Corporate Compliance Program

An Overview
Wheaton Franciscan Healthcare is committed to living out the healing ministry of Jesus by providing exceptional and compassionate health care service that promotes the dignity and well being of the people we serve.
Wheaton Franciscan Healthcare Corporate Compliance Program

Wheaton Franciscan Healthcare is committed to serving patients and families guided by our Mission and Values. While we are guided by these Values and are committed to living our Mission, we work in a complex and regulated environment. We are challenged with complex sets of rules, including those that cover the reimbursement of medical services. Because federal and state-sponsored health care programs play a significant role in paying for health care, material non-compliance with these rules can present substantial risk to health care providers.

In addition to recoupment of improper payments, the government may impose a range of sanctions against health care providers depending on the regulator’s perception of the health care provider’s conduct. For example, health care providers can be found liable for submitting claims for reimbursement in reckless disregard or deliberate ignorance of the truth, as well as for intentional fraud. In these cases, the False Claims Act authorizes the imposition of damages up to three times the amount of the fraud and civil monetary penalties of $11,000 per false claim. The imposition of these sanctions has led to record-level fines and penalties against individuals and organizations that were believed to have violated the law.

Health Care Regulators

A few of the health care regulators with which we must interact are:

- The Centers for Medicare and Medicaid Services (CMS) and its contractors, including:
  - intermediaries
  - carriers
  - Medicare Administrative Contractors (MAC)
  - Medicaid Integrity Contractors (MIC)
  - Zone Program Integrity Contractors (ZPIC)
  - Program Safeguard Contractor (PSC)
  - Recovery Audit Contractors (RAC)
  - Comprehensive Error Rate Testers (CERT)
- The Occupational Safety and Health Administration (OSHA)
- District Attorneys Offices (DA)
- The Department of Transportation (DoT)
- The Internal Revenue Service (IRS)
- The Environmental Protection Agency (EPA)
- The Food and Drug Administration (FDA)
- The Nuclear Regulatory Commission (NRC)
- The Office of Inspector General (OIG)
- The Federal Bureau of Investigation (FBI)
- The Department of Justice (DOJ)
- The Equal Employment Opportunity Commission (EEOC)
- The Department of Labor (DOL)
- The Office of Civil Rights (OCR)
- Various State Governmental Agencies, including state licensing agencies and quality assurance agencies
Purpose

The purpose of the Corporate Compliance Program is to support organizational efforts to live out Wheaton Franciscan Healthcare’s Mission and Values, and to assist members of the workforce, associates, contractors, and agents in following applicable laws, regulations, and policies in this complex environment.

The Wheaton Franciscan Healthcare Corporate Compliance Program is a coordinated group of activities designed to prevent, detect and remedy inadvertent and/or intentional violations of law, regulation or corporate policy. While we have a designated corporate compliance department made up of 14 dedicated associates who coordinate the program across the system, the Wheaton Franciscan Healthcare Corporate Compliance Program is a compilation of all compliance efforts throughout our organization.

Programmatically, we divide our activities into the following key elements:

- High Level Oversight
- Policies and Procedures
- Training and Education
- Communication and Investigation
- Ongoing Risk Assessment
- Auditing and Monitoring
- Excluded Provider Checks

Fraud, Waste and Abuse

Fraud occurs when someone knowingly makes false statements of material fact to obtain a payment for which they are not entitled. Knowingly billing for services not furnished may be fraudulent. Abuse occurs when unnecessary services are provided and the cost of which is ultimately passed on to patients or insurers. The False Claims Act, Physician Self-Referral Law (Stark), the Social Security Act and criminal code are used to address FWA. Violations may result in nonpayment of claims, fines, penalties, criminal/civil liability and/or program exclusion.

Ways in which you may help prevent FWA are:
- Staying informed of changes in laws, regulations and policies,
- Ensuring that documentation and billing are accurate,
- Only ordering or performing medical necessary services, and
- Reporting concerns to the Compliance Program.
Annual Compliance Plan

Each year, we develop a Corporate Compliance Plan. In the plan, we outline the actions we plan to take to address each programmatic element of the Corporate Compliance Program, based on our on-going assessment of compliance risk to the organization. While formalized on an annual basis, the compliance plan is a living document that is adjusted as issues and risks change.*

High Level Oversight

As outlined by the WFSI Audit Committee charter, the WFSI Audit Committee is responsible for:

- Reviewing and approving the corporate compliance plan for the year including receiving periodic reports that provide evidence of the development, implementation, and maintenance of an effective compliance program
- Reviewing compliance policies and procedures that are recommended by management
- Appointing the WFSI System Compliance Officer, who reports directly to the Senior Vice President of Strategy and Corporate Affairs

The Wheaton Franciscan Healthcare Corporate Compliance Program operates under the direction of our Corporate Compliance Officer, the Vice President of Corporate Compliance. The Vice President of Corporate Compliance provides the WFSI Audit Committee with a report on Wheaton Franciscan Healthcare Corporate Compliance Program activity at each WFSI Audit Committee meeting.

The Vice President of Corporate Compliance chairs the Wheaton Franciscan Healthcare Corporate Compliance Committee, a system-wide committee made up of leaders from each region. The Corporate Compliance Committee is an advisory committee, giving input into each aspect of the Wheaton Franciscan Healthcare Corporate Compliance Program.

