

CONGRATULATIONS!

You've been hired as a Community Living Services (CLS) or respite provider for a person served through self-determination.

This means you have a critical, direct role in the care of a person supported by Macomb County Community Mental Health (MCCMH).

You are an Employee of the Person

- Even though you may be a family member or friend of the person, while you are working, you are their employee.
- As an employee, you are responsible for complying with all the laws and rules that cover anyone who works with persons who use MCCMH services.

This means you must . . .

- Help the person reach his/her goals by providing services according to the Plan of Service, including according to approved amounts for each task.
- Treat the person with dignity and respect.
- Prevent and avoid physical and emotional abuse, neglect, exploitation, and harm to the person.

You Provide Healthcare Services

- When you are working as a Community Living Services (CLS) or respite provider, you are providing a healthcare service. So, you must also uphold the laws and rules that govern healthcare, including those that govern the use of Medicaid dollars.

What is Corporate Compliance ?

- The system that monitors, corrects for, and prevents violations of law is called Corporate Compliance.
- Federal law requires that businesses that receive federal money must monitor, report, and investigate fraud, waste, abuse, and other violations of law. This is what Corporate Compliance does.

Remember !



**Medicaid is Federal
Funding for Healthcare!**

Fact Check

- ❑ When you are providing CLS or respite under self-determination, you are an employee of the person. You provide healthcare services.
- ❑ When you are working, you must comply with all the rules and laws that govern healthcare services.
- ❑ Corporate Compliance is the system that monitors, corrects for, and prevents, violations of law in health care services.
- ❑ Medicaid is Federal funding for health care.

So, What's Fraud ?

- Fraud is intentionally misrepresenting something to gain an un-earned benefit. (Usually, but not always, a financial benefit.)
- Fraud is also misrepresenting how services are delivered, usually so more money can be charged for the service.

For Example . . .

Some examples of fraud might be:

- ❑ Billing for time not actually worked. (Leaving early even though your time sheet says you worked all shift.)
- ❑ Billing for a different service than what was provided, or billing for a service that wasn't provided at all.
- ❑ Altering documentation to get higher payment (upcoding).
- ❑ Duplicate billing.

What is Healthcare Waste ?



Healthcare waste is the misuse of healthcare resources.

Waste might be the overuse of a service, or it might be billing for a service that isn't really needed, or it might be billing for a service that the person can't really benefit from.

For Example . . .

- Suzy's assessment says she is independent in cooking, and doesn't need help in this area. So, billing for CLS time to teach Suzy to cook could be healthcare waste.
- Steve's assessment says he doesn't have manual dexterity. So, billing for time to teach Steve to tie his shoes could be waste, because he can't really achieve that goal/ benefit from the teaching.
(Try Velcro instead!)

- You might run the risk of healthcare waste if you focus all or most of your time on one goal, leaving out other CLS goals in the plan. (Like spending all CLS time on leisure activities, without focusing on skill development.)

Always follow the plan of service, including approved amounts of time for each objective!

What's Healthcare Abuse ?

- Healthcare abuse relates to unsound documentation or billing, including documentation or billing that is not consistent with guidelines, standards, or medical necessity. Abuse results in unnecessary cost to the payer.

Abuse is Similar to Fraud

- Except: It is not necessary for abusive acts to be committed knowingly. Abuse can become fraud if it is shown that the acts were committed with knowledge that they were wrong.

For Example . . .

An example of abuse might be:

- You are working part time as a CLS staff. You need to work 20 hours a week to make it worthwhile for you. So, you, or your employer, ask the supports coordinator to create a plan or request CLS services in that amount. Or, you might exaggerate or stretch the amount of time it takes to do something, so that you can get more hours. But, these hours are not medically necessary. Even if these hours don't get approved, doing this could be healthcare abuse.
- Remember! Healthcare abuse can become fraud if it is done with the knowledge that the act is wrong.

How Can You Help Prevent Fraud, Waste, and Abuse ?

- Follow the approved service plan, including approved amounts of time for each objective.
- Complete all documentation accurately and completely, including time in and out, hours worked, services provided, and what you did with the person toward each objective.

Fact Check

- ❑ Fraud is intentionally misrepresenting services provided in order to gain an unearned benefit.
- ❑ Waste is providing services that aren't needed or that the person can't really benefit from.
- ❑ Abuse is unsound documentation or billing, including documentation or billing that is not consistent with guidelines, standards, or medical necessity. Abuse doesn't have to be intentional.
- ❑ Avoid fraud, waste, and abuse by providing services according to the plan of service, and by completing service documentation accurately and completely.

