or friends, even if they ask you to do so. If you have a job-related reason to do so, you should make an attempt to have someone else handle the job duty whenever possible. You don't want to be in the situation of knowing something that you may accidentally talk about in the future with others.

As for your own information, you should use myAurora to access test results and other information. If what you need is not available in myAurora, contact the health information department at the facility you visited in order to obtain copies of your information. You may not access your own records in SmartChart or other Aurora electronic systems.



Social media



It can be somewhat easy to accidentally disclose patient information when posting on Facebook or other social media sites, even when you believe you are not identifying a patient.

For example, posting “I can’t believe our patient Janet has



Facebook



Twitter



LinkedIn

been seen in our clinic for years and we never knew she had multiple sclerosis.” Putting this together with other information you have posted may identify the clinic, and someone reading it may know Janet and know which clinic she routinely visits.

It is important to note that it is unethical for us to post information about a patient anyway, even if we do not identify the patient. As health care professionals, we need to use good judgment when we talk about our jobs.

Quiz question



Well, hello, favorite sister-in-law! I am surprised you are calling me at work. Is something wrong?



Well, actually I'm really worried about the biopsy I had yesterday. Would you be able to go into your computer system and print out the report for me?

Quiz answer



Can this Aurora caregiver go into SmartChart and print out her sister-in-law's biopsy report for her?

Answer:

- Yes, but only because her sister-in-law asked her to.
- No. It is not legal to look up information about anyone she knows unless she has a job-related reason to do so. Her sister-in-law needs to use My Aurora to look up her own result, or she should contact her doctor or the clinic's health information department.

Privacy safeguards



Our patients lose trust in us when their personal health information is not kept safe.

The simplest privacy requirement is also the most difficult – the requirement to keep patient information safe. Why is this so difficult? Perhaps it is because we handle so much confidential information that we become less attentive, even careless at times.

It is important to our patients, as well as for compliance reasons, to not allow ourselves to become careless or to take shortcuts that will place patient information at risk. There can be serious consequences to the patient, to you, and to Aurora.

Preventing privacy breaches



Handle patient information with care. Remember, ONLY YOU can prevent HIPAA violations!

What can you do to safeguard privacy?

- Keep your voice low when discussing patient information within earshot of others
- Take extra care when faxing patient information to ensure the right number has been entered or the right recipient has been selected
- When providing paper information to a patient, make sure every page is for that particular patient
- Before discussing information with or in front of a patient's family member or friend, ask for the patient's permission and document the verbal permission in the patient's record. If the patient is incapacitated or otherwise not available to give permission, disclose limited information as long as you believe it is in the patient's best interests to do so.

Be on the lookout

Aurora's Chief Privacy Officer has identified the following list as the most common HIPAA concerns at Aurora. Be on the lookout for these:

- Handing a patient a document that belongs to another patient
- Making a computer error, such as selecting the wrong patient, that results in a billing statement being sent to the wrong patient
- Inappropriate access to electronic records of family, friends, coworkers
- Verbal disclosures to family/friends without asking the patient's permission
- Mailing/faxing information to the wrong recipient. Stop and verify so you do not cause a HIPAA violation to occur.



Reporting breaches



It is very important to report a privacy or security breach as soon as you know about it.

We are required by law to investigate and to determine if the breach meets the requirements for reporting to the patient and to the government. Contact your site's privacy officer.

Did you know?

- In some cases, Compliance must notify the patient and the government
- In cases involving more than 500 patients (like a stolen laptop with patient information on it), Compliance must also notify the local media
- Privacy breaches, just like other compliance issues, can be costly
- In some situations, you could personally face legal consequences

Serious consequences



Patients may suffer serious consequences if we fail to protect their health information. Privacy violations may negatively affect their reputation, their employment, or cause harm in their personal lives. You, also, may suffer consequences. In addition to facing disciplinary action at Aurora, up to and including termination, there are legal consequences.

Did you know?

- A person who knowingly obtains or discloses individually identifiable health information in violation of the Privacy Rule may face a criminal penalty of up to \$50,000 and up to one-year imprisonment
- The criminal penalties increase to \$100,000 and up to five years imprisonment if the wrongful conduct involves false pretenses, and to \$250,000 and up to 10 years imprisonment if the wrongful conduct involves the intent to sell, transfer, or use identifiable health information for commercial advantage, personal gain or malicious harm

New privacy regulations



The HIPAA Privacy Rule was **recently revised**. Here are the changes you need to know about:

- HIPAA enforcement is stricter – both Aurora and you are subject to increased fines and penalties for privacy and security violations. Your compliance with HIPAA rules is now more important than ever!
- Patients now have the right to receive an electronic copy of their information
- Patients now have a right to restrict disclosures to their health plan of information pertaining to services for which they paid out-of-pocket (i.e. they requested to be “self-pay” for these services)
- Aurora’s Notice of Privacy Practices has been updated. Your facility/site should be using the new, updated booklets.

