

**PHCY 5044
Preventing Fraud Waste and
Abuse
Spring 2021
January 19 - February 22**



UNIVERSITY OF WYOMING

PHCY 5044 - 40

Preventing Fraud, Waste & Abuse

Online Delivery

Spring 2021

6pm – 8pm (MST)

Course Description: This 2 credit hour course describes potential violations of legal requirements for health institutions and health professionals to avoid activities that can be considered as fraud, abuse, and waste. Compliance strategies to avoid legal consequences are discussed. Students will be equipped to recognize and effectively address actions that have the potential to violate laws related to fraud, waste, and abuse.

INSTRUCTOR AVAILABILITY/ CONTACT INFORMATION:

Instructor contact information: Erica D. Lindsay, PharmD, MBA, Esq. Email:

erica@4lindsaylaw.com (use this email for the quickest response) Open door

policy: Available through email, usually 24 hour response time.

REQUIRED TEXTS, READINGS, AND SPECIAL TOOLS OR MATERIALS:

- Textbook: Moseley III, George B. Managing Legal Compliance in the Health Care Industry. 2013/2015. ISBN: 978-1-284-03371-7, 1st edition – electronic version
- Journal articles and other materials:
 - Additional Articles will be added throughout the course. Materials will be provided prior to class meetings.
 -

CLASS WEBSITE:

The WyoCourses site is accessible from the University website via WyoWeb. Class lectures and slide sets will be posted or linked on this site. Assignments will also be posted there (both by the instructor and the student). The student is expected to utilize the site and accept changes from this syllabus as amended on the site. Attendance at scheduled online classes through Big Blue Button is mandatory.

COURSE PREREQUISITES, CO-REQUISITES, ENROLLMENT RESTRICTIONS:

This course is required for students in the Master of Science in Health Services Administration program. Please check the catalog for listing of any prerequisites for the course. This course can be used for a core component of a track or as an elective for other tracks.

STUDENT LEARNING OUTCOMES: Upon successful completion of this course, the student will be able to:

- Define the concepts of “fraud,” “abuse,” and “waste” within a contemporary health care context.
- Describe schemes that have been developed by health care providers to dupe payers into

- providing compensation under circumstances of fraud, abuse and waste.
- Identify best practices for identification and reporting of situations that may be classified as fraud, abuse, or waste.
 - Discuss the protections provided to health care professionals and institutions, to encourage the provision of appropriate health care without fear of liability for fraud, abuse, and waste.
 - Describe appropriate written policies and procedures, and standards of conduct, reflecting a commitment to compliance with all legal mandates to avoid fraud, abuse, and waste.
 - Describe effective procedures for internal monitoring and auditing related to fraud, abuse, and waste.
 - Discuss the importance of healthcare privacy through the enforcement of HIPAA and HITECH
 - Discuss the proper and complete pharmacy documentation techniques
 - Discuss procedures that can ensure prompt response to detected potential offenses of regulatory requirements, and develop corrective action initiatives related to organizational goals.

COURSE PROCEDURES:

General requirements and expectations for the course: This is a condensed course that will be taught in 5 classes over a six week period. The course will be taught in a blended fashion, with organized class sessions being combined with heavy reliance on an active discussion board. Learning materials will be posted on WyoCourses and may be accessed at any time.

Attendance at scheduled online classes through Big Blue Button is mandatory. The course coordinator will excuse students from class based on a valid reason. Classes will be recorded for later viewing (within two weeks) by students who have been excused from attendance. There is a requirement for weekly postings on the course discussion board. All postings must relate to the general course objectives. All students are expected to make weekly posts that are relevant to the course based on material that is being completed that week.

Discussion Board: Participation in the discussion board is mandatory. Successful discussion board participation requires one original post and two responsive posts each week.

Exam Policy: There will be five multiple choice exams containing 20 questions per exam. Exam questions are formed from information contained in textbook, articles and class lectures including discussion board contents. The exams are progressive.

Inquiries regarding exams should be directed to the course coordinator, preferably prior to the exam, and always within a week following the assessment.