What Else Do I Need to Know ?

Besides rules about fraud, waste, and abuse, there are other rules and laws you need to follow while you are working. These are about:

- Confidentiality / HIPAA
- Integrity of the medical record
- Preventing Exploitation

Confidentiality

- Confidentiality means privacy. All the health and service information that you receive about the person you support is confidential. It shouldn't be shared with anyone who is not part of the service team.
- This includes diagnoses, information in the service plan, medications, or anything else that you learn about the person as a result of your role as a CLS/ respite/ service provider.
- The fact that someone uses MCCMH services **at all** is confidential!
- Confidential health information is often called "Protected Health Information" or PHI.

HIPAA

One of many laws that protect the privacy of the health information of persons served by MCCMH is **HIPAA**, or the **Health Insurance Portability and Accountability Act**.

HIPAA gives people who receive healthcare services the right to:

- See and add to their medical record
- Restrict access to their medical records
- Know who has seen their medical records, and why
- Tell a healthcare provider how to communicate health information with them

A Release of Information

- A person served can give permission for their private health/service information to be shared. This is a “Release of Information” or a “Release.”
- A Release describes what information can be shared, who can share it, who it can be shared with, and for what reason. Usually a release of information is time limited.
- A Release of Information must be in writing, and must be signed **before** confidential information is shared.

Protect Confidentiality by . . .

- Not sharing confidential/ protected health information with anyone who isn't part of the person's service team.
- Not talking about the person's services (medications, plan, etc.) when you are in a public place.
- Not using your personal phone to take pictures of the person, and not posting pictures of the person on social media.
- Not leaving documents (plans, time sheets, etc.) in areas where people might see them who aren't part of the service team.
- Making sure there is a signed release in the record before service information is shared with anyone outside the service team.

Fact Check

- Confidential health information is called Protected Health Information (PHI).
- Information (including pictures) that identifies the person, their health conditions, and/or their health services is PHI. PHI should only be shared with the service team.
- PHI should not be discussed in public, or posted on social media. Written service documents should not be left where they can be seen by others.
- Service records and documents should be viewed only as needed to provide services.
- A signed release of information allows certain health information to be shared with others outside the service team.

Integrity of the Medical Record

- The electronic FOCUS record is the person's medical record (their "chart"). It is subject to legal inquiry such as subpoena/ FOIA/ Release. Self-determination agreements and self-determination service notes become part of the person's FOCUS medical record.
- Make sure all documentation relates only to services, goals, and care.
- Would **You** Want it in **Your** Medical Record ?

Protect the Integrity of the Medical Record by . . .

- Making sure that documentation accurately reflects the service being provided, and contains all required elements including start/end times, goals addressed, progress made, etc.
- Making sure that the description of the service (as defined by Medicaid) being provided meets the billing requirements of the service AND that the service provided is consistent with the plan of service.
- **Remember:** Billing for a service that was not provided is Medicaid fraud.

Protecting Paper Records

As an employee, you must protect the security of written records.

- All paper records must be stored so that people who shouldn't see them do not see them. This includes plans of service, service notes, or any paper records that include information about the person or his or her services.
- Record storage areas must be locked.
- Individual records or any other documents (sign-in sheets, unfiled records, etc.) containing information about the person's services or medical condition must be locked.

Cautions about the Record

- ❑ DO NOT include in the record references to Recipient Rights complaints, Compliance Complaints, or anything else that isn't directly related to services. (Those records are kept separately.)
- ❑ DO NOT share passwords, or access electronic records from unauthorized places. (Insecure connections).
- ❑ Only access records when there is something you need to know to provide service. Don't access records for curiosity.
- ❑ DO NOT email information about a person's services to anyone who is not part of the person's service team.
- ❑ When you do send emails about a person or his or her services, don't include personal identifying information.

Fact Check

- Service notes, plans of service, and other written documentation about a person's condition or services become part of their FOCUS electronic medical record.
- The electronic medical record can be subject to legal inquiry such as subpoena, release, or other legal action.
- Documentation must accurately reflect the service being provided, and must contain all required elements including start/end times, goals addressed, progress made, etc.
- The description of the service (as defined by Medicaid) being provided must meet the billing requirements of the service.
- Services provided must be consistent with the plan of service.
- Record storage areas must be locked.

