



COMPLIANCE WEBINAR

Compliantly Managing Financial Arrangements: Perspectives from Legal, Compliance and Finance Leaders

JULY 25 | 11:00 AM EST

Welcome

Your Webinar Will Start Shortly...

Opportunities and benefits to explore...

Key Benefits and Resources for healthcare finance professionals



Professional Development

- Certification Program
- Access to more than 70 hours of online education each year
- Discount pricing on all live education events



Unlimited Content

- Focused e-newsletters, articles, webinars and podcasts
- Access to HFMA magazine and HFMA daily newsletters
- Regulatory updates and resources



Community Participation

- Build relationships at both the local and national level with local Chapter membership
- Access to online member directory



HFMA Content

- Access to HFMA Career Center to find candidates or find your next job opportunity
- Career self assessments to identify your strengths and qualities needed for future roles

** Additional Benefits for Business Partner members and Special Enterprise Organization members*

Engage with the HFMA MA-RI Chapter



Participate with the HFMA MA-RI Members

Events

Summer Golf Tournament
Monday, August 5, 2024
Granite Links Golf Course, 100 Quarry Hill Dr., Quincy, MA

New to Healthcare Conference
Friday, October 25, 2024
8:30 AM - 4:00 PM ET
Mass General Brigham, 399 Revolution Dr, West Lobby - Markell Conference Rooms, Somerville, MA 02145

**HFMA / NEHIA Joint:
2024 Compliance & Internal Audit Conference**

Wed, December 4 - 7:15 AM to 5:00 PM
Thurs., December 5 - 7:30 AM to 6:30 PM
Fri., December 6 - 7:30 AM to 1:00 PM

Mystic Marriott Hotel & Spa
625 North Road (Route 117)
Groton, CT 06340

Revenue Cycle Conference

Thursday, January 30 &
Friday, January 31, 2025

Gillette Stadium
1 Patriot Place
Foxborough, 02035

Look out for more information on upcoming events/opportunities. Please visit the chapter website: <https://www.ma-ri-hfma.org> or contact the HFMA general mailbox admin@ma-ri-hfma.org

Participate with the HFMA MA-RI Members

HFMA Blog

Are you interested in writing for the HFMA blog?

- Articles can cover a range of topics from educational pieces, member spotlights, social event news, and event recaps
- Submit your articles by emailing admin@ma-ri-hfma.org

Volunteer for a Committee

Are you interested in getting more involved?

- We encourage you to volunteer and participate in various chapter committees, networking opportunities, and events
- Reach out to admin@ma-ri-hfma.org to share your volunteer interests

For additional information on HFMA MA-RI Chapter, please visit the chapter website: <https://www.ma-ri-hfma.org> or contact the HFMA general mailbox admin@ma-ri-hfma.org

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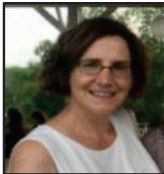
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Finance Leaders

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Panelist:
Kate Eshghi
Senior Vice President and
General Counsel at Umass
Memorial Health



Panelist:
Timothy C. Hogan
Senior Vice President and
Chief Compliance Officer
at Boston Children's
Hospital



Moderator:
Grace Jodhan, HFMA MA-RI
Executive Director,
Compliance and Privacy
Officer at Beth Israel Lahey
Health

Introduction

This moderated panel discussion will highlight ways that key leaders collaborate to ensure that their organizations' financial arrangements are complying with critically important laws, such as the Stark Law and Anti-kickback Statute, to prevent violations and mitigate potential financial and reputational harm.

Learning Objectives Include:



Explore ways that Legal, Compliance, and Finance collaborate to ensure financial arrangements are compliant with fraud and abuse laws;



Discuss best practices for effectively maintaining and tracking financial arrangements and their supporting documentation; and



Share auditing and monitoring best practices to proactively identify gaps and mitigate risks.

Earn CPE and CEU Credits

Number of Credits:

- 1.2 NASBA Regulatory Ethics – Technical Credits
- 1.25 HFMA Continuing Education Credits

Please note, in order to receive CPE Credits attendees must attend the live webinar session and answer the polling questions.

Zoom controls and functionality

- All attendees will be placed on mute for the entire length of the call
- At any time during this call, please **use the Q&A function in Zoom** to ask questions



Polling Question #1

What is your role?

