



OIG Perspectives on Health Care Reform

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OIG's Five Principles

- **E**nrollment
- **P**ayment
- **C**ompliance
- **O**versight
- **R**esponse



Presentation Roadmap

- Program Integrity Provisions
- New Paradigms
- Compliance in the Post-Reform World



PROGRAM INTEGRITY PROVISIONS



Affordable Care Act

- Ten Titles
- Most PI provisions in Title VI
- Tip: Check Title XI!
- Consolidated version:
 - <http://www.ncsl.org/documents/health/ppaca-consolidated.pdf>



Program Integrity

- Rigorous gate-keeping
- Transparency
- Compliance
- New tools and authorities



Locking the Door

- Provider screening
- Provisional oversight
- Disclosure of affiliations
- Temporary moratoria
- Surety bonds



Transparency (Public)

- Physician ownership of --
 - hospitals
 - Manufacturers/GPOs
- Drug/device payments to --
 - Physicians
 - AMCs
- Nursing home ownership



Transparency

- Drug samples (to HHS)
- PBM rebates (to HHS and plans)

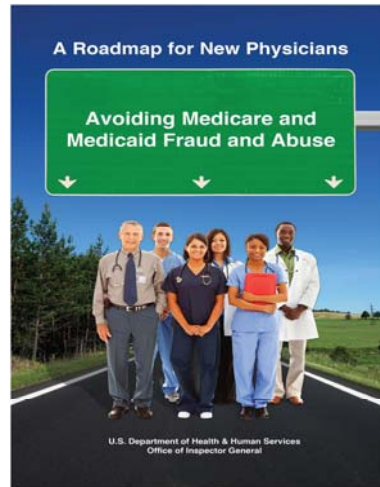


Compliance

- Mandatory compliance plans
 - Medicare A and B
 - Nursing homes



Compliance



New Tools and Authorities

- Data
 - Integrated Data Repository
 - Cross-agency data sharing and matching
 - OIG access to more information

- More provider documentation



New Tools and Authorities

- Payment suspension
- Repayment of overpayments
- Stark self-disclosure protocol
- RAC expansion



New Administrative Sanctions: Exclusions

- Lying on enrollment applications
- Failure to provide payment information
- Obstructing audits
- Testimonial subpoenas



New Administrative Sanctions: Civil Monetary Penalties

- Ordering or prescribing while excluded
- Lying on enrollment application
- Failure to repay known overpayment



New Administrative Sanctions: Civil Monetary Penalties

- False statements material to false claim
- Failure to grant timely access to OIG
- MA/Part D marketing violations



Stark Changes

- Limits on physician ownership of hospitals
- IOAS disclosures for advanced imaging



AKS Changes

- New safe harbor for coverage gap discounts
- Explicit linkage of kickbacks to FCA violations
- Revised intent standard



NEW PARADIGMS



New Paradigms

- Private/public intersections
- Quality/payment linkage
- New delivery and payment models



New Risks?

- Overutilization?
- Steering?
- Stinting?
- Cherry picking?
- Lemon dropping?
- Gaming outcomes or data?



COMPLIANCE IN THE POST- REFORM WORLD



Be Careful Out There



No Ostriches!





Five Principles

- Enrollment
- Payment
- Compliance
- Oversight
- Response
- Employees
- Billing
- Compliance
- Oversight
- Response



Compliance in a Post-Reform World

Transparency
Quality
Accountability



Learn More

- www.oig.hhs.gov
 - Compliance Program Guidance
 - Fraud Alerts & Bulletins
 - Advisory Opinions
 - Exclusion Program Information
- Join our listserve!



Stay tuned . . .

Questions?