Top Enforcement Targets

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Associate Director – Healthcare Consulting
Agenda

1. OIG Work Plan Targets – July 2017 to Present
2. Top CMS Surveyor Deficiencies for KY, IN & OH
3. Monitoring Opportunities for Risks Noted
Office of Inspector General Work Plan
Most New Items Award – Opioids

- CMS; SAMHSA; and FDA
- Eight new topics targeting Opioids
  - Opioid Use in Part D
  - Toolkit to Identify Patients at Risk of Abuse
  - Access to Buprenorphine-Waivered Providers for Treatment
  - Prescription Opioid Drug Abuse and Misuse Prevention – Prescription Drug Monitoring Programs
Most New Items Award – Opioids

- Eight new topics targeting Opioids
  - Opioids in Medicaid – Extreme Use and Questionable Prescribing in Selected States
  - FDA Oversight of Risk Evaluation and Mitigation Strategies to Address Prescription Opioid Abuse
  - Controls over Opioid Treatment Programs
  - Medicaid Claims for Opioid Treatment Program Services
Hospital Target Areas

- Outpatient Cardiac and Pulmonary Rehabilitation Services
- Malnutrition:
  - Hospitals Billing for Severe Malnutrition on Medicare Claims
  - Payments for Patients Diagnosed with Malnutrition
- Credits & Rebates (Materials Management):
  - Payment Credits for Replaced Medical Devices that were Implanted
  - Manufacturer Rebates – Federal Share of Rebates
Hospital Target Areas

- Cost Report Items:
  - Incorrect Medical Assistance Days Claimed by Hospitals
  - Review of Hospital Wage Data used to Calculate Medicare Payments
  - Reconciliations of Outlier Payments
Ongoing Targets:

- Medicare Payments for Bariatric Surgeries
- Intensity-Modulated Radiation Therapy
- Comparison of Provider-Based and Freestanding Clinics
- Selected Inpatient and Outpatient Billing Requirements
- Review of Medicare Payment for Non-physician Outpatient Services provided under the IPPS.
- Duplicate Graduate Medical Education Payments
- Part B Payments for ESRD Dialysis Services
Compounding Pharmacies

- Hospitals’ Reliance on Drug Compounding Facilities
Telehealth

- Medicaid Services Delivered Using Telecommunications Systems
- Review of Medicare Payments for Telehealth Services
Long-Term Care

Seven Target Areas:

- Potential Abuse and Neglect of Medicare Beneficiaries
- SNF Unreported Incidents of Potential Abuse and Neglect
- State Compliance with Requirements for Reporting and Monitoring Critical Incidents
- Medicaid Nursing Home Life Safety Reviews
Long-Term Care

- Seven Target Areas:
  - SNF PPS Requirements
  - Medicaid Nursing Home Supplemental payments
  - Medicare Part B Payments for Ambulance Services Subject to Part A SNF Consolidated Billing Requirements
Pharmaceuticals

- Ten target areas involving Pharmaceuticals
  - Drug Traceability Test – FDA
  - States’ Collection of Rebates on Physician-Administered Drugs
  - States’ Collection of Rebates for Drugs Dispensed to Medicaid MCO Enrollees
  - States’ MCO Medicaid Drug Claims
  - Specialty Drug Pricing & Reimbursement in Medicaid
Pharmaceuticals

Ten target areas involving Pharmaceuticals

- Audit of HHS Information System Security Controls to Track Prescription Drug Disbursements
- Drug Waste of Single-Use Vial Drugs
- Documentation of Pharmacies’ Prescription Drug Event Data
- Review of Prescription Drug User Fees
- Impact of Authorized Generics on Medicaid Drug Rebates
Behavioral Health

- Availability of Behavioral Health Services in Medicaid Managed Care
- Medicare Part B Payments for Psychotherapy Services
- Assertive Community Treatment Program

1 in 7 children aged 2-8 years has a mental, behavioral, or developmental disorder.
Adult Day Health Care Services
Durable Medical Equipment

Seven Target Areas:

- Questionable Billing for Off-the-Shelf Orthotic Devices
- Power Mobility Device Equipment – Portfolio Report
- Osteogenesis Stimulators – Lump-Sum Purchase vs Rental
- Non-invasive Home Ventilators – Compliance with Medicare Requirements.
Seven Target Areas:

- Competitive Bidding for Medical Equipment Items and Services – Mandatory Review
- Portable X-ray Equipment – Supplier Compliance with Transportation and Setup Fee Requirements
- Ventilation Devices: Reasonableness of Medicare Payments Compared to Amounts Paid in the Open Market
Home Health Agencies

- Five Target Areas
  - Home Health Compliance with Medicare Requirements
  - Medicaid Home Health Services for Beneficiaries with Chronic Conditions
  - High-Risk, Error-Prone HHA Providers Using HHA Historical Data
  - Review of Home Health Claims with 5 to 10 Skilled Visits
Hospice

- Duplicate Drug Claims for Hospice Beneficiaries
- Medicare Payments made Outside the Hospice Benefit
Outpatient Therapy Services

- Physical Therapists – High Use of Outpatient Physical Therapy Services
Physicians