More HIPAA changes



- We may now use additional types of Protected Health Information (but not all types) when identifying patients for fundraising communications
- Marketing communications for which we receive subsidies from a third party now require patient authorization, even if they are related to treatment. For example, a medical device vendor may not pay us to send out a communication regarding a new device to patients who may benefit from it.
- If your job involves marketing or fundraising, be sure to **complete the job-specific privacy module** because these changes are explained in more detail. See the next slide.



Job-specific privacy training



When it comes to situations other than treatment, the privacy laws are more complex. If the changes to HIPAA noted in the previous slide affect your job, or if you are starting to forget the rules related to your particular job, **refer to HIPAA Aurora's Policy and Procedures on Caregiver Connect.**

Quiz question



Honey, do you remember when I told you about your friend Fred having some tests at my clinic? Did you tell Fred you knew he had some tests done?

Of course I did – I was worried sick about him! Why do you ask?



Quiz question



Well, apparently he was pretty unhappy that his HIPAA right to privacy was violated. He called the Aurora Privacy hotline, and now I may be in big trouble for telling you about this!

Will you really be in trouble? You only told me because Fred is my friend.



Quiz answer



Did the Aurora caregiver do something wrong by telling her husband about Fred's tests?

Answer:

- No. She had her husband and his friend's best interests in mind.
- Yes. She may not reveal any information about any patient to any other person unless they are authorized to receive that information and it is part of her job to disclose that information. Since her neighbor didn't authorize sharing this information, and she didn't disclose it as part of her job duties, it was illegal to do so.

Information security



With so much patient and other confidential information becoming electronic, it is more important now than ever before to follow the requirements of Aurora's Information Security Policy. Take special note of these:

- Do not share your login ID or password with anyone, not even if it helps you to be more efficient or makes a job function more convenient. You may share it with a member of the I.T. department who is assisting you, but change it once your issue has been resolved.
- If you use a mobile device, make sure it is password-protected. Devices can be lost or stolen -- password protection will make a big difference if that should happen.
- Do not post passwords in a place where others can see them

More about security

- Do not send any e-mail communication outside of Aurora that contains patient information unless you are using encryption. If you are not sure if you are using encryption, contact the I.T. Service Desk for assistance.
- Do not use text messaging for communicating identifiable patient information. Texting is not secure.
- Log out or suspend applications whenever you leave the computer or mobile device unattended and at the end of your work day
- Use a “passphrase” rather than a hard-to-remember password. A passphrase uses multiple words rather than a single word.



Quiz question



I wish we didn't have to log in to SmartChart every time we need information on a patient. This really slows us down, don't you think?

I sure do! Why don't you just stay logged in all day? Then all of us can just work under your login when we need to look up patient information.



Quiz answer



Would this be allowed? May one Aurora caregiver log into SmartChart and allow others to use that computer to look up patient information?

Answer:

- No. The Information Security Policy (AHC System Policy #118) and the law (the HIPAA Security Rule) prohibits sharing a login ID and password.
- Yes. This is an example of responsibly managing resources
- Yes, but only if the department leader has approved this practice

Assets and information



In addition to confidential patient information, Aurora's policies require you to also protect other types of confidential information as follows:

- Use Aurora's assets/resources only for Aurora's benefit, and never for personal gain and never in a way that violates the law
- Do not buy or sell stock or securities based upon information you learned as an Aurora caregiver
- Maintain accurate business records, and never include false or misleading information
- Protect confidential business information, like financial reports, employee information, compensation information, leadership changes, etc.
- Do not discuss confidential information outside of the scope of your duties for Aurora. Information should be discussed with others only on a need-to-know basis, even in social or business relationships.

Quiz question



Yikes! According to this memo, a patient in our unit has a really rare but contagious infection. Maybe I should e-mail this memo to the local newspaper!

Quiz answer



Is this Aurora caregiver allowed to provide an internal memo to the local media?

Answer:

- No – this violates Aurora’s policy.
- Yes, as long as he does not provide the media with the patient’s name.

Policies



Want to know more?

Please consult the below listed Aurora Policies:

- Confidential Paper Waste Container
- Confidentiality
- Destruction of Health Information
- HIPAA Privacy Breach Investigation and Notification
- Information Security
- Minimum Necessary Uses of Protected Health Information
- Non-employees Working in Aurora Health Care
- Release of Patient Information to the Media
- Use and/or Disclosure of Protected Health Information
- Use of Electronic Communication Systems
- Use of Information for Fundraising
- Use of Information for Marketing
- Use of Information for Research



Conflict of Interest (“COI”)

What do I need to know about Aurora’s Conflict of Interest Policy?

For one thing, this policy has undergone some major revisions, effective January 1, 2014.

In addition to requiring your annual disclosure, it also requires you to update your disclosure within 30 days of a new significant financial interest. You will find the definition of “significant financial interest” in the policy. The Compliance Department will review all disclosures. Where a potential COI is identified, a management plan will be developed. Many conflicts can be appropriately managed, although a few may require eliminating the conflict.



What is a COI?