Make-up Exam Policy: Students who are excused from an exam will not be required to make up that assessment and their final grade will be calculated without consideration of the missed assessment which will apply only once during the course. Students who are not excused from a missed quiz or exam will receive a grade of zero on that missed assessment. Any student who misses quizzes and/or exams of a sufficient number that indicate the student has not completed enough coursework to achieve the objectives of the course will be given an incomplete (I) grade for the course.

Final Examination: There is no final exam for this course. Each exam is weighted equally. If you are unable to make an exam, please refer to the Make Up Exam policy above.

GENERAL REQUIREMENTS AND EXPECTATIONS:

Students should obtain the required textbook and complete assigned readings prior to the live online date listed in the course calendar. Students are encouraged to participate in live class sessions; active participation will also count towards your discussion board grade (see last page of syllabus for Guideline for Evaluating Participation).

In order for a discussion or dialogue to be successful, students **must** have read the assigned readings, watched any video recording and have completed some assignments **before** joining class. Assignments will be clearly indicated whether due before or after the live session.

Whether a lecture or discussion, students should feel free to ask questions during class or on-line. If you have a question, other students may have the same question.

ATTENDANCE AND ABSENCE POLICIES:

Students should regularly attend online classes and productively participate in class. Since some of the projects may be started in the live sessions, missing class can make projects much more difficult. Because of the multiple available times for posting assignments as well as for taking any quizzes or examinations, the need for an excused absence would be a rare event. Only rationale accepted by the University of Wyoming as an excused absence will be accepted. Any anticipated absence from the live sessions should be discussed in advance with the instructor.

CLASSROOM BEHAVIOR POLICY:

At all times, treat your presence in the classroom and your enrollment in this course as you would any professional activity. Act professionally, arrive on time, pay attention, complete your work in a timely and professional manner, and treat all deadlines seriously. All of us will be respectful of each other. Spirited debate and disagreement are to be expected in any graduate level course and all views will be heard fully, but at all times we will behave civilly and with respect towards one another. Personal attacks, offensive language, name-calling, and dismissive gestures are not warranted in a learning atmosphere. This is a safe environment and as the instructor, I have the right to dismiss anyone from the classroom, study sessions, electronic forums, and other areas where disruptive behavior occurs – there is zero tolerance on this issue.

CLASSROOM STATEMENT ON DIVERSITY:

The University of Wyoming values an educational environment that is diverse, equitable, and inclusive. The diversity that students and faculty bring to class, including age, country of origin, culture, disability, economic class, ethnicity, gender identity, immigration status, linguistic, political affiliation, race, religion, sexual orientation, veteran status, worldview, and other social and cultural diversity is valued, respected, and considered a resource for learning. Diversity helps all of us gain a better understanding and perspective of the subjects we will be covering in the course.

DISABILITY SUPPORT:

The University of Wyoming is committed to providing equitable access to learning opportunities for all students. If you have a disability, including but not limited to physical, learning, sensory or psychological disabilities, and would like to request accommodations in this course due to your disability, please register with and provide documentation of your disability as soon as possible to Disability Support Services (DSS), Room 128 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. It is in the student's best interest to request accommodations within the first week of classes, understanding that accommodations are not retroactive. Visit the DSS website for more information at: www.uwyo.edu/udss

ACADEMIC DISHONESTY POLICIES:

Academic dishonesty, discrimination, and harassment will not be tolerated in this class! Cases of academic dishonesty will be treated in accordance with UW Regulation 2-114. The penalties for academic

dishonesty can include, at my discretion, an “F” on an exam, an “F” on the class component exercise, and/or an “F” in the entire course. Academic dishonesty includes plagiarism, which means anything that represents someone else’s ideas as your own without attribution. It is intellectual theft – stealing - and includes (but is not limited to) unapproved assistance on examinations, plagiarism (use of any amount of another person’s writings, blog posts, publications, and other materials without attributing that material to that person with citations), or fabrication of referenced information. Facilitation of another person’s academic dishonesty is also considered academic dishonesty and will be treated identically.

