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ETHICS & BOUNDARIES:

Ethics are derived from human values such as respect, responsibility, integrity, and the personal behavioral standards a person holds. There are many types of business ethics we must consider as healthcare providers and business owners.


- Personal Responsibility
- Professional Responsibility
- Personal Loyalties
- Corporate Responsibilities
- Organizational Loyalties
- Economic Responsibilities
- Technical Morality
- Legal Responsibility

2

Personal Responsibility

What shapes our personal values?


What is your responsibility to Public Health?



3

Professional Responsibility


A Doctor of Chiropractic represents the chiropractic profession and must follow the rules and regulations.



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INTEGRITY

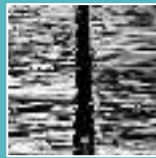


Integrity is not something you show others. It is how you behave behind their back.



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A Higher Standard

Chiropractic Ethics Business Ethics Compliance Ethics



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CHIROPRACTIC ETHICS:

The following acts constitute grounds for denial of a license or disciplinary action, as specified:

- False, deceptive, or misleading advertising
- Not identifying yourself or practice as chiropractic in advertising
- Making or filing of false reports
- Making misleading, deceptive, untrue or fraudulent representations.
- Soliciting patients personally or through an agent
- Failing to keep legibly written medical records
- Submitting claims for services that were not provided to patients
- Accepting insurance payments as payment in full

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False, Deceptive, or Misleading Advertising

Dr. X engaged in advertising that was perceived as misleading. Based on the advertisements and statements of Dr. X, potential patients believed that Dr. X would cure their Type II Diabetes.



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DISCIPLINARY ACTION


- Dr. X paid a Civil Penalty of \$7,500 in addition to:
- Submit to board every six (6) months a sampling of patient records for review of practice standards and documentation
- Provide quarterly reconciliations of escrow account for prepay plan requirements
- Have all advertisements approved
- Suspension of license for not less than 4 years
- Completion of CPEP Professional Problem Based Ethics course, ERAS Ethics and Boundaries essay examination, pass all sections of NBCE Special Purposes Examination in Chiropractic

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False, Deceptive, or Misleading Advertising

Dr. T placed an ad for his chiropractic office which contained a picture of him, and Dr. X.

Dr. X did not become licensed until July 17, the ad was published in early July. Before Dr. X was licensed.



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DISCIPLINARY ACTION

Dr. T had licensed suspended for six months.

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Soliciting Patients Personally or Through an Agent

Dr. X paid individuals, referred to as "runners" referral fees or kickbacks in exchange for referring victims of automobile accidents for services billed to no-fault insurance companies. Dr. X also paid patients directly, and indirectly through runners, to ensure that patients would attend a minimum number of scheduled treatment sessions.



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DISCIPLINARY ACTION

- Dr. X had his license revoked.
- Paid a Civil Penalty of \$10,000
- Dr. X must enroll and successfully complete the and successfully pass all sections of the Ethics and Boundaries Assessment Services examination within 6 months

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BUSINESS ETHICS:


Healthcare is highly regulated. Part of following the rules includes proper compliance, documentation, coding, and finances.

- Meet documentation standards
- Pay your taxes (State, Federal, etc)
- Cover Your Assets, have adequate insurance
- Treat your employees well
- Be honest in your business dealings
- Give back to the community
- Meet state and federal guidelines for billing and reimbursement
- Honor provider agreements

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Documentation Requirements

Dr. M was called before the board for a review of her medical records. The board found that she provided unnecessary services that were not justified by documentation, including, but not limited to no complaints or objective findings for areas treated, no times for timed services.



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DISCIPLINARY ACTION

Dr. M had her license suspended for 2 years.


Dr. M must enroll and successfully complete the PEY Education. The Enhanced Edition, must enroll and pass all sections of EBAS, shall attend not less than 8 units of one-on-one continuing education in proper documentation by a Board approved provider, which will not be used annual CE requirements for renewal.

Dr. M must arrange for an independent monitor to conduct quarterly reviews of her standard of care, billing practices, and healthcare documentation. A written report from the monitor must be submitted to the Board quarterly.