A conflict of interest (“COI”) is a situation where your personal financial interests or those of your family members/partners may affect your ability to act in the best interest of Aurora and/or may affect your professional judgment in providing patient care, conducting research, or performing continuing medical education. Here are a couple examples:

- A caregiver is a medical assistant at one of Aurora’s clinics. Her husband owns a company that provides services to the elderly. The caregiver gets new business for her husband’s company by providing brochures to Aurora patients. **Why is this a conflict?** The caregiver is using her position at Aurora to influence patients to purchase services so that the caregiver and her husband will make more money.
- A surgeon on the medical staff of an Aurora hospital owns a company (a distributorship) that sells medical devices to Aurora. The surgeon benefits financially from every device sold to Aurora. **Why is this a conflict?** There is the potential that this surgeon may choose this medical device over others just because of the personal financial benefit instead of choosing the device that is best for the patient.

COI Policy



Aurora's Conflict of Interest Policy **prohibits:**

- Gaining personal enrichment through access to confidential information from Aurora
- Misusing your position at Aurora in a way that results in personal gain
- Engaging in an activity without Aurora's approval that competes with Aurora and/or compromises its interests

Aurora's Conflict of Interest Policy **requires:**

- Completing an annual disclosure in a timely manner. Keep in mind not everything that you may disclose will be considered a conflict of interest. Many financial interests and relationships are not conflicts and do not require any action other than disclosing them.
- Submitting an updated disclosure within 30 days of gaining a new financial interest

Quiz question



Who would of thought my little brother Juan would be working as a rep for ABC Medical Supply! I am really happy that you were able to get such a great job.

Thanks. I am hoping you will send lots of Aurora business my way. We are brothers, after all!



Quiz answer



Is it OK for this Aurora caregiver to place orders through his brother for supplies needed in his department?

Answer:

- Yes, his department needs the supplies.
- No, this is a prohibited conflict of interest.
- Maybe, but he needs to disclose this conflict of interest and he should not be involved in any purchasing decisions for this company since it will benefit his brother if we choose to purchase from his company.

Gifts



What do you need to know about Aurora's Gifts and Business Courtesies Policy?

The simple answer is that this policy prohibits accepting gifts (or anything else of value – even pens, food, coffee mugs, etc.) from a vendor, with just a few limited exceptions. These exceptions include:

- Unrestricted educational grants provided to the Aurora Foundation (“unrestricted” means the vendor cannot target a specific educational event)
- Free (non-CME) educational events, provided that meals are not included or you pay for your own meal
- Co-sponsorship of community events, including wellness promotions
- Charitable contributions to the Aurora Foundation
- Patient education materials, as long as they are approved by the Aurora Patient Education Department

Nice, or not?



Gifts seem so nice – why can't we keep them?

- Patients should feel confident that the products we purchase for providing their care have been selected based upon objective criteria, like quality, cost, and availability and not because we have been influenced by gifts, meals, sporting events, etc.
- The cost of the gifts and events offered by vendors ultimately raises the cost of health care. There is no such thing as a free lunch. Those costs get passed on to our patients and/or their health plans.

Kick-backs



In addition to the ethical concerns with accepting gifts, the federal Anti-Kickback Statute makes it a felony to offer and/or accept any payment, gift or other item or service of value in exchange for referring patients or otherwise generating business that may be paid for by Medicare or Medicaid. So remember:

- Do not offer nor accept kickbacks in exchange for doing business (kickbacks can be anything of value, not just cash payments)
- Kickbacks can sometimes be disguised as something that may seem beneficial, like educational events for staff; contact the Compliance Department for guidance

Common gift questions



Q: May I attend a vendor-sponsored education event?

A: You may attend the event but if it includes a meal, **you must pay for your own meal**

Q: May I accept a promotional item, like a pen?

A: No, not if it is offered on the premises of an Aurora facility. If you are at a conference and the vendor is offering the item to all the attendees, you may accept it but do not bring it into an Aurora facility if there is a vendor logo on it.

Q: May my department accept a holiday gift or other thank-you gift from a vendor, like bagels, candy, fruit baskets, etc.?

A: No, Aurora's policy does not allow this.

Q: May I accept tickets to a baseball game or an invitation to golf, as long as the vendor and I talk about Aurora business?

A: No, Aurora's policy does not allow this.

Quiz question



My company is sponsoring a great educational event at the Bistro Monterrey, and we will provide a really great meal. I think it's something that would help you provide better patient care.

I know I would benefit from this education, but I wonder if I can accept the free meal from the vendor.



Quiz answer



May the Aurora caregiver attend this educational event?

Answer:

- Yes, as long as he pays for his own meal.
- Yes, and he can accept the meal because the education will benefit Aurora's patients.
- No, he may not attend the event.

Gifts from patients

Aurora's Gifts policy also prohibits accepting gifts from a patient, unless all of the following are true:

- The gift is a modest token of appreciation (approximate value of \$50 or less) rather than intended to influence behavior
- The gift is not cash or a cash equivalent (such as a gift card or gift certificate); and
- The circumstances are such that refusal of the gift could hurt a patient's feelings or otherwise be counterproductive to a patient relationship



What's the harm?

You may be wondering what harm would be done by accepting a gift from a patient. The answer is simply that patients should never feel pressured or made to feel they will get better service if they offer or provide gifts or tips to Aurora caregivers. All patients should feel confident they will get the



very best care and service possible from all Aurora caregivers involved in their care – no matter what. So while this may not seem harmful, it can have a negative impact on Aurora's patients and on Aurora's reputation.

