

Report on Medicare Compliance Volume 28, Number 14. April 15, 2019 OIG Advocates Some CIA Provisions, Executive Sessions in Compliance Programs

By Nina Youngstrom

After finding that some executives put the responsibility for compliance on the shoulders of compliance officers, the HHS Office of Inspector General (OIG) added management certifications to corporate integrity agreements (CIAs) several years ago. The certifications are statements that managers sign taking responsibility for compliance with federal health care requirements and the CIA in the areas they supervise, and OIG recommends them for voluntary compliance programs as well.

“You should think of using them even if you’re not under a CIA,” said Laura Ellis, senior counsel with OIG, at the Health Care Compliance Association’s Compliance Institute April 7 in Boston. Managers may look at things “with a different lens” if they know they have to sign certifications at the end of the year.

Management certifications are one of three CIA provisions that are ripe for implementation and/or enhancement in voluntary compliance programs, Ellis said. The other two are board resolutions and risk assessments. “The three that are worth emphasizing are things we think are important to a robust compliance program, and this is why we think people not under CIAs should think about adding them to compliance programs,” she explained. All three provisions are grounded in other documents, including the U.S. Sentencing Commission guidelines and OIG compliance-program guidance.

In one recent health system’s CIA, the management certification states that “certain employees of [ABC Health System] and other entities identified herein (Certifying Employees) are specifically expected to monitor and oversee activities within their areas of authority and shall annually certify that the applicable [ABC] department is in compliance with applicable Federal health care program requirements and with the obligations of this CIA. These Certifying Employees shall include, at a minimum, the following [hospital] employees: President and Chief Executive Officer; Chief Financial Officer; Chief Operating Officer; Chief Medical Officer; Chief Nursing Officer; Chief Quality Officer; Chief Information Officer; President, ABC Medical Group; Executive Director, ABC Medical Group; Chief Human Resources Officer; Chief Information Officer; and EVP for Post-Acute Care Division and Diversified Services. The Certifying Employees shall also include the: EVP for Post-Acute Care Division and Diversified Services, who is responsible for monitoring and overseeing [ABC] for purposes of this CIA. For each Reporting Period, each Certifying Employee shall sign a certification that states: ‘I have been trained on and understand the compliance requirements and responsibilities as they relate to [insert name of department], an area under my supervision. My job responsibilities include ensuring compliance with regard to the [insert name of department] with all applicable Federal health care program requirements, obligations of the Corporate Integrity Agreement, and ABC policies, and I have taken steps to promote such compliance. To the best of my knowledge, the [insert name of department] of ABC is in compliance with all applicable Federal health care program requirements and the obligations of the Corporate Integrity Agreement. I understand that this certification is being provided to and relied upon by the United States.’”

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