

United We Stand

New Standards for Ethical Practice Will Codify NHIA Member Commitment to Integrity and Unite Alternate-Site Infusion Field

By Lisa M. Getson, Chair NHIA Board Ethics Team



For decades, the pharmacists, nurses, managers, reimbursement specialists, and others who make up this field have distinguished themselves as caring professionals, innovators, entrepreneurs, and standard bearers in patient care. But in the 20 years since NHIA was founded, our members have yet to come together to codify individual and industry-wide commitments to ethical business behavior in a unified way.

Now, all segments of health care are facing sensational headlines about alleged billing error rates, waste, fraud and abuse, an increasingly complex regulatory environment, the need to work hand-in-hand with members of Congress, and an evolving health care delivery system that is likely to involve more cross-discipline partnerships. For these reasons, and many more, the NHIA Board of Directors decided that it was time for the association to define its expectations and set the bar for ethical business standards among its members. By doing so, we are setting a standard that will serve as a proclamation of the virtue of our principles and actions. From this unified position, we clearly demonstrate our commitment to the highest ethical standards of health care delivery and business operations.

After a significant vetting process in which NHIA members small and large provided input to the draft documents, the NHIA Board of Directors officially approved the “NHIA Standards for Ethical Practice” during its September meeting. The specific contents of this document will be announced to members at the 2011 NHIA Annual Conference & Exposition in Orlando this spring. However, in this issue of *INFUSION* we will bring you up to speed on the reasoning behind the creation of the Standards, the process, and the advantages that the document will bring to provider organizations and the field as a whole (see box, p. 26).

Why Write Official Standards?

“The practice of pharmacy is considered by consumers to be one of the most highly regarded professions with one of the highest levels of public trust,” asserts NHIA’s Board Chair Lynn Giglione, R.N., B.S.N., who played a critical role on the team that researched and drafted the Standards (see box, p.26 for the entire team). “But, recent headlines regarding Medicare scams threaten to undermine the integrity of us all.”

Congress, the Centers for Medicare & Medicaid Services (CMS), and state Medicaid programs are well aware of the isolated examples of infusion-related fraud and abuse that have occurred in rogue clinics. “Even though these were fringe criminals and not directly related to the home infusion profession, these instances of fraud and abuse are often cited when we talk with lawmakers and regulators,” explains Russ Bodoff, NHIA’s President and CEO. “NHIA members and the field need to clearly differentiate ourselves from those who seek to abuse the system for their own gain.”



Advantages to Having a Code of Ethics

By having an official document that outlines the industry's Standards for Ethical Practice, we:

- Enhance the reputation of NHIA and its members in the eyes of legislators, regulators, the media, and the public
- Communicate to all parties that NHIA expects our members to place the highest priority on compliance with all legal and regulatory requirements and will execute their operations in a highly principled manner
- Provide notice to NHIA members of the association's expectations
- Give members a clear and easy method to demonstrate to their patients and referral sources a commitment to high ethical practices
- Give the NHIA Board of Directors a definitive set of criteria for evaluating cases where a member's conformance to expectations for ethical behavior comes into question

In addition, as the regulations related to providing health care become more complex, it is necessary to demonstrate more than mere verbal support of compliance. "The ethical expectations have increased for our businesses and the professions we represent," observes Debbie Cain, R.N., CRNI®, who also served on the ethics team.

"Federal and state governments are increasing their investments in anti-fraud and abuse efforts," confirms Bruce Rodman, M.B.A., NHIA's Vice President, Health Information Policy. "These include upfront measures, such as additional provider enrollment requirements and accreditation, as well as more thorough and frequent audits."

The new health care reform package also includes numerous mandatory compliance and ethics provisions, continues Rodman. The administration is signaling that it has zero tolerance for unethical behavior, fraud, and abuse by taking several steps. For example, it has granted more authority—and backed it with significantly increased funding—to the HHS Office of Inspector General (OIG) and various auditors. It is also requiring that providers have a compliance program in place (the details of which are not yet known) and is expanding the types of activities that may be subject to civil penalties or the basis for exclusion from the Medicare program.

Increasingly, policymakers are looking to trade associations to spearhead voluntary efforts to publicly, declaratively raise the standards bar and develop anti-

fraud and abuse recommendations for their industries rather than waiting for legislation. Examples of other segments that have recently established or strengthened their Codes further include the pharmaceutical manufacturers, group purchasing organizations, and physicians. "Given the current climate, it is essential that NHIA has an ethics policy, supported by our membership, that exemplifies the code by which we practice as we provide care to our patients," concludes Giglione.