Appropriate responses



Are you wondering how you should respond to a patient who offers you a gift larger than what the policy allows? Here are some recommendations:

- If possible, direct patients who wish to give a gift to the Aurora Foundation
- If a gift of substantial value (>\$50) or cash/gift card cannot be graciously refused, you may accept it on behalf of Aurora and deliver it to the Aurora Foundation
- Share perishable gifts (flowers, food) with your co-workers (e.g., place flowers in a reception area or put out cookies in a common break room)
- If you are unsure how to handle the situation, consult with the Compliance Department for guidance

Quiz question



Jenny – you are the world's greatest nurse! You were so helpful to me while I recovered from my surgery, and I would like to buy you an iPad as a thank you.

An iPad costs hundreds of dollars and I sure could use one. How should I respond to this offer?



Quiz answer



How should this Aurora nurse respond to this patient's offer of an iPad?

Answer:

- I would very much appreciate an iPad. Thank you!
- An iPad would be a problem. Can you just give me something worth less than \$50 instead?
- I am really grateful for your offer, but at Aurora, we believe in providing the best care to all our patients. That's why we have a policy that would not allow me to accept the iPad. If you're interested in doing something that will benefit us and other patients as well, you might consider a donation to the Aurora Foundation.

Gifts to patients



The Gifts & Business Courtesies Policy also addresses giving gifts to patients.

For example, we may want to give a gift to a patient as part of a service recovery effort. This is appropriate, as long as all of the following are true:

- The value of the gift does not exceed \$10;
- The value of all gifts given to the patient does not exceed \$50 per year;
AND
- The gift is not cash or a cash equivalent unless approved by the Compliance Department in advance.

Did you know?

There is a law commonly referred to as the Anti-influencing Statute that prohibits offering items of value beyond what is allowed by Aurora's policy to any patients with a government health plan. This law is intended to make sure patients are not improperly influenced when choosing their health care provider. There is an exception for some preventive services; contact Compliance regarding the details of this exception.

Interactions with industry



What do you need to know about Aurora's Interactions with Industry Policy?

This policy addresses relationships with pharmaceutical, medical device, and other health care-related entities. While the Gifts & Business Courtesies Policy also applies to these types of vendors, there are some appropriate and beneficial relationships between Aurora and these vendors. This policy provides parameters for interactions such as:

- Consulting relationships and speaking arrangements
- Attendance at sponsored events
- Support for research and education
- Royalties and other intellectual property
- Samples and trial equipment

Policies



Want to know more?

Please consult the below listed Aurora Policies that affect your job:

-  Conflict of Interest
-  Gifts and Business Courtesies
-  Interactions with Industry
-  Physician Owned Vendors



Physician financial relationships



What do you need to know about Aurora's policies related to physician financial relationships?

- Do not offer gifts, money, or other kick-backs to physicians in order to influence them to refer their patients to Aurora facilities
- Even if we are not attempting to influence a physician, anything of value provided to the physician must meet the strict requirements of the Physician Self-Referral Prohibition, also known as the Stark Law
- Do not accept payments or anything of value for the referrals we make

What is remuneration?



Both the Physician Self-Referral Prohibition (“Stark Law”) and the Anti-Kickback Statute apply to any remuneration you might provide to a physician. While remuneration includes compensation, salaries and cash payments, under these laws remuneration can be **anything** of value provided to the physician. Examples include, but are not limited to:

- Marketing and promotions that benefit the physician’s practice
- Support services provided to the physician, like Aurora staff answering the physician’s phone, typing letters for the practice, providing interpreter services, etc.
- I.T. support for systems owned by the physician
- Staff support for an educational event being conducted by the physician
- Donation or a loan of equipment

Physician agreements



What do you need to know about the Physician Services Agreements Policy?

- **All** compensation and other financial arrangements with physicians require a written agreement, unless Compliance has specifically approved an exception. This holds true for Aurora-employed physicians as well as independent physicians.
- Written agreements must be in place before the services begin. The law does not allow back-dating agreements. An expired agreement is just as problematic as having no agreement at all.
- The amount of compensation may not be modified without amending the existing agreement
- It is the Aurora leader's responsibility to make sure agreements do not expire if continuing services are needed. **If the dollars are in your budget, keep track of the agreement status.**

More on agreements



Do not draft your own agreements or amendments, unless you have received approval from the Legal Services Department.

- The Stark Law is complex, and there are often multiple issues to consider. Contact Legal Services to draft your agreement. The more lead time you provide, the more likely you will have the agreement in time for your planned start date for the services.
- Accounting will not issue payments to a physician if an active written agreement is not in place. Agreements cannot be back-dated. Requests for payment in the absence of an agreement will be referred to Compliance.

Did you know?

The consequences of a Stark Law violation can be significant. One health system has paid over \$100 million in a settlement with the federal government. Another system was ordered to pay \$237 million in penalties.

