

Saint Louis University

Office of Compliance & Ethics

Fall 2019 Newsletter



SLU Integrity Hotline

Integrity at SLU Begins with You

The Office of University Compliance and Ethics is proud to announce the launch of an updated, anonymous reporting system for the University: [SLU Integrity Hotline](#)

All members of the Saint Louis University community are responsible for ensuring that university operations are conducted with honesty and integrity. If you have a reason to believe that a member of the community may have violated a law, rule, regulation or policy you have a responsibility to submit a good faith report of those concerns.

Do you have a Coding Question?

SLUCare has a new coding help line! Call or email the coding specialists at 314-977-6323 or email medicalcoding@health.slu.edu

Attention New Employees

New employees of SLUCare, SOM, CADE, & DCHS who directly or indirectly support healthcare encounters are required by Federal law to complete Fraud, Waste, and Abuse, and General Compliance training within 30 days of their start date. The module **NEWEMPCUFY2020** can be found on the "Training Requirements" section of your mySLU Home page.



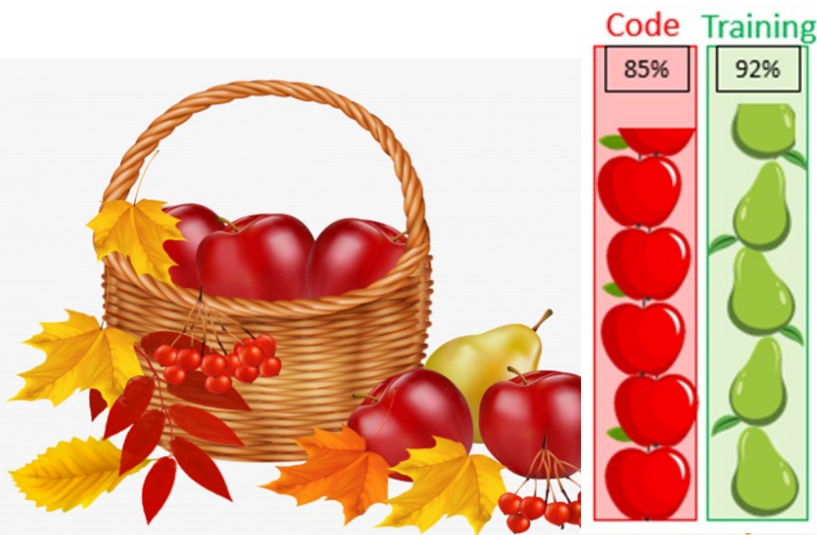
HIPAA Walkthrough Site Visits

In early August, the Privacy Office emailed a HIPAA privacy and security survey to business managers and clinic supervisory staff within clinic spaces. The survey captured responses regarding workstation use, employee conduct and access controls that pertain to HIPAA.

The survey is an important part of our process for identifying areas and functions that may need attention to assure SLU's compliance with HIPAA. It's also a vital piece of documentation that will be helpful in conducting periodic site visits.

We are now beginning the process of conducting clinic site walk-through visits to align with the recent HIPAA Site Surveys that were completed. Business Managers and other clinical leaders will soon be contacted regarding their survey results and to discuss best options for performing walkthrough inspections.

We hope to see many of you in the next few months!



Training Requirements

The 2019-2020 Code of Conduct and the 2020 Annual Compliance Training modules (General Compliance and Fraud, Waste, and Abuse) Modules can be found at myslu.slu.edu/home under **Training Requirements**.

University leadership expects that these compliance

requirements are satisfied by every person who supports (directly or indirectly) SLU's patient encounters. We have a few more people to reach within the practice before we can claim 100% Compliance. If you haven't yet completed these annual obligations, please do so immediately.

Diagnosing Adverse Response -vs- Side Effect

What diagnosis code should you use when your patient has an adverse reaction to a drug?

What if a patient is undergoing chemotherapy treatment and is experiencing fatigue, nausea or another symptom from the chemo treatment, should you just code the symptoms?

CMS guidelines state to only code the symptoms as a last resort.

