

## COMPLIANCE COUNSEL

Health care providers of all types function in a high risk regulatory environment and have become common targets of governmental investigations as regulators and legislators continue to prioritize enforcement actions against perceived provider fraud and abuse. No provider is immune, no matter how effective its corporate responsibility program. For these reasons, all providers need experienced compliance counsel to defend them in the event they become a target of government enforcement activities, help determine the scope of and correct identified compliance issues, assist in submitting any necessary self-reports and otherwise provide assistance in establishing and maintaining effective compliance programs.

Our compliance team members provide counsel on the full spectrum of compliance-related matters to providers of all types to assist them in meeting the extensive compliance challenges in today's regulatory environment.

### Government Investigations

We work with providers on properly responding to governmental audits, civil investigative demands, subpoenas and other formal investigations. We are involved in defending providers in a number of national enforcement initiatives, which may involve the U.S. Department of Justice, Office of Inspector General, Federal Bureau of Investigation, Health Resources and Services Administration, State Attorney General Offices, Medicaid Fraud Control Units and other health care enforcement agencies. Past experience with both the type of issue under investigation, and in some cases, the same individuals coordinating the government investigation can be very helpful in developing the best defense approach to these cases.

### Self-Disclosures and Voluntary Refunds

We routinely interact with compliance officers, general counsel and other provider leaders regarding matters that have been reported through their compliance programs and advise them regarding how best to implement any necessary corrective actions. We counsel providers on the most appropriate manner for self-disclosing or voluntarily refunding any past conduct that requires such an approach. We further coordinate with providers to gather necessary information, assist with calculating potential overpayments, prepare self-disclosure or refund materials for submission and represent the provider throughout the self-disclosure settlement process.

### Compliance Investigations Under the Attorney-Client Privilege/Work Product Doctrine

We regularly work through the attorney-client privilege and work product doctrine to internally investigate compliance issues with the provider. We may also engage external consultants to perform medical necessity, coding and billing, fair market value, 340B Drug Discount Program compliance or other technical reviews to assist us in developing defensive strategies or to assist us in rendering advice to providers regarding appropriate corrective actions.

### Corporate Integrity Agreements

Corporate integrity agreements are frequently required under the terms of a settlement with the Office of Inspector General. We can assist providers in meeting the full range of their compliance obligations under a corporate integrity agreement, including but not limited to, establishing new compliance program controls, providing annual compliance training to staff, performing annual reviews and reporting to the Office of Inspector General any further suspected compliance issues the provider discovers.

### Compliance Program Development and Assessment

We regularly assist providers to improve their own internal compliance program practices. We can conduct formal compliance program assessments and make recommendations to ensure the provider has a fully comprehensive, active and effective compliance program.

### Compliance Education and Other Proactive Compliance Initiatives

We are available to provide compliance training and education to not only an organization's compliance officer but to all other stakeholders, such as compliance committee members, physicians and medical staff professionals, managers and employees and Boards of Trustees/Directors. We also can conduct a formal compliance program assessment and make recommendations to ensure the provider has a fully comprehensive and active compliance program.

## AREAS OF FOCUS

- Anti-Kickback Statute
- Compliance Investigations
- Compliance Education & Training
- Compliance Plans
- Compliance Risk Assessment
- Excluded Providers
- False Claims Act
- Fraud & Abuse Issues
- Government Audits & Investigations
- Self-Disclosures
- Stark Law
- Voluntary Refunds