Exploitation

Legally, the relationship between a healthcare provider and a person served is considered unequal, because the person served is dependent upon the provider for care. This means that providers must take special care not to take unfair advantage of the person or the relationship.

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- Exploitation means gaining an unearned benefit from your relationship with a person served, or your relationship with a provider.
 - Exploitation takes advantage of the vulnerability of the person served, or the inequality of the relationship.
 - **Even the appearance** of exploitation is a concern.

Prevent Exploitation !

It is illegal and/or unethical to:

- ❑ Take money or items of value from or on behalf of the person served, except for your pay.
- ❑ Accept additional money (or other benefits) for hours worked that are paid by Medicaid.
- ❑ Sell items to the person served.
- ❑ Refer the person to another business you or your family owns or has a financial interest in.
- ❑ Pay (with money or anything else), the person, or anyone else, to refer people to you, or to another business you own.
- ❑ Engage in personal, social, or sexual relationships with the person served.*

A word about existing relationships

It is unethical, and may be illegal, for persons who support persons served by MCCMH to engage in personal, social, or sexual relationships, even with consent.

Many people who use self-determination hire their family or friends to work for them. This is allowed. However, while you are working, you are an employee of the person, and the employment relationship, and the rules that apply to it, overrides all others. The relationship that you had with the person should not change or deepen as a result of your employment relationship.

Fact Check

- When a healthcare provider takes advantage of their relationship with a person served, for the provider's financial or personal gain, that is exploitation.
- Accepting money or items of value, accepting additional money for hours already paid by Medicaid, selling items to the person served, and accepting payment for making referrals to you or a business you own are examples of exploitation.
- Even the appearance of exploitation is problematic.
- Even if you have another relationship with the person, when you are working, you are their employee, and that relationship, and all the rules that apply, overrides all other relationships.

If it seems wrong, speak up!

- Employees are required to report actual or suspected fraud, waste or abuse in Medicaid services, as well as any other violation of law or ethics.
- **You cannot be punished because you report a potential compliance violation in good faith.** But, there can be consequences if you know, or should have known, that something is wrong and you don't report it.

What Needs to be Reported ?

Report these kinds of Issues to Corporate Compliance:

- Billing for services that haven't been provided, including wrong services, duplicate services, more services than allowed, or services that aren't in the plan.
- Violations of confidentiality, including unauthorized record exposure.
- Any time a staff person seems to be using a person served for the staff's personal benefit, including using the person's service time for personal benefit.
- **Anything that appears to be irregular, suspiciously inaccurate, or inconsistent.**

How do I Report ?

You can report a potential compliance violation in several ways:

- ▣ **Call: Compliance Hotline: 586-469-6481**
- ▣ **E-mail: ComplianceReporting@mccmh.net**
- ▣ **US Mail: MCCMH Compliance Office, 22550 Hall Rd., Clinton Twp. 48036**
- ▣ **Stop by in person!**
MCCMH Compliance Office, 22550 Hall Rd., Clinton Twp.

Anonymous Reporting

You can make reports anonymously.

But, we need enough information about the issue to do an investigation. Include whatever you know. (What, where, when, who, how ?)

Remember! **You cannot be punished for making a good faith report.** But, there can be consequences if you know, or should have known, that something is wrong and you don't report it.

Call Us, We'll Sort It Out

Each year, the Compliance Office receives many reports that aren't Compliance issues. These issues are referred to the appropriate source for handling.

- ▣ Clinical Supervision Issues
 - Referred to the appropriate clinical manager.
- ▣ Recipient Rights Issues
 - Referred to the Office of Recipient Rights. Compliance often works hand-in-hand with ORR on investigations.
- ▣ Personnel Issues
 - Referred to the appropriate supervisor or agency, or to the self-determination coordinator.
- ▣ **Call: Compliance Hotline 586-469-6481**
- ▣ **E-mail: ComplianceReporting@mccmh.net**

Fact Check

- You cannot be punished for making a compliance report in good faith.
- You can report compliance issues anonymously.
- To make a compliance report:
 - ▣ **Call: Compliance Hotline: 586-469-6481**
 - ▣ **E-mail: ComplianceReporting@mccmh.net**
 - ▣ **US Mail: MCCMH Compliance Office, 22550 Hall Rd., Clinton Twp. 48036**
 - ▣ **Stop by in person! MCCMH Compliance Office, 22550 Hall Rd., Clinton Twp.**

Want to learn more ?

