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Navigating the healthcare maze: HR and compliance—A symbiotic powerhouse

By Brian Burton

In the ever-evolving healthcare landscape, navigating a multitude of regulations and ethical obligations can feel like you are traveling through space without rocket fuel. Managing this complex environment requires partnerships—not just one team but many relationships throughout your organization. One vital collaborating team lies between HR experts' caring minds and compliance professionals' strategic awareness. This dynamic duo ensures that healthcare organizations function not just efficiently but ethically and within their legal boundaries.

Understanding the landscape

The healthcare industry operates within myriad federal, state, and local regulations. This intricate web can be daunting for even the most experienced professionals. HR professionals' tasks are not much different—sometimes even scarier. It is not uncommon to see these fundamental regulatory requirements overlap and even, in some instances, compete with one another. The delicate balance of accurate billing, physician agreements, patient privacy, employee rights, and ethical considerations defines the need for clear guidance and collaboration between HR and compliance.

Compliance teams shoulder a heavy responsibility by monitoring an ever-changing landscape of regulatory requirements, including:

- **The Centers for Medicare & Medicaid Services:** This federal agency oversees Medicare and Medicaid programs and dictates guidelines for eligibility, billing, and quality of care.
- **HIPAA:** This legislation safeguards patients' protected health information, ensuring privacy and security.
- **The False Claims Act and the Anti-Kickback Statute:** These regulations combat fraud and abuse within healthcare by prohibiting practices like offering kickbacks for patient referrals.

HR professionals also face a significant regulatory burden, particularly when it comes to labor laws like:

- **Title VII of the Civil Rights Act of 1964:** This law prohibits discrimination in employment based on race, color, religion, sex, and national origin.^[1]
- **The Americans with Disabilities Act (ADA):** The ADA protects qualified individuals with disabilities from discrimination and mandates reasonable accommodations in the workplace.^[2]

- **The Family and Medical Leave Act:** This law guarantees eligible employees up to 12 weeks of unpaid leave for qualified family and medical reasons.^[3]
- **The Occupational Safety and Health Act (OSHA):** OSHA establishes safety and health standards to prevent workplace hazards and injuries.^[4]

The real challenge arises when these regulations overlap or contradict one another. For instance, HIPAA emphasizes patient privacy, while some aspects of OSHA might require disclosing certain health information for safety reasons. Striking a balance between patient privacy, employee rights, and ethical considerations becomes paramount.

This complex regulatory environment underscores the critical need for clear communication and collaboration between HR and compliance teams. By working together, they can ensure the organization adheres to all applicable regulations while fostering a culture of patient privacy, employee health and well-being, and ethical conduct. Here are some key areas for collaboration:

- Developing comprehensive compliance policies and procedures.
- Providing regular training for staff on relevant regulations.
- Establishing clear communication channels for reporting potential compliance concerns.
- Conducting regular audits and risk assessments to identify and address any gaps.

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