

meet our
NEW

Staff

60 days

CONFLICT
OF
INTEREST

ethics-point
Compliance
Hotline

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○ MARCH | ○ 2016

Compliance for you

MARCH NEWSLETTER EDITION



TEXAS TECH UNIVERSITY
HEALTH SCIENCES CENTER™

Office of Institutional Compliance

—New Staff Members

The Office of Institutional Compliance welcomes two new staff members to the Compliance Team.

Sylvia Riojas, CPC is the Lubbock Senior Billing Analyst for Institutional Compliance starting in January 2016. Prior to joining the Compliance Office, she was the Lead Coder in Family Medicine. Prior to that Sylvia has been working in various physician offices and has been doing Billing/Coding for 28 years.

Shen Wang, M.S. is the Unit Manager of Compliance at TTUHSC, starting in January 2016. Shen also serves as the TTUHSC Conflict of Interest and Commitment Coordinator. Prior to joining TTUHSC, Shen was the Laboratory Manager at Purdue University. Shen received her Master’s degree from Texas Tech University and is excited to be part of the Institutional Compliance Office.



USB Flash Drive Vulnerability

When it comes to USB Flash Drives, don’t overlook the basics. If you carry any sensitive information around such as Protective Health Information (PHI), you must encrypt. You may say “It will never happen to me”. But wait.... It can and it does every day. Someone, somewhere is accidentally losing their flash drive or it gets taken right out of the front seat of their car.

Over time people become more and more careless of their devices. So careless that a study was conducted in London and New York by British security company Credent Technologist that found 12,500 iPods, laptops, and USB drives were left in taxis during a six-month period. These astounding numbers just go to show you that no data is safe unless it is encrypted. Texas Tech policy HSC OP 56.05 states that confidential data should not be stored on removable media such as flash drives or portable hard drives. However, in the event that there is no alternative to shared server storage, all sensitive Texas Tech University Health Science Center data must be encrypted using approved encryption techniques. The Institution has implemented a way to assist users with this security. When you plug your flash drive into an HSC owned device, you have a pop up that informs you that you have inserted an unprotected device into the computer. Do you want to encrypt this device? You should always answer yes. Even if you consider yourself a responsible individual who would never let such a thing happen, encrypting your portable devices is the best way to ensure your data doesn’t fall into the wrong hands.



CMS's Final Medicare Overpayment Reporting and Refunding Rule

On February 11, 2016, CMS released its final overpayment reporting and refunding rule for Medicare Parts A and B (Final Rule). The Final Rule implements Section 6402(a) of the Affordable Care Act (Act), which addresses the identification, reporting, and refunding of certain overpayments and is now codified at 42 U.S.C. § 1320a-7k(d).

In the Final Rule, CMS addressed major provisions of the rule including clarifications around: the meaning of overpayment identification, the required lookback period for overpayment identification; and the methods available for reporting and returning identified overpayments to CMS.

Meaning of "Identification"

Section 1129J(d) of the Affordable Care Act provides that an overpayment must be reported and returned by the latter of:

- the date which is 60 days after the date on which the overpayment was **identified** and
- the due date of a corresponding cost report (if any).



The Final Rule states that a person has identified an overpayment when the person has or should have, through the exercise of **reasonable diligence**, determined that the person has received an overpayment and **quantified** the amount of the overpayment. This clarification is important because it allows a provider the opportunity to conduct the auditing work necessary to quantify the overpayment amount before the 60-day clock begins. This means that the 60-day clock does not start running until after the reasonable diligence period has concluded, which may take "at most 6 months from receipt of credible information, absent extraordinary circumstances". However, the 60-day time period does begin if an entity received credible information of a potential overpayment but failed to conduct reasonable diligence and an overpayment was received.

CMS considers **reasonable diligence** to include both proactive compliance activities to monitor claims and reactive investigative activities undertaken in response to receipt of credible information.

Lookback Period

Under the Final Rule, CMS adopts a six-year lookback period, rather than a ten-year period originally proposed by CMS in 2012. CMS reduced the lookback period to 6 years in order to avoid imposing unreasonable burdens or costs on providers and suppliers.

How to Report and Return Overpayments

The Final Rule provides that providers and suppliers must use an applicable claims adjustment, credit balance, self reported refund, or another appropriate process to satisfy the obligation to report and return overpayments. Essentially, CMS has instructed providers to use existing processes for overpayment refunds.