Examples

Examples of compensation arrangements that require a written agreement include, but are not limited to:

- Joint marketing
- Speaking at an educational event
- Performing peer review
- Medical directorships
- Leases for space, equipment or services
- Consulting or professional services
- Payments for committee work and meetings
- Payments made on behalf of a physician to attend conferences or training
- Medical Staff leadership stipends



Gifts and courtesies



What do you need to know about the Physician Gifts and Business Courtesies Policy?

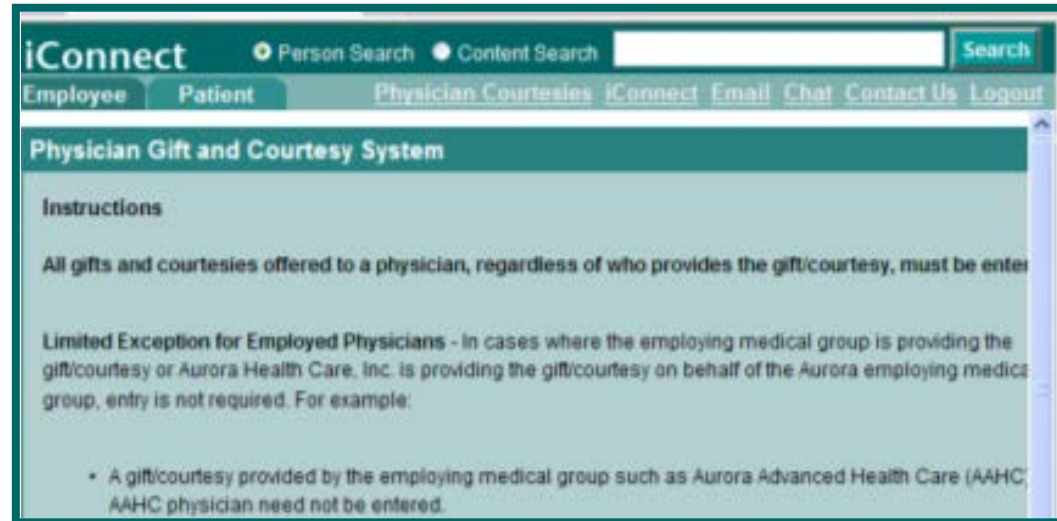
- Gifts and courtesies may never be cash or a cash equivalent (like a Visa gift card), and may never be for the purpose of influencing the physician to send patients to Aurora
- It is permissible for an employed physician's employing medical group or Org 505 (as the parent company) to provide employment-related gifts and other courtesies to an employed physician. Gifts and courtesies from any other Aurora entity, however, must be treated the same as if the physician were not employed.

Tracking

While some limited gifts and courtesies are allowed by federal law, there is an annual maximum and thus these must be tracked. You must log any non-monetary physician gifts or business courtesies in the Physician Gift & Courtesy system on Caregiver Connect. These include items such as sporting event tickets, meals, Doctor's Day gifts, etc. More details and instructions are provided on the website.

All managers and above have access to this website. Access

may be delegated to others by contacting the Compliance department.



Quiz question



Dr. Sanchez has agreed to assist us with our quality improvement project, but he wants to be paid and it will require a lot of time and effort.

He is not employed by Aurora. Are you sure you can pay him to do this?



Quiz question



Is this department leader allowed to pay an independent (not employed by Aurora) physician for assisting with the quality improvement project?

Answer:

- Yes, as long a written agreement is created and signed before the physician starts working on the project.
- No, we can never pay physicians unless they are employed.

Policies



Want to know more?

Please consult the below listed Aurora Policies:

-  Physician Gifts and Business Courtesies
-  Physician Owned Vendors
-  Physician Services Agreements



Equal opportunity



What do you need to know about Aurora's Equal Opportunity policies?

As an organization, we are committed to nondiscrimination in employment and in service delivery. You, and all Aurora caregivers, are expected to support goals and activities relating to ensuring a discrimination-free environment for employment and service delivery and to report any concerns you may have.

Did you know?

“Nondiscrimination” means we do not take into account or consider a person’s race, creed, color, national origin, ancestry, religion, gender, sexual orientation, marital status, age, or disability.

Equal opportunity concerns



Do you have a concern about equal opportunity?

Discuss any perceived discrimination in employment or service delivery with any of the following:

- A member of your leadership team
- Human Resources
- Accumen's AlertLine by making a report online, at www.accumen.ethicspoint.com, or via telephone at (855) 727-6720.

Civil rights and Aurora's patients



Aurora's policies and civil rights laws also require we do the following:

- Arrange to provide a qualified oral interpreter to a person who cannot speak English well enough to be able to fully participate in Aurora's programs or services.
 - A smartphone is **not** a qualified interpreter.
 - A family member/friend is **not** a qualified interpreter. If a family member/friend insists on interpreting, a qualified interpreter must also be present to assist the clinician.
- Make a reasonable accommodation, free of charge, for a person with a disability who requests it. If the person is deaf or hard of hearing and requires a sign language interpreter, offer, at the very least, an interpreter who has met minimum national certification requirements.

Policies



Want to know more?