If you want to learn more about Corporate Compliance, or the specific laws referenced here, search on these topics:

- Corporate Compliance
- Michigan Office of the Inspector General
- Medicaid Integrity Program
- Federal False Claims Act
- Whistleblower Protection Act
- Stark Laws/ Anti-Kickback laws
- HIPAA and HIPAA Electronic Security
- Deficit Reduction Act of 2005
- The Michigan Mental Health Code

Compliance Quiz

- 1) True or false: Corporate Compliance is the system that monitors, corrects for, and prevents violations of law, in healthcare and other services, especially when the services are paid for with Federal Funds.
- 2) Which of the following is true:
 - When I am working as a CLS or respite provider, I am an employee of the person.
 - When I am working, I am responsible to follow all the rules and laws that govern healthcare services, and to report any violations that I see or suspect.
 - When I am working, my relationship as an employee of the person overrides any other relationship I have with them.
 - All of the above.

3. True or false: It is ok to document that you provided CLS, even though you actually provided respite, because the person you support is out of respite for the month.
4. True or false: It is ok to spend all CLS time on community events, because the person you support doesn't like to work on the other CLS goals in his plan.
5. True or false: Documenting hours that were not actually worked is fraud.
6. True or false: The plan of service is only a suggestion. You can make up other things to do with the person if he/she wants you to do something that isn't in the plan.
7. True or false: Posting pictures on Facebook of you working with the person you support is a good idea, because it might help you get more business as a caregiver.

8. True or false: You have been working with a person as a CLS or respite provider for a long time. The family really likes you. They think you don't get paid enough for the hours you work, so they want to help you out by putting gas in your car every week. It's ok to accept this, because you didn't ask them to do it.
9. True or false: The fact that someone uses MCCMH services at all is confidential.
10. You cannot get into trouble if you report a suspected compliance violation in good faith, even if it turns out that it isn't a violation after all.
11. True or false: You have to give your name if you file a compliance report.

12. Which of the following are ways to report a suspected compliance violation?

Call the Compliance Hotline at 586-469-6481.

Email: ComplianceReporting@mccmh.net.

Mail it to: MCCMH Compliance Office, 22550 Hall Road, Clinton Township, MI 48036.

Come in in person.

All of the above.

(Hint: Print this page in case you need it in the future.)

Answers to the Compliance Quiz

1. TRUE. Corporate Compliance is the system that monitors, corrects for, and prevents violations of law in healthcare and other services, especially when the services are paid for with Federal funds.
2. ALL OF THE ABOVE. Even if you are a family member or a friend of the person you support, when you are working, you are an employee of the person, and you must follow all the rules and laws that govern healthcare services paid for using Medicaid dollars.
3. False. Services must be documented exactly as they are provided. CLS and respite are not interchangeable.
4. False. Spending all CLS time on only one objective is healthcare waste. CLS must be provided as written into the plan of service, including according to approved amounts for each objective.
5. True. Time should be documented exactly as it is worked.

6. FALSE. You cannot make things up. Follow the plan of service exactly as it is written.
7. FALSE. Posting pictures online is a violation of the person's confidentiality, and using the person you support to try to get more business for yourself is exploitation.
8. FALSE: You cannot accept money or items of value, except your pay, for time that is paid by Medicaid.
9. TRUE. Even the fact that someone uses MCCMH services is confidential, and should not be shared publicly.
10. TRUE. You cannot be punished for making a compliance report in good faith, no matter how it comes out.
11. FALSE. You can file a compliance report anonymously.
12. ALL OF THE ABOVE. You can file a compliance report by phone, email, US Mail, or in person.

Staff Attestation of Training

Corporate Compliance Training for Self-Determination CLS and Respite Staff

I, _____ attest that I have reviewed and completed the Corporate Compliance Training for CLS and Respite staff. I understand who to contact with questions and I have had an opportunity to have my questions answered. I have completed the quiz and understand the content of the material.

Staff Signature: _____ Date: _____

Employer Signature: _____ Date: _____

PRINT A COPY OF THIS SIGNED PAGE AND PROVIDE IT TO THE FI AGENCY.