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Billing Fraud

Dr. J entered a plea of guilty to the offenses charged in February 2019. D J admitted that from January 2007 to October 2015, he submitted false billing claims to defraud BCBS. The false claims included services not provided or in excess of services provided. Dr. J also admitted that he failed to file income tax returns for years 2011 through 2014.



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DISCIPLINARY ACTION

Dr. J was sentenced to 33 months in federal prison

Paid restitution in the amount of \$401,000 to BCBS and \$93,528 to the IRS

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COMPLIANCE ETHICS:

Healthcare is highly regulated. Part of following the rules includes proper compliance, documentation, coding, and finances.

- HIPAA Compliance
- OSHA Compliance
- OIG Compliance
- Medicare/Medicaid Compliance
- Labor Law

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HIPAA PRIVACY RULE



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Safeguards

Administrative

Physical

Technical



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Patient Confidentiality

Walgreens received \$1.4 million dollar fine

when one of its pharmacists shared confidential medical information about a customer who had once dated her husband. Part of the reason for the large fine was not only due to the leak of patient health information, but because of Walgreen's failure to have proper procedures in place for training employees on private health information security.

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Social Media Disclosure

PT Practice Pays \$25,000 to Settle Violations of Disclosing PHI on Social Media

On August 8, 2012, OCR received a complaint alleging that Complete P.T. had impermissibly disclosed numerous individuals' protected health information (PHI), when it posted patient testimonials, including full names and full-face photographic images, to its website without obtaining valid, HIPAA-compliant authorizations.

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Portable Devices

Stolen laptop results in \$2.5 million dollar settlement

A cardiac monitoring vendor got into HIPAA hot water when a laptop containing hundreds of patient medical records was stolen from a parked car. The OCR reached a \$2.5 million settlement with the vendor, demonstrating that the federal government is extremely aggressive in prosecuting HIPAA cases involving third parties and portable digital media.

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Outdated Software

Health facility failed to update outdated software and pays \$150,000 to HHS

Following the investigation by HHS' Office for Civil Rights, officials discovered ACMHS had adopted HIPAA security policies and procedures, but they were not followed by the organization's employees for a seven-year period, from 2005 to 2012.

Specifically, the organization neglected to update IT resources with system patches and updated software.



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SECURITY RISK ANALYSIS

Conduct an accurate and thorough assessment of the potential risks and vulnerabilities to the confidentiality, integrity, and availability of ePHI held by your practice.

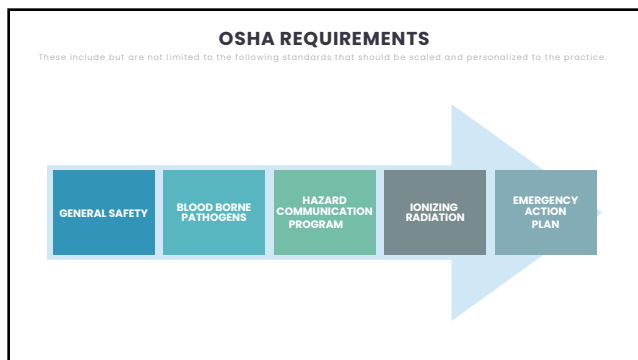


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OSHA Policy



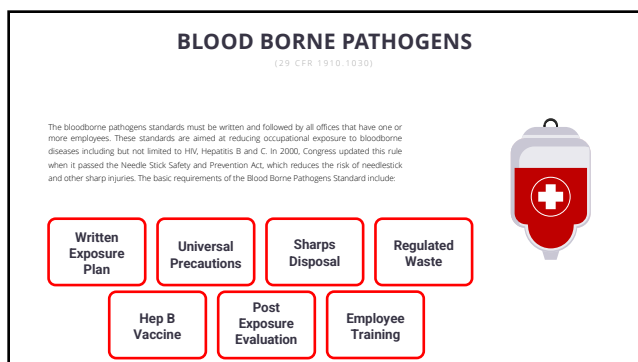
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HAZARD COMMUNICATION STANDARD
(29 CFR 1910-1200)

EMPLOYEE RIGHT TO KNOW
The purpose of this section is to make sure that the hazards of all chemicals are classified by the manufacturer and that this information is made available to employers and employees. Employers are responsible for establishing a program to communicate this information to their workers.