Please consult the below listed Aurora Policies:

-  Equal Opportunity
-  How to File an Employment or Service Delivery Discrimination Complaint
-  Assistance for Persons with Special Communication Needs



Licensing, registration, certification



What do you need to know about the Verification of Licensure, Registration, and Certification Policy?

If your job requires you to be licensed, registered, or certified:

- You must renew your license, registration, and/or certification before it expires
- If your license, registration or certification lapses or if limits are imposed, notify your supervisor immediately. Your supervisor will assist you in determining what to do.
- If state law sets limits for your scope of practice, you must stay within those limits. If someone asks you to perform duties that are not within your scope of practice, contact your supervisor or a compliance officer for assistance.

Did you know?

Failure to keep your license, registration, or certification up-to-date could result in a large repayment by your facility to Medicare or Medicaid.

Reporting criminal conduct



What do you need to know about the Criminal Background Check Policy?

Regardless of your job title or requirements, you must report the following, in accordance with this policy and state law:

- Having been charged with or convicted of (or pled no contest) to any crime, including municipal ordinance violations. You do not need to report traffic violations, unless criminal (e.g. vehicular manslaughter, 4th offense drunk driving)
- Substantiated findings of or current investigations related to abuse, neglect, or misappropriation
- Professional credential restrictions, limitations, or revocations
- Program licensure limitations, revocations or denials
- Discharge from any branch of the U.S. Armed Forces, including any reserve component
- Residency outside the state of Wisconsin
- Rehabilitation review requests

Criminal background checks

Failure to provide the required notice may lead to discipline, up to and including termination of employment. A pending charge or criminal conviction will not necessarily result in disciplinary action. If you have something to report, you must make your report:

- To the Human Resources Department;
- In writing; and
- As soon as possible, and within 3 days of the occurrence of the event

It's also important for you to know that Aurora performs criminal background checks on all caregivers, and in doing so, complies with Wisconsin law



Harassment



What do you need to know about Aurora's Harassment Policy?

Aurora is committed to maintaining a work place free from intimidation and harassment. Aurora specifically prohibits such intimidation and harassment of any caregiver, patient, client, customer or guest.

In addition, no Aurora caregiver should have to tolerate harassment from any patient, client, customer, family member, visitor, or others with whom we come in contact in the course of our work-related duties. While our ability to influence the conduct of these individuals who engage in such behavior may be somewhat limited, we are committed to taking appropriate action to the extent practical, to effectively address and prevent further harassment.

What is harassment?



Intimidation and harassment can arise from:

- A broad range of physical or verbal behaviors (by caregivers or non-caregivers)
- Unwelcome sexual advances or touching; sexual comments or innuendoes
- Requests for sexual favors used as a condition of employment
- Display of sexually explicit or otherwise offensive materials
- Making sexual gestures
- Inappropriately staring at another caregiver
- Asking personal questions about another caregiver's sexual life; and repeatedly asking out a caregiver who has stated that he or she is not interested

What to do if you are harassed

If you are harassed, you need to do the following:

1. Firmly, clearly and directly, tell the harasser to **Stop!**
2. If the behavior continues, document the conversation or offending behavior
3. Contact your Human Resources Representative or a supervisor immediately so a thorough investigation can be initiated
4. Cooperate with the investigation
5. Report any perceived retaliation to the investigator or your supervisor



If you witness another caregiver being harassed, **YOU** need to take action by notifying a supervisor or Human Resources immediately.

Action following reported harassment



- Aurora takes all allegations of inappropriate conduct very seriously, and takes appropriate and timely actions to fully address them. This includes conducting a thorough and timely investigation.
- When appropriate, even if we are unable to substantiate harassment, for cautionary purposes your leader will address the accused and share Aurora's policies on inappropriate conduct and the consequences associated with engaging in these behaviors.
- Your leader will continue to be fully responsive to any further issues that you may encounter.
- Aurora has a zero-tolerance policy for retaliatory behavior. In other words, no one can take action against you for reporting harassment in good faith.

Quiz question



Randall keeps pressuring me to go out with him, and I have told him over and over that I don't want to. I told him to stop asking, but he won't listen. He is starting to make me really uncomfortable!

Isn't there something you can do to get him to stop? You shouldn't have to put up with this at work.



Quiz answer



What should this Aurora caregiver do to stop this type of harassment?




Answer:

- Transfer to a different department
- Discuss the situation with her supervisor. Her supervisor will partner with Human Resources to address the situation.

Policies



**Want to know more?
Refer to Aurora Care Connect for policies on
the following:**

-  Criminal Background Check
-  Verification of Licensure, Registration, and Certification
-  Harassment



EMTALA



What do you need to know about the EMTALA: Screening, Stabilization and Transfer Policy?

- EMTALA (the Emergency Medical Treatment and Active Labor Act) is a law that is intended to make sure hospitals do not refuse to treat individuals with an emergency medical condition because they are not able to pay for services provided to them. Aurora's policy and the law applies to any individual presenting on the hospital "campus", which means the physical area immediately adjacent to the hospital's main buildings, and other areas and structures that may not adjoin the main buildings but are located within 250 yards of the main buildings.
- If an individual presents with a possible emergency medical condition, screening and treatment must be provided until the emergency medical condition is resolved or stabilized. If the hospital does not have the capability or capacity to treat the emergency medical condition, the patient will be transferred to another hospital.