- Data Briefs Regarding Financial Relationships Reported to the Open Payments Program
Five Target Areas:

- Security of Certified Electronic Health Record Technology under Meaningful Use
- Oversight of States’ Medicaid Information Systems Security Controls
- FDA Response Planning for a Networked Medical Device Compromise
- Nationwide Medicare Electronic Health Record Incentive Payments to Hospitals
- CMS’s Contingency Planning for Information Systems
ACOs

- Accountable Care Organizations Beneficiary Assignment and Shared Savings Payments
- Strategies Aimed at reducing Spending and Improving Quality.
Chiropractic Services

- Chiropractic Services – Part B Payments for Non-covered Services
Medicare Advantage Plans

- Medicare Part C Payments for Service Dates after Individuals’ Dates of Death
- Inappropriate Denial of Services & Payment in Medicare Advantage
- Denials and Appeals in Medicare Part C
Six Target Areas:

- Ensuring Dual-Eligible Beneficiaries’ Access to Drugs under Part D: Mandatory Review
- Medicare Part D Eligibility Verification Transactions
- Medicare Part D Rebates Related to Drugs Dispensed by 340B Pharmacies
- Medicare Part D Payments for Service Dates after Individuals’ Dates of Death
- Part D Sponsors Reporting of Direct and Indirect Remunerations
- Denials and Appeals in Medicare Part D
Clinical Diagnostic Laboratory

- Medicare Payments for Clinical Diagnostic Laboratory Tests – Mandatory Review
Emergency Preparedness

- Hurricane Emergency Preparedness and Response Efforts
- Healthcare Coalitions’ Partnerships with Non-Hospital-Based Facilities in Community Preparedness Efforts
- State and Territory Response and Recovery Activities for the 2017 Hurricanes
Top Cited Survey Deficiencies
Key CMS-2567 Data Elements

- Facility Name
- Hospital Type – Short Term Acute Care and Critical Access Hospitals
- Facility ID – CMS Certification Number
- Address, City, State
- Deficiency Tag
- Deficiency Description
- Inspection Date
Data Analytics – What analyses did we perform?

- Summary of deficiencies by:
  - Facility Type
  - Deficiency Tag and Description
- Deficiency counts for KY, IN, OH facilities and nation
- Comparison of deficiency tag frequency as a percentage of overall deficiencies to nation
## Data Analytics – Contextual Information

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<tr>
<th>By Location</th>
<th>Number of Inspections</th>
<th>Deficiencies</th>
<th>Average Number of Deficiencies Per Inspection</th>
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<td>IN</td>
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<tr>
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<td>Nation</td>
<td>1,578</td>
<td>4,460</td>
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<th>Number of Inspections</th>
<th>Deficiencies</th>
<th>Average Number of Deficiencies Per Inspection</th>
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<td>Total</td>
<td>1,578</td>
<td>4,460</td>
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Top Ten Deficiencies - Nation

- PATIENT RIGHTS: RESTRAINT OR SECLUSION
- RN SUPERVISION OF NURSING CARE
- PATIENT RIGHTS: CARE IN SAFE SETTING
- PATIENT RIGHTS
- COMPLIANCE WITH 489.24
- MEDICAL SCREENING EXAM
- NURSING SERVICES
- INFECTION CONTROL PROGRAM
- NURSING CARE PLAN
- ADMINISTRATION OF DRUGS
Top Ten Deficiencies - Kentucky

- Patient Rights: Care in Safe Setting
- RN Supervision of Nursing Care
- Patient Rights: Free from Abuse/Harassment
- Compliance with 489.24
- Patient Rights
- Patient Rights: Restraint or Seclusion
- Medical Screening Exam
- Nursing Services
- Stabilizing Treatment
- Nursing Care Plan
Top Ten Deficiencies - Indiana

1. RN SUPERVISION OF NURSING CARE
2. PATIENT RIGHTS: CARE IN SAFE SETTING
3. STAFFING AND DELIVERY OF CARE
4. PATIENT RIGHTS: RESTRAINT OR SECLUSION
5. PATIENT CARE ASSIGNMENTS
6. COMPLIANCE WITH 489.24
7. MEDICAL SCREENING EXAM
8. NURSING SERVICES
9. PATIENT RIGHTS
10. NURSING CARE PLAN
## Top Ten Deficiencies - Ohio

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<th>Category</th>
<th>Deficiency</th>
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<td>Maintenance of Physical Plant</td>
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<td>Administration of Drugs</td>
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<td>Life Safety from Fire</td>
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<td>Staffing and Delivery of Care</td>
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<td>Nursing Services</td>
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<tr>
<td>Patient Rights</td>
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Comparison of Top Deficiencies - Nation

Top Deficiencies as a Percentage of Total Deficiencies

- Patient Rights: Restraint or Seclusion
- RN Supervision of Nursing Care
- Patient Rights: Care in Safe Setting
- Patient Rights: Care in Secure Setting
- Compliance with 489.24
- Medical Screening Exam
- Nursing Services
- Infection Control Program
- Nursing Care Plan
- Administration of Drugs

Comparison of Top Deficiencies - Nation
Questions?
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