- A. Legal
- B. Compliance
- C. Finance
- D. Other

Polling Question #2

Are you involved with managing, tracking, or monitoring financial arrangements in your day-to-day responsibilities?

A. Yes

B. No

Agenda

- 1** | Overview of OIG Guidance / Financial Arrangements Tracking
- 2** | Panel Topics Addressing Key Considerations and Best Practices
- 3** | Open Q&A

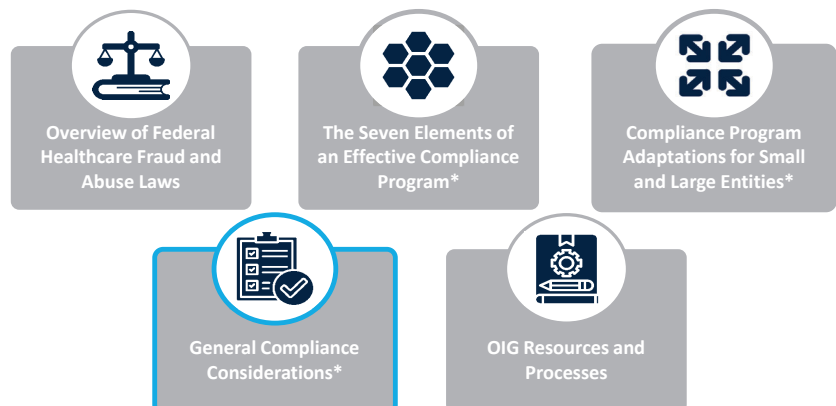
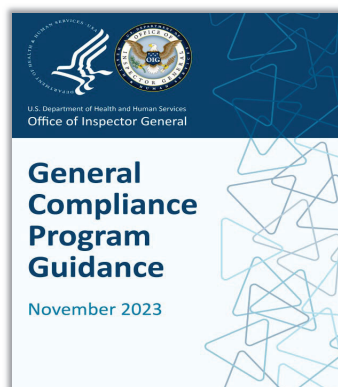
Overview



Grace Jodhan, HFMA MA-RI Executive Director, Compliance and Privacy Officer at Beth Israel Lahey Health

Overview

As we all know, the Office of Inspector General (OIG) released the General Compliance Program Guidance (GCPG) in November 2023 for the healthcare compliance community. Recognizing that one size does not fit all, this guidance aims to provide voluntary compliance guidelines and practical tips for organizations to consider. The GCPG includes coverage of:



General Compliance Considerations & Today's Focus

Below are the areas that fall under General Compliance Considerations. However, for today's session, our primary focus will be on how finance, legal, and compliance departments can collaborate to manage financial arrangements compliantly and track them appropriately.



Financial Arrangements Tracking

To ensure compliance and detect potential fraud, companies should establish a centralized tracking system to maintain documentation, conduct regular legal reviews, and perform fair market value (FMV) assessments.

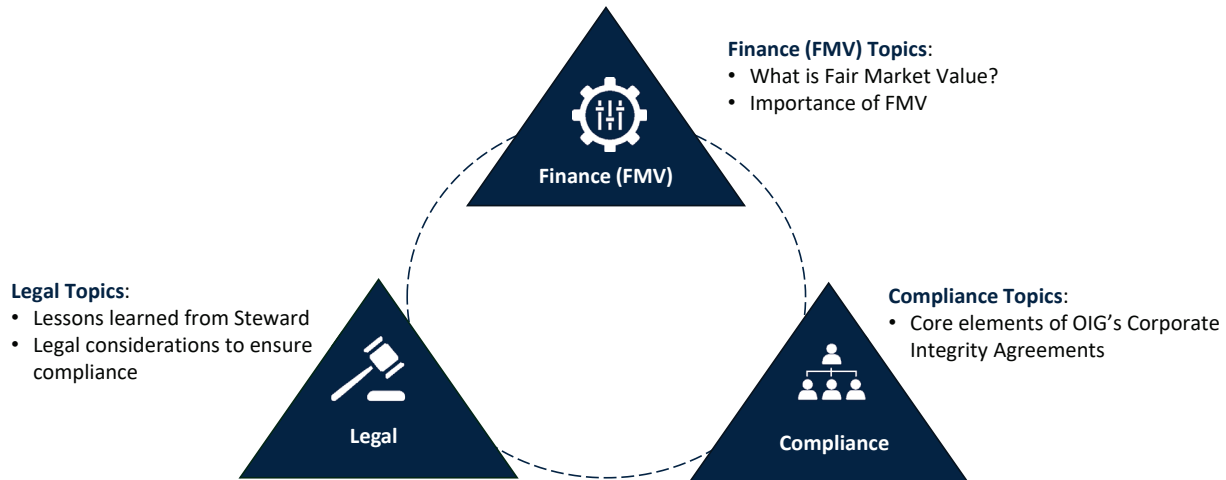
These systems must track service and activity logs, as well as the use of leased space and equipment, ensuring alignment with contract terms. Additionally, it is crucial to document the business need or rationale for arrangements to achieve transparency and effective monitoring.