Such conduct is described within and will result in sanctions pursuant to the following School of Pharmacy and University policy and regulations:

University of Wyoming Code of Conduct

<http://www.uwyo.edu/dos/conduct/> University of Wyoming Regulations

http://www.uwyo.edu/generalcounsel/_files/docs/UW%20Reg%20Updates%202016/UW%20Reg%206-802.pdf

DUTY TO REPORT:

While this is a safe environment and I want you all to feel comfortable coming to me with issues you may be struggling with or concerns you may be having, please be aware that I have some reporting obligations that are part of my faculty requirements at UW.

For example, if you inform me of an issue of sexual harassment, sexual assault, or discrimination I will keep the information as private as I can, but I am required to bring it to the attention of the institution’s Title IX Coordinator. If you would like to talk to those offices directly, you can contact Equal Opportunity Report and Response (Bureau of Mines Room 319, 766-5200, report-it@uwyo.edu, www.uwyo.edu/reportit). Additionally, you can also report incidents or complaints to the UW Police Department. You can also get support at the STOP Violence program (stopviolence@uwyo.edu, www.uwyo.edu/stop, 766-3296) (or SAFE Project (www.safeproject.org, campus@safeproject.org, 766-3434, 24-Hour hotline: 745-3556).

Another common example is if you are struggling with an issue that may be traumatic or unusual stress. I will likely inform the Dean of Students Office or Counseling Center. If you would like to reach out directly to them for assistance, you can contact them using the info below or going to www.uwyo.edu/dos/uwyocares.

Finally, know that if, for some reason, our interaction involves a disruptive behavior or potential violation of policy, I must inform the Dean of Students, even when you and I may have reached an informal resolution to the incident. The purpose of this is to keep the Dean apprised of any behaviors (by students or faculty) and what was done to resolve them.

SUBSTANTIVE CHANGES TO THE SYLLABUS:

All deadlines, requirements, and course structure are subject to change if deemed necessary by the instructor. Students will be notified verbally in class or on our WyoCourses announcement page and/or via email of these changes.

STUDENT RESOURCES:

- **DISABILITY SUPPORT SERVICES:** udss@uwyo.edu, 766-3073, 128 Knight Hall, www.uwyo.edu/udss
- **COUNSELING CENTER:** uccstaff@uwyo.edu, 766-2187, 766-8989, 341 Knight Hall, www.uwyo.edu/ucc
- **ACADEMIC AFFAIRS:** 766-4286, 312 Old Main, www.uwyo.edu/acadaffairs
- **DEAN OF STUDENTS OFFICE:** dos@uwyo.edu, 766-3296, 128 Knight Hall, www.uwyo.edu/dos
UW

- POLICE DEPARTMENT: uwpd@uwyo.edu, 766-5179, 1426 E Flint St, www.uwyo.edu/uwpd
- STUDENT CODE OF CONDUCT WEBSITE: www.uwyo.edu/dos/conduct

"If you have a physical, learning, sensory or psychological disability and require accommodations, please let me know as soon as possible. You will need to register with, and possibly provide documentation of your disability to Disability Support Services (DSS), room 109 Knight Hall. You may also contact DSS at (307) 766-3073 or udss@uwyo.edu. Visit their website for more information: www.uwyo.edu/udss."

COVID-19 Policies – during this pandemic, you must abide by all UW policies and public health rules put forward by the City of Laramie (or by Natrona County if at UW-Casper), the University of Wyoming and the State of Wyoming to promote the health and well-being of fellow students and your own personal self-care. The current policy is provided for review at: <https://www.uwyo.edu/alerts/campus-return/index.html>

As with other disruptive behaviors, we have the right to dismiss you from the classroom (Zoom and physical), or other class activities if you fail to abide by these COVID-19 policies. These behaviors will be referred to the Dean of Students Office using the UWYO Cares Reporting Form for Student Code of Conduct processes (https://cm.maxient.com/reportingform.php?UnivofWyoming&layout_id=5).

Syllabus Changes: I will alert you to any possible course format changes in response to UW decisions about community safety during the semester.

HyFlex, Zoom, and WyoCourses expectations:

As with all UW coursework, this course will be educational and useful to you. I will respond to questions, concerns, and feedback in a timely manner.

