



**REPORT TO THE AUDIT AND COMPLIANCE COMMITTEE**

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## **EXECUTIVE SUMMARY**

This report will provide updates and highlights of the work of the Office of Compliance and Internal Audit since the last Board meeting, and will focus on FY10 compliance initiatives, risk updates, and resource management.

The Office of Compliance and Internal Audit continues to develop and implement HIPAA Security policies and procedures; provide oversight of management action plans to ensure compliance; conduct auditing and monitoring to identify and mitigate risk; develop and implement compliance training and certification/disclosure processes; and provide counsel and advice on compliance-related matters.

Work progresses on several key initiatives:

- ™ Development of Compliance Scorecards, Compliance Employee Survey, and Compliance Performance Objectives
- ™ Launch of our office's web site – web sites are now in Beta review
- ™ Automation of compliance initiatives (annual certification, audit reports, training, etc.)
- ™ Ensure HIPAA compliance
- ™ Oversight of Management Action Plans to ensure deficiencies are addressed

We continue to recruit for two compliance auditors to support our clinical compliance efforts (billing and coding), and have begun the recruiting process to replace the Clinical Compliance Officer, who has accepted a position with Dr Satcher in the Center of Excellence on Health Disparities.

Working with our internal auditors, Deloitte and Touche, LLP, we continue to monitor management efforts to address issues identified in internal audits conducted in FY2009, and Deloitte will present its report to the Audit and Compliance Committee. Deloitte continues its audit work in the areas of Grants, Faculty Hiring, MMA Revenue Cycle, and HR Consultant and Temporary Hiring that will be completed by May 2010. Finally, Deloitte continues to assist MSM in updating our 2008 enterprise risk assessment and prioritizing compliance initiatives.

## **2009-2010 COMPLIANCE INITIATIVES UPDATE**

### **Compliance Activities**

#### **™ Compliance Scorecards (drafts attached for review and discussion)**

- Risk Assessment and Mitigation
- Employee Compliance Survey
- Key Incidents
- Key Initiatives
- Compliance Programs

#### **™ Code of Conduct**

- Development continues on annual certification process and will be implemented by Q4 2010.

#### **™ Training and Education**

- Development continues on mandatory web-based Code of Conduct and other relevant compliance training and is scheduled to be implemented in calendar year 2010.
- Training on HIPAA Security Policies and Procedures will be developed and implemented by the end of calendar year 2010.
- Strategy continues to improve use and quality of technology to deliver compliance messaging.
- Continue to develop compliance website to provide direct access to additional resources, FAQs and external links for compliance-related information. Web sites are now in Beta testing and projected “go live” is Q2 FY2010.
- Developed compliance performance objectives and working with HR to incorporate into FY2011 objective setting and review process.

#### **™ Executive Compliance Steering Committee (“ECSC”)**

- Review of compliance initiatives and strategies.
- Review and approval of Compliance Scorecards.
- Discussion of risk assessments and action plans.
- The Committee has stressed the importance of ensuring that responsibility for embedding compliance into institutional operations rests with academic and administrative functions and that oversight rests with the Office of Compliance and Internal Audit.

### **Auditing and Monitoring and Reporting Compliance Activities**

<sup>TM</sup> Internal Audit - Deloitte

- o In Process – MMA Revenue Cycle, Faculty Hiring Process, Temporary/Consultant Hiring Process, Grants/Contracts and Research.

<sup>TM</sup> HIPAA Security and Privacy Regulations

- o RFP is being prepared to engage an outside third-party to conduct a thorough audit and review of our information technology systems to ensure HIPAA security and regulatory compliance.

<sup>TM</sup> Follow-up HIPAA Security and Privacy Audit of MMA Clinical Departments

- o Discussed below in Risk Update

<sup>TM</sup> MAG Mutual Risk Assessment – MMA Clinical Locations

- o Discussed below in Risk Update

<sup>TM</sup> MMA Clinical Billing and Coding

- o Education and training continues, but billing and coding auditing has not occurred since December 2009
- o Baseline auditing will commence when the Compliance Auditor hiring process is complete

**Policies and Procedures Development**

<sup>TM</sup> HIPAA Security policies and procedures were developed to support regulatory requirements, and were reviewed and approved through MSM's policy review process. However, the failure to internally resolve the issue of roles and responsibilities for HIPAA security compliance between IT and the Office of Compliance has prevented implementation. I continue to advocate for resolution of this outstanding issue and will move forward with policy/procedure implementation once resolved.

<sup>TM</sup> Working with HR to hire a Disability Services Manager to ensure compliance with the requirements of the Americans with Disabilities Act and Section 504 of the Rehabilitation Act for a formalized disability services function.

**Technology Support**

<sup>TM</sup> Continue to work on p p p p3

## RISK UPDATE

### **MAG Mutual Risk Management & Patient Safety Assessment – February 2010**

- ™ Assessment represented a comprehensive risk management review of key office systems impacting physician's and organization's professional liability exposures.
- ™ Assessment based on information obtained from review of medical records and interviews with various staff members and physicians.
- ™ Key recommendations represent significant potential exposures and should be addressed promptly.
  - Chart Review
  - Clinical Office Tracking Systems
  - Documentation
  - Emergency Preparation
  - Medical Records and Drug Handling/Security
  - Office Procedures
  - Practice Coverage
- ™ MAG Mutual Assessment completed in May/October/November 2007 identified many of the same risks/exposures
  - Management Action Plan was developed in 2007/early 2008 to address
  - Results of the 2010 assessment indicate a failure to implement, oversee and/or sustain operational changes necessary to ensure compliance and mitigate risk
- ™ MMA Leadership is currently developing a Management Action Plan to address deficiencies
  - Plan will be reviewed and approved by MMA Board of Trustees and the Executive Compliance Steering Committee prior to implementation
  - Plan will include roles/responsibilities and accountabilities to ensure successful implementation and ongoing management of operational activities
  - Follow-up assessment by MAG Mutual scheduled for May 2010

### **HIPAA Security and Privacy/Risk Management Audit of MMA Clinical Departments**

- ™ Follow-up HIPAA Security and Privacy Audit of MMA Clinical Departments
  - Initial audit conducted in April, 2009
  - Management Action Plan to address deficiencies was developed in late summer/early fall 2009 with a completed implementation date of December 31, 2009.
  - February 2010 mini-audit of Management Action Plan remediation identified continued non-compliance in several key areas.
    - f*Lack of approved policies and procedures governing operating procedures and accountability criteria.
    - f*Non-sterile equipment was found in patient exam rooms.

*f*Prescription forms were in plain sight in unlocked and unoccupied physician offices.  
*f*Expired sample medications were found in sample closets, no sample inventory logs were in use, and no exam room cabinet inventory sheets were in use.

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frozen, and it remains so. Our



and leadership accountability for results. The use of compliance-related performance objectives, surveys and measurement scorecards will support these efforts.

Overall, I believe we are making progress in the development of MSM's compliance program and I am committed to ensuring that MSM can carry out its mission without significant risk exposure and remain compliant with legal and regulatory requirements.

Thank you for your continued support and guidance.