Annual Billing Compliance Education Training

It's that time again!

This year, the Billing Compliance Annual Education will focus on Teaching Physician (TP) rules, E/M documentation, and some ICD-10 tidbits. Departments are welcome to schedule a live presentation (plan for a minimum of an hour for the presentation and discussion). Just call your campus' Compliance Office to schedule. There is also the option to study the presentation on-line via ACME and take a review test. You must pass the test with at least 80% accuracy. In addition to the providers and residents, coders and clinical administrators are required to participate in the annual Billing Compliance training.



Conflict of Interest and Commitment

Conflict of Interest

The term “conflict of interest” is often used in many different ways. **What is a conflict of interest?** Generally speaking, a conflict of interest tends to occur in one of the following ways: when an individual has the opportunity to use his or her position at TTUHSC for personal financial gain or to benefit a company in which the individual has a financial interest; when outside financial or other interests may inappropriately influence the way in which an individual carries out his or her TTUHSC responsibilities; when an individual’s outside interests otherwise may cause harm to TTUHSC’s reputation, staff, or patients. Employees of TTUHSC are entrusted with protecting the safety and welfare of the public’s trust.

Conflict of Commitment

A conflict of commitment refers to a situation where an Employee engages in external activities, either paid or unpaid, that interfere with his/her obligations and commitment to TTUHSC. Employees should evaluate their external interests in order to avoid compromising their ability to carry out their obligations to TTUHSC. A conflict of commitment occurs whenever an Employee’s outside activities exceed the permitted professional loyalty is not to



What should you do?

In May 2013, TTUHSC adopted [HSC OP 10.05 Conflict of Interest and Commitment Policy](#). The purpose of the COIC Policy is to provide guidelines on TTUHSC’s conflict of interest policies and to protect the ethical and civic responsibilities of the Institution and its mission. To comply with this policy, starting from the 2nd quarter of 2016, all employees of TTUHSC should:

- take conflict of interest and commitment training annually;
- read HSC OP 10.05 Conflict of Interest and Commitment Policy;
- fully and continually disclose professional and relevant personal activities and relationships that create a potential or actual conflict of interest or commitment;
- remain aware of the potential for conflicts of interest and commitment;
- and take initiative to manage, disclose, or resolve conflicts of interest or commitment as appropriate.

The principles and guidelines contained in this Policy shall apply to all the TTUHSC’s Employees, regardless of rank or position. For more information, please visit our website at <https://www.ttuhscc.edu/compliance/COIC/>



If you have a concern or issue, who you gonna call?

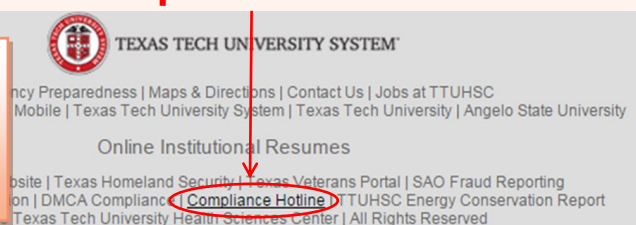
Nope, not the Ghostbusters. The Texas Tech University System has the **EthicsPoint Compliance Hotline** for reporting concerns. Please see steps below for accessing on the TTUHSC webpage.



Compliance Hotline

Go to the TTUHSC Webpage and look for the “Compliance Hotline” link in the bottom (highlight added).

Click on this link. This will take you to the Texas Tech University System (TTUS) Compliance Hotline webpage.



Our Commitment

The Texas Tech University System and its four component institutions — [Texas Tech University](#), [Texas Tech University Health Sciences Center](#), [Angelo State University](#) and [Texas Tech University Health Sciences Center El Paso](#) — are committed to ensuring excellence and the highest degree of ethical conduct at all levels of the organization and its operations.

As civil servants accountable to students, parents, alumni, donors and the citizens of Texas, employees of the Texas Tech University System act as stewards of the organization's resources and their efficient and intentional use.

The Texas Tech University System encourages employees and constituents to attempt the resolution of concerns through established channels whenever possible. The EthicsPoint system is intended to offer an additional means of reporting to individuals for whom existing reporting procedures do not apply.

The identity of individuals who file a report through EthicsPoint will be kept confidential to the extent allowed by the investigative processes and the law. While Texas Tech University System policies prohibit retaliation against individuals who make good faith reports of unlawful activity, the EthicsPoint system is not to be used for malicious, retaliatory, or self-serving purposes.