Your responsibilities:

- Give and receive feedback from me and your classmates respectfully and constructively in all interactions. This includes in Zoom chats, on WyoCourses boards, and within physical classroom spaces.
- Actively engage in civil discourse in a respectful manner. Use professional language in all course related forums.
- Communicate professionally. Whenever you send class-related email or messages, please include a clear, specific subject line and use the body of the email or message to explain the purpose for the email and any attached materials. Conduct yourself professionally.
- Meet assignment deadlines. We expect that you're interacting with course material multiple times during the week.
- Ask for help when you need it. For academic assistance for this course please contact me for available resources. For Dean of Students assistance please see: <https://www.uwyo.edu/dos/student-resources/covid-19-student-resources.html>
- Please let us know if you notice another student who needs help in our (anonymous) WyoCares referral option (<https://www.uwyo.edu/dos/students-concern/index.html>).

Information Technology (IT): If you have any IT related challenges, please contact the UWIT Service Center: <https://uwyo.teamdynamix.com/TDClient/1940/Portal/Requests/ServiceDet?ID=8890>

GRADING SCALE AND GRADING POLICIES:

Class participation (discussion board) 25%

Total possible discussion points = 166, for each missed discussion week = 33.2 points are deducted.

Discussion cannot be made up at a later time. Below illustrates how the quality of the discussion post is graded.

Exams (5) - 75% - ****Extra Credit at the discretion of the instructor****

Discussion Board – 25% (Class) Preparation/Participation Grading Rubric

	Excellent (A)	Good (B)	Inadequate (C)
Contributions	Consistently initiates useful and relevant ideas when participating in the discussion board. A definite leader who contributes major effort and who makes class discussions better.	Usually provides useful ideas when participating in classroom discussion board. A strong student who tries hard but is more of a follower than a leader in discussions.	Inconsistent in providing relevant comments on discussion board. Fails to initiate new threads that stimulate participation by other students.
Attitude	Always respectful of others; has a positive attitude and does not rudely criticize anyone else's ideas or work. Other students feel safe responding to this student's posts.	Occasionally becomes impatient with ideas or work of others. Usually has a positive attitude toward discussions. Usually treats others and self with respect.	On more than one occasion becomes disrespectful of ideas expressed by others, using insults rather than evidence to express contrary views.
Preparedness & Focus	Consistently stays focused on subject matter assigned for discussion board and achieves identified outcomes. Self-directed and highly motivated. Postings help with understanding of assigned materials.	Usually posts comments that are related to course materials, but occasionally rambles about subjects that are not relevant to the course.	Postings to discussion board are based on general knowledge and common sense, rather than on materials assigned for course.
Quality of Work	Provides work of the highest insight that motivates other students to achieve at a high level.	Provides quality work that is interesting but not consistently insightful.	Does work that reflects little understanding of the course material.

Final Grade Scale

A: 90.0 – 100.0

B: 80.0 – 89.9

C: 70.0 – 79.9

D: 60.0 – 69.9

F: <60.0

Attendance and Absence policies. Attendance at scheduled online classes through Big Blue Button is mandatory. The course coordinator will excuse students from class based on a valid reason. Classes will be recorded for later viewing (within two weeks) by students who have been excused from attendance. There is a requirement for weekly postings on the course discussion board; missed discussion posts cannot be made up. All postings must relate to the general course objectives. All students are expected to make weekly posts that are relevant to the course based on material that is being completed that week.

Substantive changes to syllabus: All deadlines, requirements, and course structure is subject to change if deemed necessary by the instructor. Students will be notified verbally in class, on our WyoCourses page announcement, and via email of these changes.

Daily or weekly schedule of topics, activities, and graded work: This course will address the following subjects:

- Define Government Agencies and terms
- Fraud, Waste and Abuse
- False Claims, Anti-Kickback, Stark Law
- Sunshine Act
- Safe Harbors, Advisory Opinions
- Healthcare Leadership Responsibilities
- Penalties and Disclosure
- Auditing and Monitoring
- HIPAA and HITECH
- Pharmacy Documentation

COURSE SCHEDULE

Course Live Class Outline:

Class 1: Sunday, January 24, 2021 – 6pm MST

- Introduction of Instructor and Class Participants
- Review: Government Agencies
- Review: Medicare & Medicaid
- Define Fraud and Abuse
- Chapter 2: Fraud and Abuse – AKS and Stark
- Chapter 6: Safe Harbors, Advisory Opinions and Special Fraud Alerts

Class 2: Sunday, January 31, 2021 – 6pm MST

- Chapter 1: False Claims Act
- Define Waste
 - Review articles:
 - Waste in the U.S. Health Care System
 - Health Policy Brief: Reducing Waste in Health Care
 - How the U.S. Can Reduce Waste in Health Care Spending by \$1 Trillion.

