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The education of healthcare boards

By Catherine Boerner

It's not only vital for compliance officers to educate themselves, but it is equally necessary for their organizations' boards—especially new board members. Are your board members adequately informed of their obligations for oversight of the compliance program?

Here are a few of my recommendations.

Greg Demske, chief counsel to the U.S. Department of Health and Human Services Office of Inspector General (OIG), discusses three key roles of compliance board members in his video presentation, "Guidance for Health Care Boards"^[1]:

1. Compliance oversight
2. Structuring your compliance program
3. Evaluating the effectiveness of standards and processes

In addition, he explains how board members need to be active and raise questions to assess the effectiveness of the compliance program, including:

1. What metrics are used to evaluate compliance with laws and regulations?
2. How does your organization identify gaps in quality and areas for quality improvement?
3. Is the organization conducting internal audits?
4. Is the organization's response to problems sufficient?
 - a. Does it track corrective action plans?
5. Has your compliance officer identified hurdles to promoting compliance?
 - a. Resource constraints
 - b. Lack of management support

OIG also put out *Practical Guidance for Health Care Boards on Compliance Oversight*, which covers the expectations of governing board members and compliance oversight—a must-read for every board member.^[2]

It is a great idea to annually show your board a recent health care fraud video, such as the “HCCA 26th Annual Compliance Institute Keynote Speech” by Inspector General Christi A. Grimm. In the speech, Grimm explains several types of fraud and risks including:

1. COVID-19 fraud schemes (which OIG has focused on since March 2020)
2. Improper billing of laboratory tests
3. Combating the opioid epidemic
4. Laboratories billing for fraudulent genetic testing
5. Improving skilled nursing facilities care
6. Telehealth
7. Health technology oversight strategy

You may also find other OIG videos useful that will help your board members stay informed and fulfill their duties, such as:

- “Healthcare Fraud: What You Need to Know”^[3]
- “2022 Opioid Enforcement Action”^[4]
- “2022 National Health Care Fraud Enforcement Action”^[5]
- “5 Things to Know About Nursing Home Fraud and Abuse”^[6]
- “Medicare Advantage Denials of Care”^[7]

Your governing board members should be current with compliance guidelines, and it’s your job to make sure they have all the information they need.

¹ U.S. Department of Health & Human Services, Office of Inspector General, “Compliance Resources for Health Care Boards,” March 27, 2013, <https://oig.hhs.gov/compliance/compliance-resource-material/>.

² U.S. Department of Health & Human Services, Office of Inspector General, *Practical Guidance for Health Care Boards on Compliance Oversight*, April 20, 2015, <https://oig.hhs.gov/documents/root/162/Practical-Guidance-for-Health-Care-Boards-on-Compliance-Oversight.pdf>.

³ U.S. Department of Health & Human Services, Office of Inspector General, “Inspector General Grimm HCCA 26th Annual Compliance Institute Keynote,” March 30, 2022, <https://oig.hhs.gov/newsroom/videos/inspector-general-grimm-hcca-26th-annual-compliance-institute-keynote/>.

³ U.S. Department of Health & Human Services, Office of Inspector General, “Healthcare Fraud: What You Need to Know,” December 18, 2019, <https://oig.hhs.gov/newsroom/videos/healthcare-fraud-what-you-need-know/>.

⁴ U.S. Department of Health & Human Services, Office of Inspector General, “2022 Opioid Enforcement Action,” May 18, 2022, <https://www.youtube.com/watch?v=fX5jbzxgblo>.

⁵ U.S. Department of Health & Human Services, Office of Inspector General, “2022 National Health Care Fraud Enforcement Action,” July 20, 2022, https://www.youtube.com/watch?v=D_a_KAHnPCY.

⁶ U.S. Department of Health & Human Services, Office of Inspector General, “5 Things to Know About Nursing Home Fraud and Abuse,” November 10, 2021, <https://www.youtube.com/watch?v=Qr7mUVloQzc>.

7 U.S. Department of Health & Human Services, Office of Inspector General, “Medicare Advantage Denials of Care,” April 28, 2022, <https://oig.hhs.gov/newsroom/videos/medicare-advantage-denials-of-care/>.

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