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IONIZING RADIATION
(29 CFR 1910-1096)

This standard applies to facilities that have an x-ray machine. Radiation includes alpha rays, beta rays, gamma rays, x-rays, neutrons, high-speed electrons, high-speed protons, and other atomic particles. The following guidelines are required.

Restricted Areas
Restricted areas must be provided to limit employee exposure to radiation or radioactive materials.

Radiation Monitors
Employees working in restricted areas must wear radiation monitors.

CAUTION
Rooms and equipment should be labeled with caution signs.

Survey
A survey of the type of radiation must be completed.

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EMERGENCY ACTION PLAN
(29 CFR 1910.38)

EVACUATION PROCEDURES
And emergency escape routes. Also describes actions employees should take before and while evacuating.

REPORTING
Procedures for reporting a fire or other emergency, such as dialing 911, or pulling a fire alarm.

CONTACT LIST
Names of all persons to be contacted in an emergency, and steps for accounting for all employees after an emergency.

RESCUE AND MEDICAL DUTIES
Most small businesses rely on local public resources such as the local fire department or hospital to provide these services.


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When OSHA Comes Calling

Kelly works at the front desk. Unfortunately, she is often late for work, chats a great deal on her cell phone and forgets to send the billing at the end of the day.

Today, she accidentally spills some of the chemicals inside the developing room. She normally does not go in there, but she hid there to talk privately on her cell phone. When you find her, she is cleaning the mess without gloves or eyewear, and only using a bucket and mop.

You decide that it is time to let her go.




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When OSHA Comes Calling

Later that week, you have a visitor. He identifies himself as an OSHA inspector, hands you his credentials and requests to inspect your office. He informs you that there has been a complaint. You knew about OSHA, but you thought it did not apply to you?

He shows you the complaint document, which reads as follows: "I was cleaning up some chemicals at my employer's office. My skin is now severely irritated ... my employer never told what to do in case of a spill; when this happened, he fired me on the spot."

The inspector asks that you take him to where the incident occurred; he requests to see your written Hazard Communication Program in addition to your MSDS [Material Safety Data Sheet] book. He asks to see your OSHA poster.

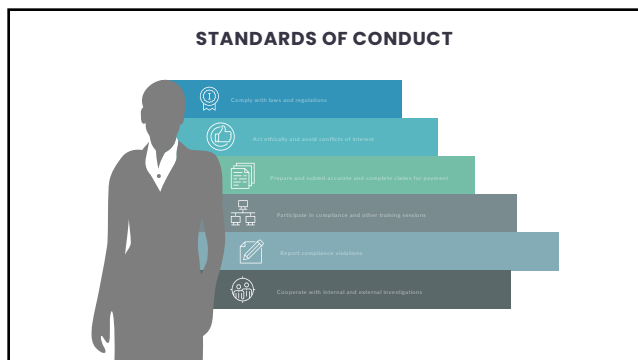


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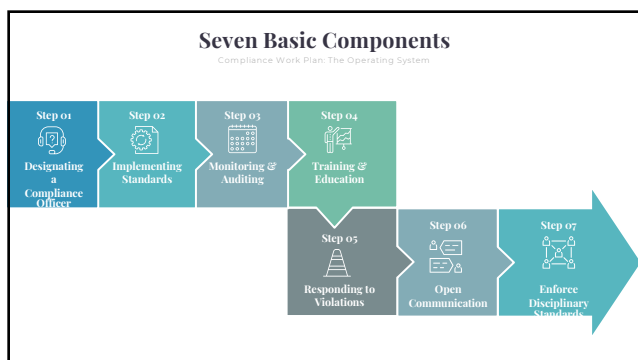
OIG Compliance



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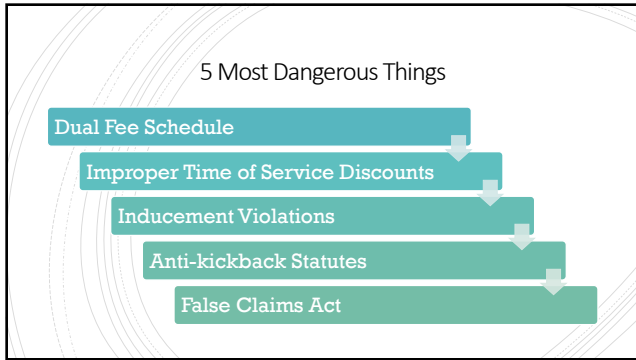
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Dual Fee Schedule

Charging more to insurance than you do to your cash patients.