How Were the Standards Created?

More and more, Congress and government regulators expect that professional and trade associations establish a code of ethics, conduct, or standards for practice. The NHIA Ethics Team researched and reviewed, in detail, codes and standards from similar organizations, such as the American Society of Health-System Pharmacists (ASHP), the Intravenous Nurses Society (INS), the American Medical Association (AMA), and the Health Industry Group Purchasing Organization (HIGPO). They then rated and ranked the core items that they believed should be the primary focus of NHIA's Standards based on the composition of our membership and the role that home infusion organizations play in the health care continuum.

Next, all the applicable laws and regulations that apply to NHIA members' daily operations were reviewed. Examples included OIG Guidance for health care organizations, the American Health Lawyers Association's compliance program guidelines, Stark laws, anti-kickback laws, anti-patient inducement laws, state licensure, accreditation, Medicare Quality Standards, Medicare Supplier Standards, and more.

NHIA Board Standards for Ethical Practice Team Members

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It was critical that our Standards be grounded in the current laws, rules, regulations, or official government guidance by which NHIA members are already conducting business. In addition to avoiding conflicts, this actually makes adhering to the Standards fairly easy. If you're in good standing with all the legal, regulatory, and other oversight bodies, and have an ongoing corporate compliance function in place, then you're also adhering to NHIA's Standards.

"The team spent a great deal of time developing a document that would be justifiable and applicable to all NHIA members," recalls Cain. In the end, the scope of the Standards was made wide enough to apply to all categories of NHIA members, although the primary focus is on provider members who bill payers, especially government ones.

"The process was rigorous but very rewarding," observes Giglione (see the box on this page for a timeline). "We took the time to survey the examples that already existed and get lots of feedback to build a thorough Standards for Ethical Practice that apply specifically to our field."

What's in the Standards?

As mentioned previously, the full Standards document will be introduced to the NHIA membership at the 2011 Annual Conference and Exposition in Orlando. This event will kick-off a year-long launch process whereby members can become acquainted with the document and voluntarily attest that their company supports the tenets of the NHIA Standards for Ethical Practice. Beginning with membership renewals for 2012, NHIA expects to ask members to acknowledge receipt of the NHIA Standards for Ethical Practice and attest to accepting the general tenets of the document.

Major sections of the Standards include: preamble and scope, patient care and caregiver support, interactions with referral sources, interactions with manufacturers and business affiliates, compliance oversight (and accreditation, if applicable), and association policies regarding member sanctions. The Standards themselves were kept as short as possible, but they are supplemented with appendices, legal references, and FAQs that should help members interpret them. Members are

expected to support compliance with the Standards throughout their own organizations.

"It's important to note that NHIA will not provide legal advice nor will the association serve as an industry policeman," said Rodman. "There is a process that would be in place to deal with a variety of non-compliance scenarios, but the association does not seek to be the arbiter of member performance under the Standards."

How Will the Standards Help?

"The document we created will serve as a universal set of standards for NHIA members' clinical and business practices," asserts Cain. "There is no better time for us, as individuals and as a united field, to put our best foot forward."

The Standards can double as advocacy and public relations tools for NHIA, according to John Magnuson, NHIA's Vice President of Legislative Affairs. "They fit well with our current and future legislative activities and will be an effective tool in this regulatory environment."

But the Standards don't benefit the industry alone, Rodman continues. "Individual providers can use the document, related marketing materials, and their membership in NHIA to distinguish themselves as trusted provider partners. And, in many cases where providers lack a formal compliance statement, the Standards can be used as a starting point in their journey."

I am proud of the advocacy work being performed by NHIA and believe that the ethics code will enhance the already-strong reputation that NHIA as a whole and individual members have for delivering quality clinical services to people nationwide. The new Standards position NHIA as a leader in the eyes of various constituents and will be a valuable resource to our members regardless of their size, location, or ownership status. After all, government leaders expect every home care provider to comply with laws and regulations, even if they submit only one claim per year. ■

Lisa Getson is the Executive Vice President of Government Relations and Corporate Compliance for Apria Healthcare/Coram Specialty Infusion Services as well as a member of NHIA's Executive Committee of the Board of Directors and the association's Legislative and Advocacy Team.

Code of Ethics written into NHIA's three-year Strategic Plan	NHIA Board creates team consisting of Board members and staff liaison	Draft of Standards for Ethical Practice presented to NHIA Board for comment	Standards are circulated among a representative group of NHIA members for review and comments	Board approves Standards with revisions	Standards released to NHIA membership
September 2009	November 2009	April 2010	August 2010	September 2010	April 2011