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The OIG Work Plan and its impact on compliance professionals

by Lori Strauss

The U.S. Department of Health & Human Services (HHS) Office of Inspector General (OIG) Work Plan is an essential resource for healthcare compliance professionals to assist in identifying risks for their organizations.^[1]

I suggest compliance professionals incorporate OIG risk areas into their compliance program's work plan when the organization performs the identified risk service or offers the identified risk area. In addition, they also use other resources to identify risk areas, service areas, or providers that may be prone to fraud, waste, and abuse to incorporate into their organization's work plan. For example, compliance professionals should have ongoing meetings with management to inquire about such things as planned new services; compliance professionals should review fraud alerts, recent corporate integrity agreements, industry publications, and state work plans—among other resources—to better address potential risks for their organizations.

OIG Work Plan updates

OIG releases monthly updates to the Work Plan, and this is why it is a good idea to check for OIG updates at the same frequency. Just as compliance professionals adjust their work plans throughout the year to address new and developing risk areas that weren't known at the time the work plan was formalized, OIG does the same to prioritize, anticipate, and respond to emerging trends. Healthcare is a highly complex dynamic industry, and healthcare compliance professionals must be aware of and address developing risk areas to keep their organizations updated and compliant. Items on the OIG Work Plan may be there because they have been identified as risk areas that have the potential to result in the government overpaying for a service. You want to ensure that if your organization performs a service on the OIG Work Plan, it is incorporated into the compliance work plan to assess that area. It is important for compliance professionals to ensure that processes are working as expected—from the beginning to the end—and, if they're not, to correct them, provide any needed refunds, and monitor to ensure continued compliance. Aside from wanting to ensure the organization is doing the right thing, compliance professionals will want to assess their processes before (and if) the government comes in and does it for them.

Components of the OIG Work Plan

The OIG Work Plan includes audits and evaluations that are in progress or planned to be done during the current, upcoming, or future fiscal year by OIG's Office of Audit Services (OAS) and Office of Evaluation and Inspections (OEI). "OAS conducts audits that assess HHS programs and operations and examine the performance of HHS programs and grantees."^[2] Just as compliance professionals do for their organizations, "OIG uses data analytics and risk assessments to identify emerging issues and target high-risk areas to ensure the best use of staff

resources.” OIG reports that in fiscal year 2022, it produced 114 audits. Some of these included Medicare Part B add-on payments for COVID-19 tests, achieved savings rebate program–offset of rebates on CMS-64, follow-up review of inpatient claims under the post-acute-care transfer policy, electronic visit verification system for Medicaid in-home services, and COVID-19 vaccination status of nursing home staff. OEI conducts national evaluations to provide HHS, Congress, and the public with timely and reliable information on significant issues.”

^[3]OIG reports it produced 43 evaluations in fiscal year 2022. Examples included: nursing home capabilities and collaboration to ensure resident care during emergencies, Medicare beneficiaries receiving buprenorphine for treating opioid use disorder, accuracy of falls reporting in home health Outcome and Assessment Information Set assessments, and biosimilar trends in Medicare Part B.

The projects in the OIG Work Plan cover the HHS department. The areas of the department “include the Centers for Medicare & Medicaid Services (CMS), public health agencies such as the Centers for Disease Control and Prevention (CDC) and National Institutes of Health (NIH), and human resources agencies such as the Administration for Children and Families and the Administration on Community Living (ACL).”^[4]Also, OIG includes work that involves two or more departmental programs such as “State and local governments’ use of Federal funds” and some OIG Work Plan items may be statutorily required. This article will focus on some CMS-related projects in the OIG Work Plan for healthcare providers and entities.

OIG prioritizes its projects by assessing risks to identify areas most in need of attention while incorporating available resources. Compliance programs typically do the same for their organizations. For example, if management in your organization is already conducting some type of auditing and monitoring around an identified risk area, the compliance professional may select another risk area to audit.

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