

Chiropractic Office Managers

Tuesday, March 13,
2012

Dear Doctors,

Medicare Providers: Mandatory Formal Compliance Program Coming

The Patient Protection and Affordable Care Act (PPACA), better known to us as “Obama Care”, mandated each provider have a formal, written compliance program. Section 6401 of the PPACA, contains language requiring all health care providers – regardless of their size to implement formal health care compliance programs as a condition of their **enrollment in Medicare, Medicaid** and CHIP. Section 6401 imposes a duty on the Secretary of Health and Human Services (HHS) and Office of Inspector General (OIG) to establish the “core elements” for mandatory compliance program for health care providers and suppliers within each section of the health care industry. Moreover, under Section 6401, HHS/OIG has the discretion to designate the timeline under which providers and suppliers must implement their compliance programs.

It has been over one year since PPACA was enacted. Secretary Sebelius has yet to formally published the Section 6401 “core elements and implementing timelines” for compliance programs applicable to small group physician practices. But, HHS/OIG has advised that it intends to use the seven elements described in Chapter 8 of the 2010 U.S. Federal Sentencing Guidelines Manual as the basis for establishing the core elements mandated by Section 6401.

This is the quick and simple version or you can check out the link at the bottom to the Federal Sentencing Guidelines Manual.

Seven Fundamental Elements to Promote Internal Integrity and Commitment to the Law

1. Written policies and procedures
2. Compliance professionals



- 3. Effective training
- 4. Effective communication
- 5. Internal monitoring
- 6. Enforcement of standards
- 7. Prompt response to audits

Now is the time for providers to structure their Mandatory Formal Compliance Program. There is a lot of information already available because of the 1999 Voluntary Written Compliance Program that is in place and encouraged for many years. Even though the 1999 Program is voluntary as a written program, it is not voluntary that you **MUST** abide by those legal standards of integrity concerning marketing, patient records, documentation, coding, claims submission, collections, etc. Current mandatory laws such as HIPAA, Stark, Anti-Kickback and False Claims Act are all included in the Medicare Compliance Program and required now.

It is inevitable that the Formal Compliance Program is coming so get ready. Remember, this will be an **enrollment requirement** for Medicare providers.

For more information go to:

<http://oig.hhs.gov/compliance/compliance-guidance/index.asp>

<http://oig.hhs.gov/compliance/provider-compliance-training/index.asp>

http://www.ussc.gov/Guidelines/2010_guidelines/Manual_HTML/Chapter_8.htm

Edie Hofmann

**Did you make the HITECH changes MANDATED in 2010.
Are you compliant?**

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**Please visit my website to purchase the HIPAA Privacy and
HIPAA Security Policies and Procedures manual,
as well as, the HITECH HIPAA updates for 2010.**

http://www.iccom.org/index_files/ICCOMProducts.html

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A Leader in Chiropractic Office Management and Compliance Training