

PRACTICE GUIDE

From: Board of Registration of Chiropractors
Re: Board Guide on Practice Compliance Plans
Date: May 6, 2021
Supercedes: none

The Massachusetts Board of Registration of Chiropractors (Board) has today voted to adopt the following Practice Guide. This guide is intended as a recommended protocol to assist our licensees with managing their chiropractic offices. The guide set forth below does not have the force or effect of law, as would a Massachusetts General Law or a Board regulation.

Introduction:

The Massachusetts Board of Registration of Chiropractors (the Board) is responsible for licensing both doctors of chiropractic and chiropractic facilities to ensure that licensees follow appropriate standards and protocols when providing chiropractic services to the citizens of the Commonwealth. A licensee's ability to provide these services can be enhanced and made easier by a practice compliance plan. A compliance plan serves as a blueprint for running a successful and efficient chiropractic practice. Every business is best served by having a compliance plan, most particularly those having direct regulatory oversight.

According to the US Office of the Inspector General (OIG) *Compliance Program for Individual and Small Group Physician Practices*, the purpose of a practice compliance plan is to:

- Prevent the submission of erroneous claims.
- Combat unlawful conduct.
- Provide a tool to strengthen the efforts of a licensee to prevent and reduce improper conduct.
- Benefit a licensee's practice by helping to streamline business operations.
- Send an important message to a licensee's employees that while mistakes may occur; employees have an affirmative, ethical duty to come forward and report erroneous or fraudulent conduct so that it may be corrected.

The Board created this Guide on how to develop a simple and useful practice compliance plan to assist our licensees. Although compliance plans will vary among individual practices, the model outlined below incorporates the core features common to most all plans.

Each reference to a "LOG" signifies an insert to the compliance plan. Inserts allow for information to be regularly updated or linked to a particular file or document. An external LOG can also direct readers to confidential information held securely elsewhere.

Once again, a practice compliance plan, including one that follows this particular model is not a regulatory requirement under current Massachusetts chiropractic regulation 233CMR.

MODEL PRACTICE COMPLIANCE PLAN OUTLINE

Designation of a compliance officer charged with implementing the compliance plan

Identifying Information & the Compliance Officer

A practice compliance plan should provide basic information about the practice including the person most responsible for overseeing the practice.

- Cover page: “(name of practice) Practice Compliance Plan”
- Practice demographic page: Practice name, Address, Phone number, Web address,
- Compliance Officer name and his or her contact information
- Chiropractor of Record (CHoR) name and contact information (*for a Facility*)
- Practice ownership information, including any state certificate of incorporation
- LOG of all current practitioners, their professional discipline & license numbers
- LOG of all current employees and their job titles

A written set of standards, procedures, and policies addressing the practice’s administrative protocols

Proper Conduct

A practice compliance plan should describe the expected conduct for practitioners and staff, for example:

- Rule to protect patient confidentiality and their privacy
- Policies prohibiting inappropriate referrals
 - Restriction on patient referral arrangements & practices (*e.g. runners, \$ for patients*)
 - Explanation of anti-kickback rule (*e.g. Stark law - federal*)
- Policy about accepting gifts & gratuities
- Policy regarding use of company resources
- Policy about maintaining appropriate boundaries and prohibiting sexual misconduct between practitioners, staff and patients
- Policy prohibiting discrimination and sexual harassment in the workplace
- Substance abuse policy
- Process for identifying and resolving conflicts of interest

Patient Information Protection

A practice compliance plan should describe how confidential information is properly secured and released, for example:

- Policy regarding access to patient information & records
- Procedures for timely release of patient records
- HIPAA policy regarding patient records & billing data protection (*federal law*)
- WISP policy regarding patient financial information protection (*state law*)
- Procedures for protecting patient records (both physical and electronic storage systems)
- Policy regarding disposition of patient records upon closure or sale of the practice

Billing and Coding

A practice compliance plan should outline the practice's financial and billing processes including the mechanisms for resolving disputed matters, for example:

- Responsibilities of billing personnel
- Prohibition against false or inaccurate claims (*e.g. False Claim Act, federal*)
- LOG of coding reference texts being used: (CPT, HCPCS, ICDM-10, etc.)
- LOG of all insurance provider arrangements along with their contracts & provider manuals
- Policy regarding patient financial obligations
 - Policies about co-payments, deductibles, co-insurance & non-covered expenses
 - Discounts and payment plan policies
 - LOG of any patient financial contracts (blank sample) explaining their obligations & responsibility
- Procedures for documenting & resolving coding and billing errors (made or received)
- Duty of employees to report suspected improprieties
- Name, contact information and expertise of any outside contracted billing vendor

