Presentation to the Health Commission

Office of Compliance and Privacy Affairs (OCPA)
San Francisco Department of Public Health
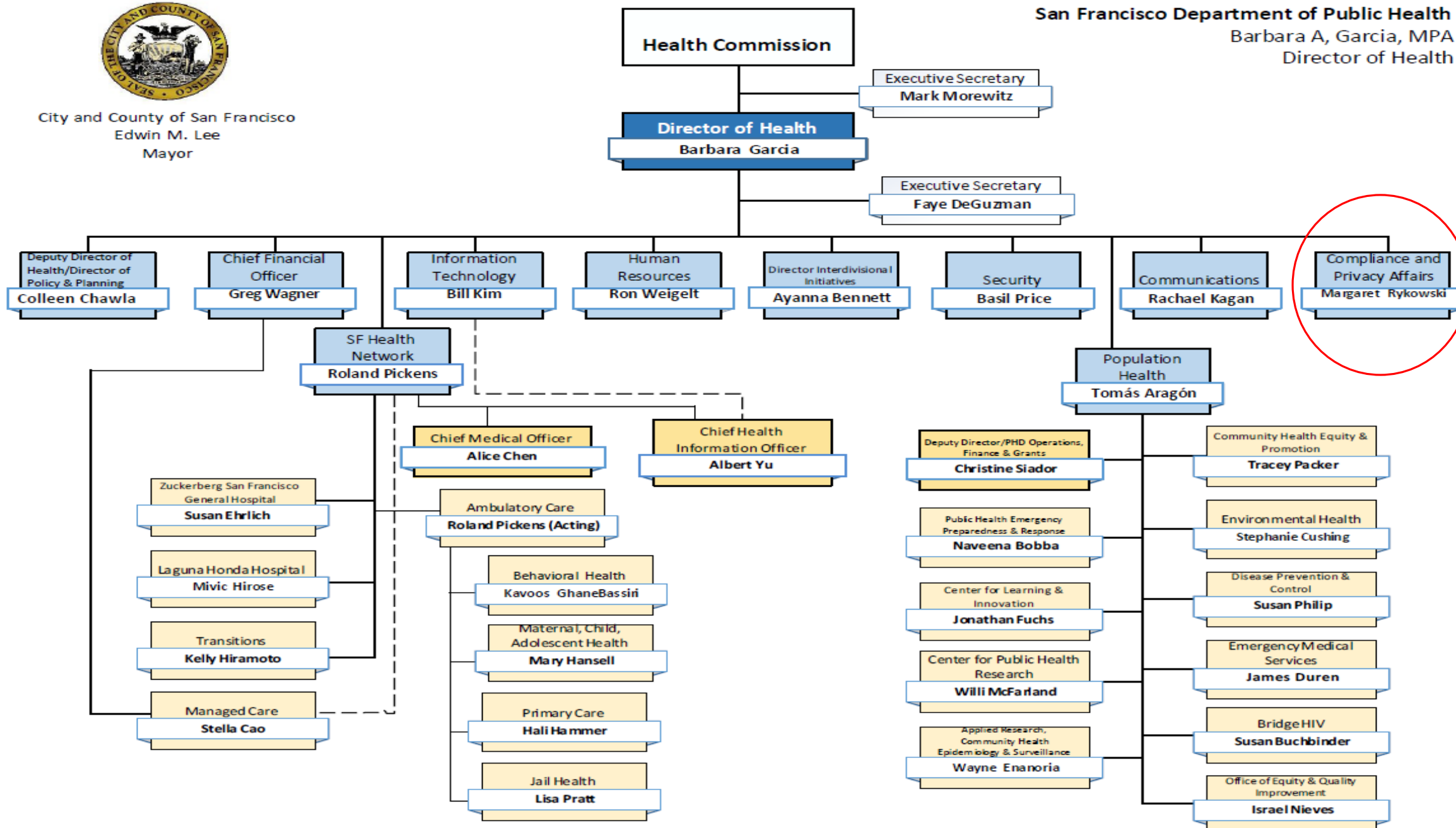
October 3, 2017

OCPA Overview

1. DPH Organizational Chart
2. DPH OCPA Roadmap
3. DPH Compliance Program
4. DPH Privacy Program
5. DPH Data Sharing/Governance Program
6. The Hard News: Whistleblowers, Hotline, Privacy Breaches, Disallowances
7. Accomplishments and Future Challenge

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OCPA Process/Roadmap

Our Service	Governance	Risk	Compliance
Risk Assessments	**Policies & Procedures**	**Safeguards & Corrective Action Plans**	**Reinforce with Training & Communiques**

DPH Compliance

What is it?

1. Policies and Procedures

2. DPH Code of Conduct

3. Risk Assessments

4. Monitoring and Auditing

5. Providing Guidance

Why is it important?