To answer the above question, you'll need more information. Side effects are different than adverse reactions.

Side effects of drugs: Nausea, vomiting and fatigue are considered side effects of chemotherapy or radiation therapy.

Side effects can occur when the medication is taken correctly. Side effects may be dose-related or, they may be a totally unpredictable event.

Adverse effect of drugs: Examples include tachycardia, delirium, gastrointestinal hemorrhaging, vomiting, hypokalemia, hepatitis, renal failure, or respiratory failure.

An adverse effect is an unintended occurrence when a medication is taken correctly. It may be dose-related, or it may be a totally unpredictable event, such as a drug allergy or intolerance to the drug.



Medicare Advantage Provider and Physician to Pay \$5 Million to Settle False Claims Act Allegations

Department of Justice, Office of Public Affairs Thursday August 8, 2019

Beaver Medical Group L.P. (Beaver) and one of its physicians, Dr. Sherif Khalil, have agreed to pay a total of \$5,039,180 to resolve allegations that they reported invalid diagnoses to Medicare Advantage plans and thereby caused those plans to receive inflated payments from Medicare, the Justice Department announced. Beaver is headquartered in Redlands, California.

The settlement resolves allegations originally brought in a lawsuit filed under the *qui tam*, or whistleblower, provisions of the False Claims Act by Dr. David Nutter, a former employee of Beaver. The act permits private parties to sue on behalf of the government for false claims for government funds and to receive a share of any recovery. Dr. Nutter will receive approximately \$850,000.

The government's intervention in this matter illustrates its emphasis on combating health care fraud. One of the most powerful tools in this effort is the False Claims Act. Tips and complaints from all sources about potential fraud, waste, abuse, and mismanagement, can be reported to the Department of Health and Human Services, at 800-HHS-TIPS (800-447-8477).

This matter was handled by the Civil Division's Commercial Litigation Branch and the Department of Health and Human Services, Office of Inspector General.

The case is docketed as *United States ex rel. David Nutter, M.D., and David Nutter, M.D., individually, v. Sherif F. Khalil, M.D., Beaver Medical group, L.P., The Beaver Medical Clinic, Inc., Epic Management, L.P., and Epic Management, Inc.*, No. CVC17-02035-PSG-KKX (C.D. Cal.).

The claims resolved by the settlement are allegations only; there has been no determination of liability.

The full story can be found at <https://www.justice.gov/opa/pr/medicare-advantage-provider-and-physician-pay-5-million-settle-false-claims-act-allegations>

Disclosing Misdemeanors

Please contact the Office of General Counsel or the Office of University Compliance & Ethics if you are a healthcare provider who has recently been found guilty of a misdemeanor related to healthcare, abuse or neglect of a patient, financial misconduct, interference with a criminal investigation, or unlawful manufacture, distribution, prescription or dispensing of a controlled substance. CMS requires that the University timely report these misdemeanors as a "Final Adverse Action" on any application.

Foreign Influence at Universities

Federal funding agencies, NIH, NSF, and DOE, have begun paying more attention to foreign influence at research institutions. In August 2018, the Director of the NIH, Francis Collins, sent [a letter](#) to research universities noting three concerns about foreign influence:

- Diversion of Intellectual Property (IP) from federally-supported grants;
- Sharing of confidential information from the NIH peer-review process; and
- Failure by researchers to report resources received from other sources (relating to both personal financial interests and 'other support' on the NIH grant application).

With this added attention by the federal government, SLU personnel need to remember their responsibilities related to foreign entities based on federal regulations and SLU policy.

International Travel and Foreign Visitors:

All international travel, foreign visitors, and foreign collaborators need to be sent to the [Export Control Officer](#).

Disclosing foreign support and financial relationships:

Researchers must disclose all financial interests from foreign entities and universities. Researchers must also disclose all research support, including foreign support. Additional questions can be sent to the [Conflict of Interest in Research Manager](#).

Intellectual Property:

Inventions and intellectual property need to be reported back to the funding agency. Additional questions can be sent to the [Director of Research Commercialization](#).

Office of University Compliance & Ethics

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