“An effective and robust arrangements tracking system—that is audited regularly—is a compliance measure that can be taken to prevent violations and mitigate potential liability under the Federal fraud and abuse laws”



Legal, Finance, and Compliance Collaboration

During today's webinar, you will hear from Legal, Finance, and Compliance on the following topics:



Financial Perspective (Focusing on Fair Market Value (FMV))



Grace Jodhan, HFMA MA-RI
Executive Director,
Compliance and Privacy
Officer at Beth Israel Lahey
Health

What is Fair Market Value?

Fair market value means the value in **arm's-length transactions, consistent with the general market value**. "General market value" means the price that an asset would bring as the result of bona fide bargaining between well-informed buyers and sellers who are not otherwise in a position to generate business for the other party, or the compensation that would be included in a service agreement as the result of bona fide bargaining between well-informed parties to the agreement who are not otherwise in a position to generate business for the other party, on the date of acquisition of the asset or at the time of the service agreement.

Usually, the fair market price is the price at which bona fide sales have been consummated for assets of like type, quality, and quantity in a particular market at the time of acquisition, or the compensation that has been included in bona fide service agreements with comparable terms at the time of the agreement, **where the price or compensation has not been determined in any manner that takes into account the volume or value of anticipated or actual referrals.**¹

Fair Market Value Valuation Approaches

Fair Market Value Valuation Approaches



Cost



Market



Income

Sample Regulatory Guidance

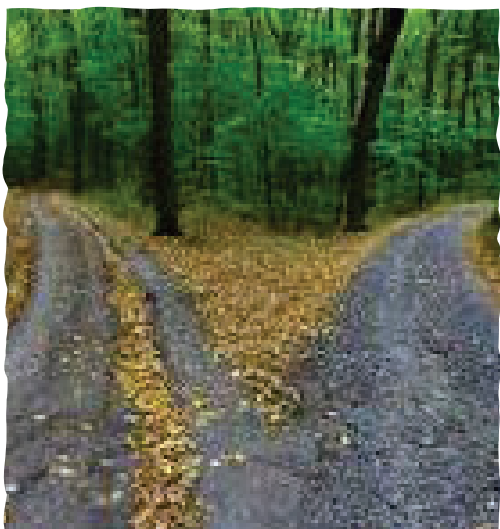
- Federal Anti-Kickback Statute (AKS)
- Stark Law
- False Claims Act
- OIG Compliance Program Guidance
- DOJ Evaluation of Corporate Compliance Programs

Legal Perspective



Kate Eshghi
Senior Vice President and
General Counsel at Umass
Memorial Health

Two Paths



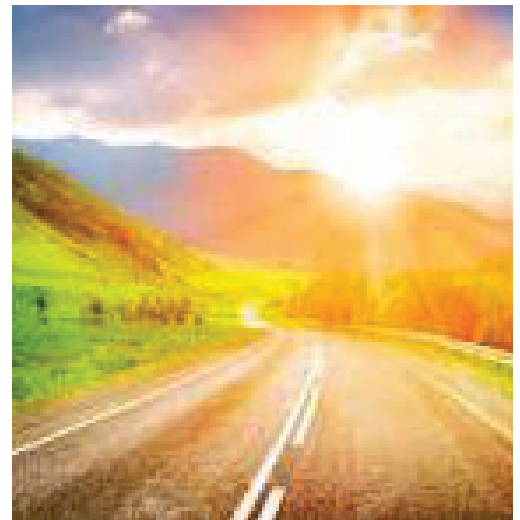
- What Can Go Wrong
 - *US ex rel. Nocie v. Steward (2023)*
- What Can Go Right
 - The “Good Idea”