EMTALA guidelines



This policy provides important guidelines that must be followed:

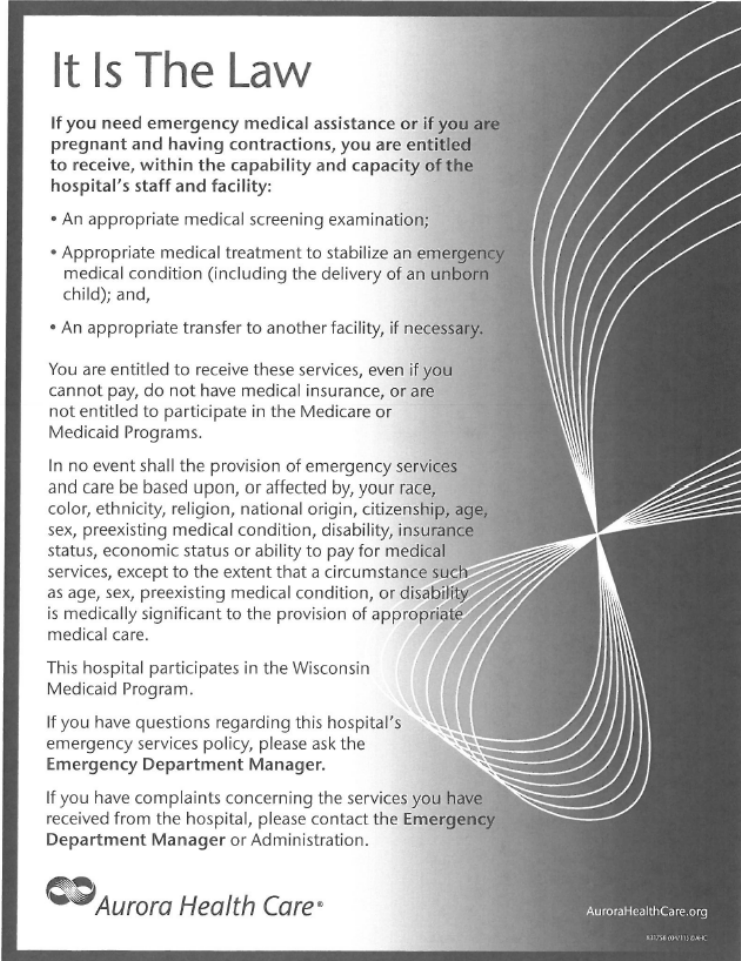

- Do not ask for a patient's financial information until a medical screening examination has been performed, or until after triage if the patient is waiting and agrees to proceed with registration
- Do not discuss appropriate alternative health care settings until a physician (or Qualified Medical Professional) documents that a medical screening exam has been performed and that the patient does not have an emergency medical condition ("EMC"), the patient's EMC has been stabilized, or the patient cannot be stabilized and needs to be transferred
- Do not instruct an ambulance or EMT's, if already on hospital property, to take the patient to another hospital without first examining the patient – a medical screening exam must first be performed
- Hospitals with specialized capabilities are obligated to accept transfers from hospitals who lack the capability to treat certain emergency medical conditions

EMTALA requirements

Did you know?

EMTALA posters must be posted in the Emergency Department and OB/Labor & Delivery areas. If you do not see posters in these areas, notify Compliance.

There is a self-paced course available on Learning Connection (“EMTALA 101”) that provides more detailed information on this important policy and law.



It Is The Law

If you need emergency medical assistance or if you are pregnant and having contractions, you are entitled to receive, within the capability and capacity of the hospital's staff and facility:

- An appropriate medical screening examination;
- Appropriate medical treatment to stabilize an emergency medical condition (including the delivery of an unborn child); and,
- An appropriate transfer to another facility, if necessary.


You are entitled to receive these services, even if you cannot pay, do not have medical insurance, or are not entitled to participate in the Medicare or Medicaid Programs.

In no event shall the provision of emergency services and care be based upon, or affected by, your race, color, ethnicity, religion, national origin, citizenship, age, sex, preexisting medical condition, disability, insurance status, economic status or ability to pay for medical services, except to the extent that a circumstance such as age, sex, preexisting medical condition, or disability is medically significant to the provision of appropriate medical care.

This hospital participates in the Wisconsin Medicaid Program.

If you have questions regarding this hospital's emergency services policy, please ask the **Emergency Department Manager**.

If you have complaints concerning the services you have received from the hospital, please contact the **Emergency Department Manager** or Administration.