Class 3: Sunday, February 7, 2021 – 6pm MST

- o Chapter 10: Directors and Trustees
 - Discuss Fiduciary Duty, Duty of Care, Duty of Loyalty
 - Caremark Rule Test
 - Code of Conduct
 - Mission Statement
- o Chapter 11: Internal Investigations
- o Legal Protections

Class 4: Sunday, February 14, 2021 – 6pm MST

- o Chapter 7: Corporate Integrity Agreements
- o Chapter 12: Repayments and Disclosures
- o Chapter 14: Auditing and Monitoring
- o Sunshine Act

Class 5: Sunday, February 21, 2021 – 6pm MST

- o Chapter 5: HIPAA/HITECH
- o Pharmacy Documentation

Weekly Schedule:

Week 1: Live Class - January 24, 2021 – 6pm (MST)

- First live class on Big Blue Button at 6pm Wyoming time.
- Read these chapters from the Moseley textbook:
 - Chapter 2 and 6
- Be prepared to describe in class your experiences with activities in health care that could be characterized as fraudulent or as abuse, based on the assigned readings.
- o January 24 (8pm) through January 31 (Noon) - Weekly Discussion board - one original post and two responsive posts are expected every week.

** EXAM I – January 29 (8am) to January 31 (Noon), Multiple Choice, complete in 60 minutes

Week 2: Live Class – January 31, 2021 – 6pm (MST)

- Live class on Big Blue Button at 6pm Wyoming time.
- Read this chapter from the Moseley textbook:
 - Chapter 1
- Read articles: Waste in the U.S. Health Care System, Health Policy Brief: Reducing Waste in Health Care, and How the U.S. Can Reduce Waste in Health Care Spending by \$1 Trillion.
- Prior to class, look up on the internet examples of false claims that have led to federal litigation. Be prepared to describe to the class one false claims case that is of particular interest to you.
- o January 31 (8pm) – February 7 (Noon)- Weekly Discussion board - one original post and two responsive posts are expected every week.

** EXAM II – February 5 (8am) to February 7 (Noon), Multiple Choice - Progressive, complete in 60 minutes.

Week 3: Live Class – February 7, 2021 – 6pm (MST)

- Live class on Big Blue Button at 6pm Wyoming time.
- Read these chapters from the Moseley textbook:
 - Chapter 10 and 11
- February 7 (8pm) – February 14 (Noon)- Weekly Discussion board - one original post and two responsive posts are expected every week.

** EXAM III – February 12 (8am) to February 14 (Noon), Multiple Choice - Progressive, complete in 60 minutes.

Week 4: Live Class – February 14, 2021 – 6pm (MST)

- Live class on Big Blue Button at 6pm Wyoming time.
- Read these chapters from the Moseley textbook:
 - Chapter 7,12,14
- Read additional audit articles listed in Modules/Files section.
- Read additional information on Sunshine Act
- February 14 (8pm) – February 21 (Noon) - Weekly Discussion board - one original post and two responsive posts are expected every week.

** EXAM IV – February 19 (8am) to February 21 (Noon), Multiple Choice - Progressive, complete in 60 minutes.

Week 5: Live Class – February 21, 2021 – 6pm (MST)

- Live class on Big Blue Button at 6pm Wyoming time.
- Read this chapter from the Moseley textbook:
 - Chapter 5
 - Read additional materials on pharmacy documentation
- February 21 (8pm) – February 28 (Noon) - Weekly Discussion board - one original post and two responsive posts are expected every week.

**EXAM V – February 26 (8am) to February 28 (Noon), - Multiple Choice-Progressive, complete in 60 minutes