

# COMPLIANCE SERVICES

As regulators and legislators continue prioritizing enforcement actions against perceived provider fraud and abuse, government investigators continue to target providers such as health systems, hospitals, skilled nursing facilities, inpatient rehabilitation facilities, large multi-specialty physician groups, ambulatory surgery centers, laboratories, home health agencies, hospices and non-other provider entities, including pharmaceutical and medical device companies. Whistleblowers who may benefit from such actions also are incentivized to file cases. No health care organization is immune, no matter how effective its corporate responsibility program, so experienced legal counsel is crucial. Even with the most sophisticated compliance programs, problems may arise and providers need experienced and timely support when they find themselves the target of a government investigation or internally identify compliance issues that may place the provider at risk.

Hall Render's Compliance team represents clients across the country and is composed of a large, diverse group of attorneys in all our offices. Our team provides counsel on the full spectrum of regulatory compliance matters, ranging from prevention and assessment to investigation defense and resolution. These matters include, but are not limited to, audits, voluntary refunds, self-disclosures and investigations.

## OUR APPROACH

Hall Render's Compliance team works alongside in-house counsel daily providing practical solutions and mitigating risk in the most efficient ways possible. Our attorneys have extensive experience in government investigations involving all aspects of health care operations, including, medical necessity, documentation, coding and billing, group practice matters, physician arrangements and compensation, lab services and pharmacy, among other areas. Our extensive experience has resulted in numerous dismissals and favorable settlement in the face of potentially significant liability under the Stark Law, the Anti-Kickback Statute, the False Claims Act and other health care laws and regulations.

**Government Investigations.** Our team works with providers on properly responding to governmental audits, civil investigative demands, subpoenas and other formal investigations. We are involved in defending providers in enforcement initiatives large and small, which may involve the U.S. Department of Justice, Office of Inspector General, State Attorney General Offices, Medicaid Fraud Control Units and other enforcement agencies. Our past experience with government investigations is crucial in developing the best defense approach and provides significant benefit to our clients.

**Self-Disclosures and Voluntary Refunds.** We routinely interact with compliance officers and general counsel regarding matters that have been reported through their compliance programs and advise them regarding how best to implement any necessary corrective action. Based on our deep experience, we advise these providers on the most appropriate manner for self-disclosing or voluntarily refunding any past conduct that requires such an approach. We coordinate with providers to investigate, gather necessary information, assist with calculating potential overpayments, prepare self-disclosure or refund materials and represent the provider throughout the self-disclosure settlement or voluntary refund process.

**Corporate Integrity Agreement Management and Support.** Some providers may be required to enter into a Corporate Integrity Agreement ("CIA") with the Office of Inspector General. These CIAs impose significant and time-

## CONNECT WITH US



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sensitive compliance obligations on the provider, including but not limited to, establishing new compliance programs, providing annual compliance training to staff, performing annual reviews and reporting to the Office of Inspector General any further suspected compliance issues. Our team members assist providers in managing the full range of their compliance obligations under a CIA. In certain circumstances, our attorneys have also served in the role of an Independent Review Organization to perform compliance reviews as necessary to meet the provider's CIA obligations.

**Compliance Counsel and Compliance Support Services.** Our compliance team has extensive experience regarding particular compliance issues arising under the False Claims Act, Civil Monetary Penalties Law, Stark Law and Anti-Kickback Statute. On a day-to-day basis, we counsel providers on compliance questions that arise regarding particular coding and billing practices and relationships with physicians. In addition, our regulatory compliance practice would not be complete without team members who regularly assist our provider clients to improve their own internal compliance program practices. Maintaining effective compliance programs for providers in the health care industry has never been more important than it is now, and it is the best “preventative medicine” for keeping a government investigation from the provider's doorstep. Hall Render attorneys can conduct a formal compliance program assessment and make recommendations to ensure the provider has a fully comprehensive and active corporate compliance program, as well as develop a process to keep the current compliance policies up to date and support the provider in maintaining the program's effectiveness. We work directly with client compliance officers and general counsel to advise them on the latest legal and Office of Inspector General requirements and standards. Through our focused assistance, a provider's compliance program will operate more efficiently and effectively while meeting organizational needs.

#### **REPRESENTATIVE EXPERIENCE EXAMPLES:**

Hall Render's Compliance team's experience includes:

- Assisting a client in self-disclosing conduct to the Office of Inspector General and successfully negotiated client's financial hardship claim and release resulting in no multiplier and client settlement of just over 14 cents on every dollar owed in single damages.
- Representing a large pain management provider in successful negotiations with the Office of Inspector General that prevented the provider's exclusion from Medicare and Medicaid and resulted in a well-crafted Corporate Integrity Agreement in lieu of exclusion.

#### **LET'S GET STARTED**

Contact Hall Render to discuss how your organization can benefit from a partnership with our health care attorneys and advisors. Visit [hallrender.com](https://www.hallrender.com) to learn more.