 **Aurora Health Care**[®]

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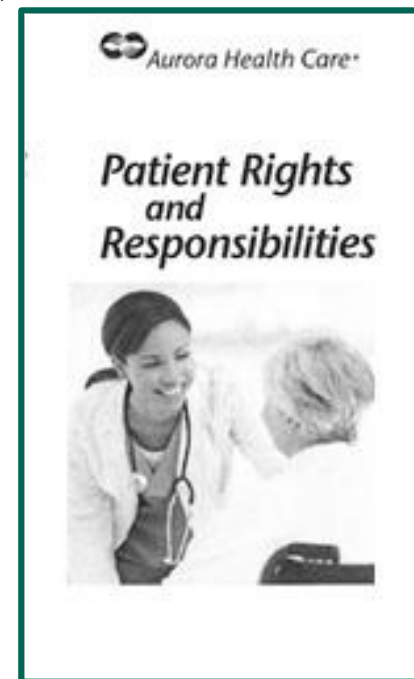
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Patient rights

What do you need to know about the Patient Rights Policy?

Patients must be provided the Patient Rights and Responsibilities brochure upon admission. These rights include, but are not limited to:

- Access to care and refusal of treatment
- Respect and dignity
- Privacy and confidentiality
- Informed consent
- The right to make a complaint
- Personal safety
- The right to receive visitors
- Pain management
- Knowing the identity of caregivers



Policies



Want to know more?

Please consult the below listed Aurora Policies:

-  EMTALA: Screening, Stabilization and Transfer
-  Patient Rights



Minimum Necessary for Disclosures

Any information that is disclosed must be limited to the minimum necessary for the purpose of the use or disclosure. This does not apply if the disclosure is:

- To another health care provider for the purpose of treatment;
- To the patient;
- Required by law;
- Made following a signed authorization;
- or
- Made to the U.S. Health and Human Services in its enforcement and compliance activities.



Minimum Necessary for Disclosures

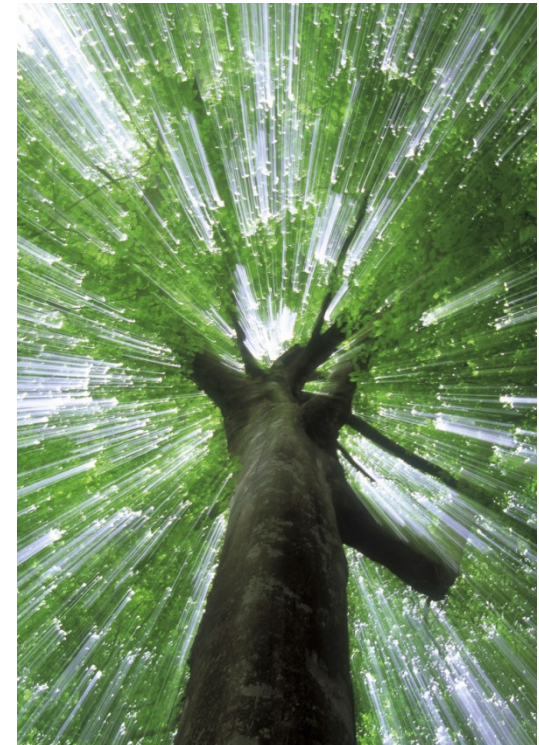


If it seems reasonable to do so, you may also disclose to the following parties without evaluating the minimum necessary requirement:

- Public health officials, if the official represents the information requested is the minimum necessary
- Health care providers, health plans, and healthcare clearinghouses
- Members of Aurora's workforce or one of its business associates, if the professional represents the information requested is the minimum necessary
- Researchers, with proof of approval from the Institutional Review Board (I.R.B.)

De-Identification

- Information that has been de-identified may be disclosed for any purpose without authorization
- De-identification requires the removal of 18 identifiers that belong to the patient, the patient's relatives, employers, or household members. The identifiers that must be removed include:
 - Names
 - Address and zip code (the first 3 characters of the zip code may be provided under certain circumstances)
 - Social security number
 - Phone number
 - Medical Record Number
 - All dates (birth, death, admission, discharge, etc.)
 - **This is a partial list; the entire list can be found in Auroras Use and/or Disclosure of Protected Health Information Policy**



Limited Data Sets



- A Limited Data Set is similar to de-identified information, with the exception that some parts of the address and dates may be left in
- Providing a Limited Data Set is only an option if the request is for:
 - Research
 - Public health
 - Health care operations
- A special agreement, called a Data Use Agreement, must be submitted by the requestor and approved by the Chief Privacy Officer
- If a requestor is asking for de-identified data or a limited data set, check with the Business Office privacy officer before responding

Don't get lost in the forest



Two helpful websites on Caregiver Connect are available to you to help you find your way through the forest:

- The **Privacy website** includes guidance on privacy policies and practices, Aurora's Disclosure Manual (provides specifics regarding when patient authorization is required), and privacy officer contact information.
- The **Compliance & Ethics website** is the place to find helpful guidance, methods for contacting Compliance and for reporting concerns (including the hotline number and e-mail address) and Aurora's Code of Ethical Conduct.



Can you see the forest?



Hopefully, you now have the big picture and “can see the forest for the trees.” Remember – report any compliance concerns you may have to your leader and/or to Accumen’s Compliance Department. You may also contact Compliance with any questions you may have.



Compliance Dept.: (858) 207-3960

Hotline: (855) 727-6720

Online: www.accumen.ethicspoint.com

Exit Instructions



Exit Instructions

We hope this course has been informative and helpful.

**Please now take the
Compliance Quiz.**