❑ Avoid harm to DPH

❑ Prevent illegal and unethical conduct

❑ Ensure compliance related to billing, documentation and delivery of service

❑ Prevent fraud, waste and abuse

❑ Provide safe place to report suspected violations

DPH Privacy

What is it?

1. Privacy Rule: Authorized? Need to know? And Minimum Necessary?

2. HITECH: Is it shared securely?

3. Are legal agreements in place?

Why is it important?

☐ Protect patient confidentiality

☐ Protect against improper disclosures

☐ Avoid breaches and fines

☐ Engineer data sharing to improve care coordination and to better understand the populations we serve

DPH Data Sharing / Governance

(established January 2016)

What is it?

1. Legal agreements allowing sharing of PHI

2. Registering and monitoring Data Sharing agreements

3. Standardizing data sharing processes across City agencies

Why is it important?

❑ Ensure agreements contain proper legal protections and are valid

❑ Assures checks and balances are done before sharing (data security, privacy, business need)

❑ Enables data sharing for our shared clients

Accomplishments: DPH Finalized 57 Data Sharing Agreements!

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FY16-17 Findings

Whistleblower Program

OCPA maintains a 24-7 toll-free Hotline to provide a safe place for employees to report suspected violations. The calls to the hotline may be made confidentially and anonymously. Below are some examples of types of complaints OCPA investigates.
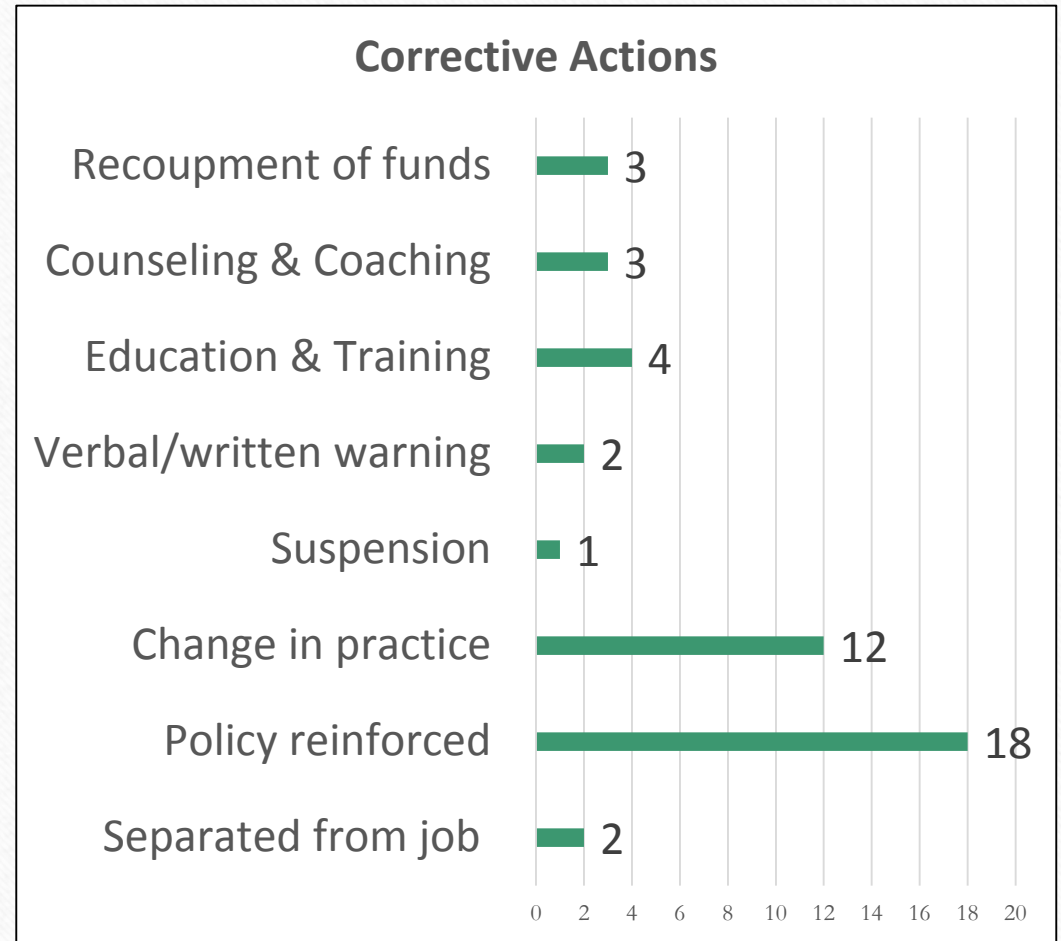
❑ Non-compliance with billing, coding, and documentation regulations
❑ Suspected Healthcare Fraud, Abuse and Waste
❑ Privacy breaches
❑ Suspected violation of the DPH Code of Conduct or DPH policies
❑ Conflict of Interest
❑ Theft or Misuse of DPH and/or City resources

