

Hall, Render, Killian, Heath & Lyman is a full service health law firm with offices in Indiana, Kentucky, Michigan and Wisconsin. Since the firm was founded by William S. Hall in 1967, Hall Render has focused its practice primarily in the area of health law and is now recognized as one of the nation's preeminent health law firms serving clients in multiple states. For more information about the firm please visit us at www.hallrender.com.

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OIG Issues Supplemental Compliance Program Guidance for Nursing Facilities

In the September 30, 2008 issue of the *Federal Register*, the Office of Inspector General ("OIG") issued supplemental compliance program guidance to nursing facilities. The guidelines issued today are in addition to the Compliance Program Guidance for nursing facilities issued in 2000. Nursing facilities may use these guidelines (for which compliance is voluntary rather than mandatory) to identify areas of risk and associated compliance efforts.

The Compliance Program Guidance assists nursing facilities in addressing areas of risk including:

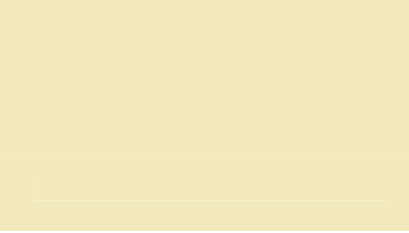
- Medicare and Medicaid reimbursement;
- Maintaining sufficient staffing levels;
- Medication management;
- Appropriate use of psychotropic medications;
- Resident safety;
- Screening for excluded entities or individuals; and
- Accurately submitting claims.

Agreements for the provision of goods and services should also be reviewed to ensure compliance with the Federal anti-kickback statute. The arrangements should be reviewed to determine whether the nursing facility provides or receives anything of value to/from individuals in a position to influence the amount of business paid for by a Federal health care program.

This guidance is intended to be utilized by nursing facilities to review and improve their current compliance program. Each nursing facility should identify particular areas of risk in their building and develop an appropriate compliance program. A copy of the OIG's Compliance Program Guidance is available at:

<http://edocket.access.gpo.gov/2008/E8-22796.htm>

Should you have any questions, please do not hesitate to contact your local counsel or Todd J. Selby or Brian D. Jent at Hall, Render, Killian, Heath & Lyman, P.C. at (317) 633-4884.



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