Emergency Preparedness and Patient Safety

A practice compliance plan should describe how the public is protected from potential physical harm, for example:

- Office emergency procedures (*e.g. call 911*)
- Infection control procedures (*e.g. OSHA rules, CDC guidelines*)
- Radiological Services (if applicable)
 - LOG of x-ray unit certification, required maintenance schedule & state radiation control regulations
 - Ionizing radiation protection protocol (*e.g. shielding, possibly pregnant question*)

The methods of due diligence used when hiring personnel and delegating authority

Screening and Hiring of Employees and Business Associates

A practice compliance plan should describe the methods it uses to protect against hiring and associating with compromised individuals or business entities, for example:

- Procedures for hiring & assessing prospective employees
- LOG of (sample) employment application form
- Conditions & expectations to employment (Employee Handbook) (*e.g. honesty, dress-code, timeliness, access to office, etc.*)
- Employee benefits (Employee Handbook)
- Procedures for screening and assessing independent contractors and business associates
- LOG of hired employee applications and their personal/tax information (held in secure file)

Delegation of Authority

A practice compliance plan should describe how authority is delegated to employees and contracted entities, for example:

- Delegation of administrative functions
 - Identify specific authority assigned to each individual within the business's chain of command (*e.g. organizational chart, who has vital financial access*)

- Delegation of clinical care functions
 - Identify clinical services that can be delegated and to whom
 - Identify knowledge & training of individuals granted this delegation

The methods for training personnel regarding the practice's standards, procedures, and policies on an ongoing basis

Employee Training and Performance

A practice compliance plan should describe employee training & development, as well as communication & disciplinary practices.

- Written employee job descriptions
- LOG of employee training sessions and office meetings
- LOG of performance evaluations & discipline (held in secure file)

The methods of maintaining and encouraging open lines of communication among the practice's personnel

- Open lines of communication policy
- Suggestion box?
- LOG of reported misconduct or whistle blowing (held in secure file)

The methods for adequately publicizing and providing consistent disciplinary standards for the practice's personnel

- Employee discipline policy
- Thresholds for escalation through termination (verbal/written warnings, suspensions?)

A written set of standards, procedures, and policies that address the practice's clinical protocols

Documentation and Clinical Care

A practice compliance plan should outline how patient care and healthcare services are administered and memorialized, for example:

- LOG of all applicable practice-related statutes, regulations and regulatory policies (for each type licensee)
- LOG of published documentation guides & references (*e.g. CMS E/M guide, subluxation P.A.R.T. guide*)
- Policies for signing (or otherwise authenticating), dating & especially correcting record entries
- LOG of sample patient record (*e.g. blank forms or EHR system info.*)
- LOG of published diagnosis guide (to identify differentials)
- LOG of published treatment guides (to substantiate type & frequency of care)

The mechanisms used to respond to violations in an appropriate manner

Corrective Actions

A practice compliance plan should describe how the compliance program operates and is maintained, for example:

- Duties of the Compliance Officer
- Duties of the Chiropractor of Record (*for a Facility*) (same role?)
- Procedures for resolving mistakes (*e.g. receiving a double payment, patient credits*)
- Procedures for resolving staff & patient concerns
- LOG of significant compliance events
- LOG of significant corrective actions taken (*simple corrections usually held in pt. file*)
- LOG of implemented (and posted) changes to the compliance plan

The implementation and maintenance of a schedule of practice compliance audits

Ongoing Monitoring & Periodic Auditing

A practice compliance plan should test that its policies and procedures are actually effective.

- Identify internal monitoring procedures done on a daily/weekly basis (*e.g. double checking statements/bills before sending?, reviewing settlement reports?, having an established timeframe for researching missing payments?*)
- LOG of scheduled compliance audits (performed semi-annual? or quarterly?) (*e.g. pull compliment of patient & billing files across practice for review*)

References & Resources:

- *Code of Massachusetts Regulations, chapter 233*
- *Healthcare Compliance Association: www.HCCA-info.org*
- *OIG Compliance Program for Individual and Small Group Physician Practices: www.OIG.HHS.gov/authorities/docs/physician.pdf*
- *2005 Federal Sentencing Guidelines, CH 8, part-B, Remediating Harm from Criminal Conduct, and Effective Compliance and Ethics Program.*

(final 5-6-21)