

TITLE: Billing Compliance Investigation Guidelines

POLICY/PURPOSE: This policy outlines how the Office of Physician Billing Compliance (the “OC”) receives, documents and investigates allegations of billing non-compliance for the University Of Florida College Of Medicine – Jacksonville (UFCOMJ) and the University of Florida Jacksonville Physicians, Inc. (UFJPI).

1. **Compliance Plan.** UFCOMJ and UFJPI employees must comply with the UFCOMJ Billing Compliance Plan (the “Plan”) and applicable state and federal law.

The Plan requires the Director of the Office of Physician Billing Compliance (the “Director”) or his/her designee (collectively, the OC) to investigate allegations of billing non-compliance. The Plan also requires employees to report suspected incidents of billing non-compliance to the OC and to cooperate with any investigation into allegations of non-compliance.

2. **Protection of Rights.** To the greatest extent possible, the OC will protect the rights of all UFCOMJ and UFJPI employees during any inquiry, investigation or fact-finding process, including taking steps to protect the privacy of the accused and of those who, in good faith, report alleged non-compliance.
3. **No Recrimination.** The Plan forbids any recrimination toward a person bringing a good faith allegation of billing non-compliance. Retaliatory conduct against persons acting in good faith will be subject to disciplinary action. If it is found that an accusation has been brought maliciously or in bad faith, the filing of the accusation can be cause for disciplinary action against the complainant in accordance with UFCOMJ or UFJPI rules.
4. **Confidentiality.** To the greatest extent possible, the OC will maintain confidentiality throughout any inquiry or investigation. All individuals involved in the inquiry or investigation process will be informed of the confidentiality requirements.
5. **Conflict of Interest.** The OC will take precautions to avoid real or apparent conflict of interests of individuals involved in the inquiry or investigation process.

At the discretion of the Director, inquiries or investigations that may be in conflict with the interests of the Director will be referred to the Dean of the College of Medicine - Jacksonville for resolution. The OC automatically will refer any inquiries or investigations involving the billing activities of the Director to the Dean of the College of Medicine – Jacksonville for resolution.

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6. Fair Process. The OC will conduct all inquiries and investigations in a fair and impartial manner.

DEFINITIONS:

PROCEDURE: The OC has a duty to investigate and determine the appropriate responses to all reports and indications of suspected billing non-compliance and to oversee and coordinate resolution of all UFCOMJ and UFJPI billing compliance issues (including follow-up, record keeping, research, communication and education). A determination of the gravity of the compliance problem will dictate the speed of response and extent of investigative activities.

1. Coordination. The OC will coordinate any inquiry or investigation with the University of Florida Office of General Counsel.
2. Allegations of Billing Non-Compliance. Allegations of billing non-compliance may be made by anyone who has reason to believe that such non-compliance has occurred. Such allegations may be made directly to the OC or through the Billing Compliance Hotline at 1-877-556-5356.
3. Initial Inquiry. The OC will perform an initial inquiry and determine whether there is evidence that billing non-compliance may have occurred. If evidence of billing non-compliance is found, the OC will proceed with an investigation.
4. Investigation. The OC will perform an investigation if an initial inquiry has resulted in evidence that billing non-compliance has occurred.

With the assistance of the Office of General Counsel, the OC will review UFCOMJ and UFJPI policies, federal and state statutes and regulations, intermediary and payer communications, medical society publications or other appropriate sources in order to identify the proper documentation or billing standard relative to the alleged billing non-compliance. If there is an ambiguity in the billing requirements, a determination of the appropriate policy will be made by the Director with guidance from the Office of General Counsel.

The Office of Compliance will secure all billing or patient record data (or other relevant information) involved in the allegation. Such action will not constitute disciplinary action, but is meant to obtain and preserve the data or information.

Whenever possible, the OC will interview all individuals involved in the alleged act of billing non-compliance, as well as other individuals who might have information regarding key aspects of the allegations. These individuals may include, but are not limited to, UFCOMJ, UFJPI and UF Health – Jacksonville employees. Permission to interview UF Health – Jacksonville employees shall be obtained from hospital leadership prior to conducting interviews.

5. Action Decision. Upon conclusion of the inquiry or investigation, the OC will prepare a written report of the findings of the inquiry or investigation. The written report will indicate whether the investigation found credible evidence that billing non-compliance has occurred and whether corrective and/or disciplinary action is warranted.

In addition to the conclusion reached, the written report will state what documents were reviewed, summarize the relevant interviews and substantiate the findings of the inquiry or investigation. The Director will maintain documentation of the inquiry or investigation in a secure manner for at least three years following the termination of the inquiry or investigation.

6. Corrective/Disciplinary Action. If the finding of the investigation is the billing non-compliance has occurred, the Director will determine any appropriate corrective action needed and will make a recommendation to the affected employee's supervisor as to appropriate disciplinary action.

A. When applicable, the Director will recommend the appropriate corrective or disciplinary action in accordance with the UFCOM's or UFJPI's existing remedial and disciplinary measures. Examples of such remedial or disciplinary action include:

- 1) The issuance of a Letter of Counseling;
- 2) The issuance of a Letter of Reprimand;
- 3) Suspension without pay; and
- 4) Termination.

B. In addition, when applicable, corrective action also included, but is not limited to:

- 1) Suspending billing for the affected provider's services;
- 2) Requiring pre-billing reviews of an affected provider's charts; and

- 3) Requiring an affected provider or staff member to attend educational seminars.
- C. If corrective or disciplinary action is recommended, the Director will meet with the Chair of the non-compliant provider's Department or the supervisor of any non-compliant staff member to discuss any required corrective or recommended disciplinary action.
- 1) Decisions regarding faculty discipline will be made in accordance with the University of Florida policies and procedures. In addition to consulting with the Chair of the non-compliant faculty member's department, the Director will coordinate with the Associate Dean of Administrative Affairs.
 - 2) Decisions regarding UFJPI employee discipline will be made in accordance with UFJPI policies and procedures. In addition to consulting with the Chair of the non-compliant UFJPI provider's department, the Director will consult with the UFJPI Human Resources Department.
7. **Reporting.** If, after a reasonable inquiry and investigation, the OC has reason to believe that the non-compliance may violate criminal, civil or administrative law, then the Director may be required to report the existence of such non-compliance to the appropriate federal and state authorities. Such incidents will be discussed with the Office of General Counsel in order to determine the appropriateness of reporting the non-compliance to any governmental agency.
 8. **Appeal.** If the Department Chair or individual involved in the non-compliant activity does not agree with the proposed corrective or disciplinary action, the Department Chair or individual may appeal the issue in accordance with University of Florida or UFJPI disciplinary policies and procedures.
 9. **Inform and educate.** The OC will inform the non-compliant provider or staff member and his/her Department Chair or supervisor of any immediate corrective action in billing procedure and the reasons for any such changes.
 10. **Subsequent Action.** The OC may direct the appropriate Department to perform post-investigation medical record and claim reviews to monitor compliance with any final decisions of the Director. The OC also may perform additional audits or review the departmental audits as necessary.
 11. **Further Action.** The Director may recommend additional action if departments or individuals continue to be out of compliance with final decisions of the Director.

12. Additional Information. Questions regarding this policy and procedure should be directed to the Office of Physician Billing Compliance at (904) 244-2158. In addition, questions may be submitted via the confidential Billing Compliance and Corporate Responsibility Hotline at 1-877-556-5356.

REFERENCES:

APPROVED BY: Maryann C. Palmetter
Director, Office of Physician Billing Compliance