EthicsPoint

All reports submitted via EthicsPoint will be handled promptly. Be sure to retain your password and return to this website 10 business days after filing a report to check follow-up questions.

FILE A REPORT

(Select respective entity)

[Texas Tech University System Administration](#)

[Texas Tech University](#)

[Angelo State University](#)

[Texas Tech University Health Sciences Center](#)

[Texas Tech University Health Sciences Center El Paso](#)

You may also submit a report via telephone by calling 1-866-294-9352 (toll free).

Para hacer un reporte en Español, favor de llamar 1-866-294-9352.

FOLLOW UP

Already filed a report? [Follow up on your report here.](#)

This is the TTUS Compliance (EthicsPoint) Hotline webpage. There are links on the right side of the page to the appropriate campus for reporting. Click on "Texas Tech University Health Sciences Center". Concerns can also be called in via a toll free number (1-866-294-9352).

Texas Tech University Health Sciences Center

FILE A REPORT

All reports submitted via EthicsPoint will be handled promptly. Be sure to retain your report key and password

This is the webpage for the TTUHSC Ethics Point Hotline.

Faculty Grievances

TTUHSC faculty should address grievances in accordance with the faculty grievance procedures published in the Faculty Handbook of their school. Please click on the policy links below for additional information:

[TTUHSC OP 60.10 - Faculty Grievance Procedure](#)
[Regents' Rules 04.03 - Tenure](#)

Staff Complaints

TTUHSC staff employees who have a complaint pertaining to any work-related problems should contact their supervisor first and attempt a resolution. If a resolution is not reached, click on the policy link below for the appropriate procedures to report your complaint.

[TTUHSC Student Services](#)

Margret Duran, Assistant Vice President for Student Services
Deputy Title IX Coordinator for Students
Email: margret.duran@ttuhsc.edu
Phone: 806.743.2300

For additional information, please visit the [TTUHSC Student Handbook](#).

Discrimination or Harassment

Faculty, staff, and student employees who have a grievance pertaining to unlawful discrimination or other violations of the law that adversely affect their employment should click on the policy link below for appropriate procedures to report your grievance.

[TTUHSC OP 70.10 - Non-Faculty Employee Complaint Procedures](#)
[TTUHSC OP 70.14 - Anti-Discrimination and Sexual Harassment Policy and Grievance Procedure for Violations of Employment and Other Laws](#)

Prior to filing a formal grievance, faculty, staff, and student employees may consult with the Office of Equal Employment Opportunity at the Texas Tech University System.

[Office of Equal Employment Opportunity](#)
Phone: 806-742-3627

Title IX

Under the United States Code of Federal Regulations, Title IX states that, "No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance." 20 USCA § 1681

For more information on Title IX and appropriate procedures to report a grievance, contact:

Dr. Gena Jones
Title IX Coordinator
Email: TitleIXCoordinator@ttuhsc.edu

Margret Duran
Title IX Deputy Coordinator for Students
Email: TitleIXCoordinator@ttuhsc.edu

Charlotte Bingham
Title IX Deputy Coordinator for Faculty and Staff
Email: TitleIXCoordinator@ttuhsc.edu

Research Misconduct

Please click on the policy link below for the

[TTUHSC OP 73.07 - Honesty in Research](#)
[TTUHSC OP 73.07 - Attachment A](#)

Concerns may also be directed to the TTUHSC

[Research Integrity Office](#)
Beth Taraban, Managing Director
Email: beth.taraban@ttuhsc.edu
Phone: 806.743.4566

EthicsPoint is NOT a 911 or Emergency Service

Do not use this site to report events presenting an immediate threat to life or property. Reports submitted through this service may not receive an immediate response. If you require emergency assistance, please contact your local authorities.

There are a variety of resources listed for reporting various types of issues or concerns. Click on the link related to the concern, and the appropriate leadership will be sent the report for review and action as required.

Whether by a phone call or on the webpage, reports can be ANONYMOUS. However, it is often helpful in conducting an investigation to have the reporter's contact information for questions.

While it is recommended to use existing reporting procedures to attempt the resolution of concerns, the EthicsPoint Compliance Hotline is available as an additional means of making your concerns known to TTUHSC.



Office of Institutional Compliance

[Office of Institutional Compliance](#)

806.743.3949

[TTUS Compliance Hotline](#)

1.866.294.9352