Whistleblower Complaints FY16-17

FY 16-17: WB Complaints Stats	N =	%
Complaints received:	74	100%
Complaints investigated and closed:	42	73%
Allegations were substantiated:	22	52%

Findings (Substantiated)	N =	%
Conflict of Interest	3	14%
Code of Conduct	9	40%
Misuse of City Time / Resources	6	27%
Improper Activity	4	18%
Quality of Care	3	13%
Healthcare Fraud, Waste & Abuse	3	13%

Corrective Actions

Action	Count
Recoupment of funds	3
Counseling & Coaching	3
Education & Training	4
Verbal/written warning	2
Suspension	1
Change in practice	12
Policy reinforced	18
Separated from job	2

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DPH Compliance Disallowances

Losses (Recoupments)

ZSFG

- Voluntary Repayments: $23K

- External Audits: $3.72M

Behavioral Health Services

- Voluntary Repayments: $1.6M

- External Audits: $526K

Top 3 reasons

❑ Service did not meet medical necessity
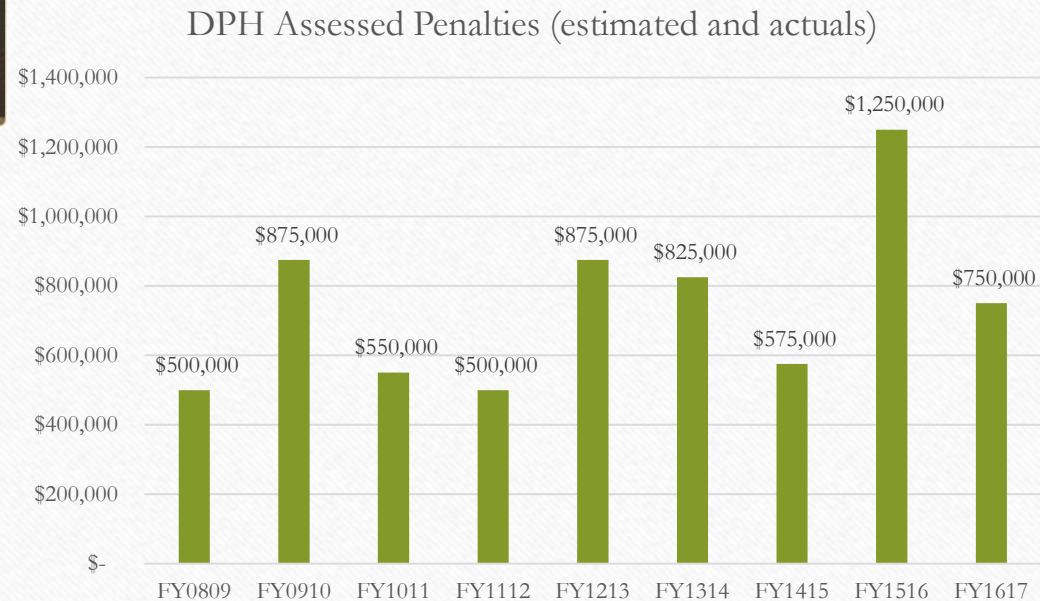❑ Incomplete documentation
❑ Delay of service

Corrective Action

❑ Provider education and training
❑ Implementing internal controls
❑ Conducting internal reviews and monitoring to ensure correction and compliance continues

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DPH Privacy Breaches

Penalties

DPH Assessed Penalties (estimated and actuals)

Top 3 reasons

❑ Misplaced or Lost PHI
❑ Improper Access or Snooping
❑ Unauthorized release or disclosure

Corrective Action

❑ Provider education and training
❑ Privacy Pulse
❑ Audit and monitoring
❑ Establish internal controls
❑ Disciplinary action

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FY16-17 Accomplishments

and

Future Challenges

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Accomplishments

❑ Transitioned leadership

❑ Supported compliance/privacy assistance and training requests from DPH clinics and community partners

❑ Hired a full time Data Sharing Officer

❑ Finalized 57 Data Sharing and Governance agreements with other City agencies and departments

❑ Hired a full-time compliance and privacy officer at LHH

❑ Passed DHCS Triennial audits for outpatient Behavioral Health Services and ZSFG Inpatient Psychiatry (73% drop in error rate)

❑ Delivered annual web-based compliance/privacy trainings DPH-wide

Future Challenges

❑ Implementation of new electronic health record

❑ Increased cyberattacks and IT threats

❑ Increased government scrutiny of privacy practices and breaches

❑ Increased oversight by new regulators and government agencies for medical claims

❑ Timely and accurate submission of medical claims to avoid penalty

❑ Optimize clinical documentation to support quality healthcare and revenue cycle growth

❑ Ensuring OCPA staff have the necessary tools, skills and knowledge to be effective in their jobs

❑ Bolster infrastructure to meet program needs and objectives

Thank you!

Questions?