Misstates charges to carriers.


Potential False Claims Act Violation.

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Dual Fee Schedule


Agreed Settlement of Disciplinary Action was entered into by Dr. X and the CPBN for violations of unprofessional conduct (NRS634.018(10)).

The charges included failure to collect proper co-payment amounts, waiving deductibles and, by office policy, having a dual fee schedule, i.e., cash vs. insurance (NAC 634.430)



98940 - CMT 1-2 Areas	
Blue Cross	\$41.00
Workers Comp	\$82.00
Cash	\$40.00

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DISCIPLINARY ACTION

- Dr. X was placed on probation for 2 years.
- Paid a fine of \$10,000
- Reimburse the Board for its costs not to exceed \$5,000

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A discount offered based on bookkeeping savings.

OIG states that 5%-15% is considered reasonable.

Often a cover for a "dual fee schedule".

Improper Time of Service Discount

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OIG permits incentives up to \$15 per item, no more than \$75 on an annual basis.

CMPs of up to \$10,000 per wrongful act.

Inducement Violation

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A federal law that prohibits paying or receiving remuneration in order to induce the referral of government paid **healthcare** business.

A criminal statute. Includes fines up to \$25,000 per violation, up to 5 years in prison, or both.

Antikickback Statute

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Federal penalties can total three times of amount of the claim, plus fines of **\$5,500-\$11,000** per claim.

State laws include possible imprisonment, in addition to fines of **\$5,000-\$10,000** per claim.


False Claims Act

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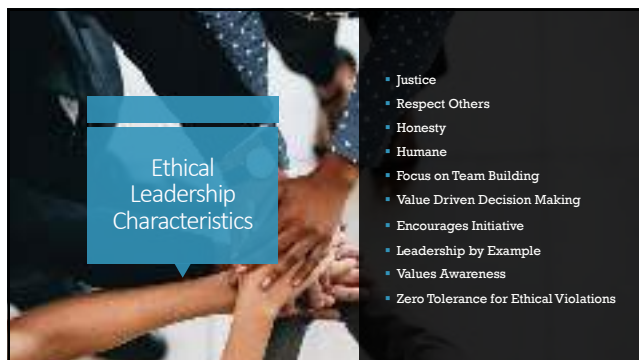
False Claims Act Violation

Dr. B from Iowa has agreed to pay \$79,919 to resolve allegations Dr. B violated the False Claims Act by improperly billing Medicare and Medicaid for chiropractic adjustments after providing free electrical stimulation to beneficiaries to influence those beneficiaries to receive chiropractic adjustments from Dr. B.

The government alleged that this conduct violated the Anti-kickback statute and, in turn, the False Claims Act. The claims at issue were submitted between January 1, 2012, and September 30, 2016.



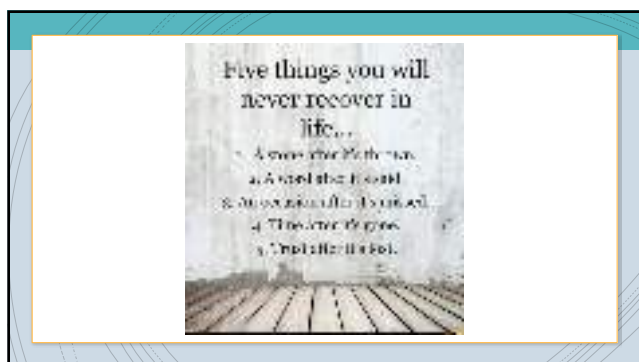
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Ethical Leadership Characteristics

- Justice
- Respect Others
- Honesty
- Humane
- Focus on Team Building
- Value Driven Decision Making
- Encourages Initiative
- Leadership by Example
- Values Awareness
- Zero Tolerance for Ethical Violations


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Five things you will never recover in life...


1. A cross the path to an
2. A road the road
3. A mountain the road
4. The road to you
5. The road to you

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