In addition to this activity, the Vice President of Corporate Compliance provides a semi-annual report to each senior leader on the activities of the Wheaton Franciscan Healthcare Corporate Compliance Program.
The Wheaton Franciscan Healthcare Values are our standards of conduct. Our Corporate Compliance Program policy outlines more thoroughly the responsibility of our associate with respect to compliance with laws, regulations and policies. We have included a copy of this policy for your information.

Wheaton Franciscan Healthcare develops additional policies specific to a particular area and topic to outline appropriate business practices.

**Examples of policy areas include:**
- Patient privacy (HIPAA and HITECH)
- Anti-dumping/The Emergency Medical Treatment and Active Labor Act (EMTALA)
- Identity theft prevention
- Conflicts of interest
- Gifts and gratuities
- Patient rights and responsibilities
- Billing

**Training and education**

The Wheaton Franciscan Healthcare Corporate Compliance Program uses a multi-pronged approach to education.

- Each Wheaton Franciscan Healthcare associate receives annual compliance training that outlines basic information about the various laws and regulations that apply to most Wheaton Franciscan Healthcare operations.

- The annual training is supplemented by focused training in areas of new laws/regulations or areas of higher compliance risk. The training may be provided in person, through the e-learning system, memorandum or through external educational programs.

- Managers throughout Wheaton Franciscan Healthcare are responsible for remaining abreast of regulatory changes that may affect their areas and educating their associates accordingly. In addition, corporate compliance alerts are sent to provide information about key changes that are being monitored.
When issues are detected, action plans to address these issues are put in place. Targeted education to associates in the affected areas is often a part of the corrective action plan.

**Reporting and investigating: Effective lines of communication**

A key element of our compliance program is establishing and maintaining communications within the organization about compliance topics. While communication occurs during education sessions, ongoing communication is maintained between the corporate compliance department and WFH operational areas. This is done formally, through corporate compliance department membership on various organizational committees, and informally, through on-going discussion as questions arise.

In addition to these forms of communication, the WFH Corporate Compliance Program has engaged an outside vendor to maintain the compliance hot line. The compliance hot line allows callers to anonymously report compliance concerns 24 hours a day, 7 days a week. The compliance hot line also allows callers to receive information on how the concern was addressed. Given the nature of many of these calls, the corporate compliance department works collaboratively with human resources to address each call.

Concerns identified through these communications channels are investigated to determine if a compliance issue exists. If a compliance issue is identified, the corporate compliance department evaluates the risk associated with the issue and coordinates efforts to address the issue, as appropriate.
Ongoing risk assessment

The Wheaton Franciscan Healthcare Corporate Compliance Program takes a risk-based approach to managing compliance issues. The annual corporate compliance plan is based on an ongoing risk assessment process. Risks are identified through a combination of interviews with operational leaders, monitoring of current governmental activity and industry analysis. Identified compliance risks are brought into the risk assessment process.

In determining the overall compliance risk, we consider the potential business impact of the issue, the level of government scrutiny at the time and the strength of our internal controls. Resources within the Wheaton Franciscan Healthcare Corporate Compliance Program are assigned based on an issue's overall compliance risk score.

Auditing and monitoring

Semiannually, Wheaton Franciscan Healthcare develops a corporate compliance auditing and monitoring plan, run in conjunction with the overall Corporate Compliance Plan. Items are selected for auditing and monitoring based on the risk assessment score for the identified topic.

Auditing and monitoring activities are completed by:

- Corporate compliance department associates who have backgrounds in coding, finance, health information management and nursing.
- CHAN
- Other external consulting firms when a specific skill set that is not internally available is needed.
As part of the auditing and monitoring process, operational leaders are engaged in a discussion related to the processes associated with the potential compliance risk. Prior to the issuance of an audit report, the audit findings are discussed with the operational leaders and corrective action plans are collaboratively developed based on the risk assigned to each audit finding. The corrective action plans are tracked by the corporate compliance department to ensure completion.

Excluded provider checks
Wheaton Franciscan Healthcare will not delegate authority to persons with a propensity to act in a non-compliant manner. All associates, members of the medical staff and contracting persons and organizations are screened, at a minimum, against the Office of the Inspector General's List of Excluded Providers/Entities and the General Services Administration's List of Parties Excluded from Federal Procurement and Non-Procurement Programs. Debarred or excluded persons will not be hired.

Ongoing program evaluation
We are committed to continually improve our Wheaton Franciscan Healthcare Corporate Compliance Program. Consistent with this commitment, we perform an annual program assessment to identify areas of improvement. These areas of improvement are placed on the Corporate Compliance Plan.

*Note: These principles occur throughout each element of the compliance program.

Prompt response and corrective action for detected problems
Embedded in all of our compliance efforts is the principle that we will promptly address and correct compliance issues. Whether we are involved in an audit, monitoring project or investigation, we take steps to address identified issues.

Enforcement through discipline
Wheaton Franciscan Healthcare has made the commitment that associates who violate Wheaton Franciscan Healthcare policies or legal requirements will be subject to disciplinary action consistent with Wheaton Franciscan Healthcare’s disciplinary policy.
Wheaton Franciscan Healthcare Corporate Compliance Program

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