Paving the Way to Compliance

- **Governance – start at the top**
 - *Proactively ensure adequate compliance program*
 - *Be knowledgeable; ensure information is flowing to the board*
 - *Ensure autonomy of, and direct access to, Compliance Officer*
 - *Alignment of Incentives; focus on executive compensation – Clawbacks*
- **Executive and Leadership Team – Avoid risks that will derail strategy**
 - *Shared understanding and risk tolerance*
 - *Align incentives and expectations*
 - *Integrity as core competency*

Paving the Way to Compliance

- **Infrastructure**
 - *Legal role in contracting*
- **Red Flags**
 - *Internal reporting*
 - *Internal review – under privilege*
- **Accountability**
 - *Crucial conversations*
 - *Process improvement*
 - *Discipline*



Compliance Perspective



Timothy C. Hogan
Senior Vice President and
Chief Compliance Officer at
Boston Children's Hospital

“Focus Arrangement” CIAs as Best Practice

Core elements of OIG’s template for Corporate Integrity Agreements based on compliance with Stark law and anti-kickback statute:

- Agreement is maintained in centralized tracking system***
- Compliance with internal review and approval process***
- Remuneration is based on process for determining FMV***
- Business need or business rationale is documented***
- Service or activity logs are properly completed and reviewed***
- Space, supplies, devices, equipment are properly monitored...***

<https://oig.hhs.gov/compliance/corporate-integrity-agreements/cia-documents.asp>

Polling Question #3

Based on what you learned today, which aspect of financial arrangements will you be enhancing?

- A. Financial (FMV)
- B. Legal
- C. Compliance
- D. All

Open Q&A



Polling Question #4

Are you planning to attend the HFMA MA-RI & New England Healthcare Internal Auditors (NEHIA) Joint Internal Audit & Compliance Conference (12/4 – 12/6)?

- A. Yes, absolutely!
- B. No
- C. Maybe



Registration is NOW OPEN.
Please reach out to admin@ma-ri-hfma.org for more details.

Bios



Kate Eshghi
Senior Vice President and
General Counsel at UMass
Memorial Health

Kate Eshghi is Senior Vice President and General Counsel for UMass Memorial Health. Kate oversees all aspects of legal affairs for the System, advising the board and executive teams. In addition, she is actively involved in corporate governance, executive employment, significant transactions, compliance, public and private payor issues, and health equity, diversity and inclusion work. Kate serves on the Board of VNA Care Network Foundation, a non-profit provider of home health and hospice services. Kate previously practiced law at Ropes & Gray, Blue Cross Blue Shield of Massachusetts, and Health Dialog Services Corporation, an international disease management and health informatics company. In 2020, Kate was recognized as a Massachusetts In-House Leader in the Law. Kate graduated magna cum laude from Harvard Law School and summa cum laude from Smith College. Kate and her wife Nima live in Lincoln, Massachusetts and are proud parents of two young adults.



Timothy C. Hogan
Senior Vice President and
Chief Compliance Officer at
Boston Children's Hospital

Tim Hogan is Senior Vice President and Chief Compliance Officer for Boston Children's Hospital. He has previously served in compliance leadership roles at Beth Israel Deaconess Medical Center, Elliot Health System, and Harvard Vanguard Medical Associates / Atrius Health. Tim recently served as the New England regional executive for the Healthcare Financial Management Association and is a past president of the Massachusetts/Rhode Island Chapter. He is also a former chair of the Chapter's Compliance Committee.



Grace Jodhan, HFMA MA-RI
Executive Director, Compliance and Privacy
Officer at Beth Israel Lahey Health

Grace chairs the Compliance Committee of the HFMA MA-RI Chapter. She is the Executive Director, Compliance and Privacy Officer at Beth Israel Lahey Health, where she supports the community hospitals' and service lines' Compliance and Privacy team. Grace's experience encompasses a variety of areas, including policies and procedures, risk assessments, work plan development, HIPAA, EMTALA, Revenue Compliance, Stark law, Anti-Kickback statute, Exclusion Statute, Conflict of Interest, 501r, Price Transparency, and more. She is an Emotional Intelligence Certified Coach, and has served as a speaker at Compliance conferences, a Toastmasters mentor, and a Judge for the Northeast Regional Ethics Bowl.

Thank you!



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