

## Report on Medicare Compliance Volume 32, Number 30. August 21, 2023

### Conflicts Management 'Is a Series of Guardrails'; Open Payments Data Lights the Way

---

By Nina Youngstrom

Before employees of WakeMed Health and Hospitals pursue outside professional activities (OPAs) that could create a conflict of interest—such as an employed physician opening a private concierge practice—they're required to get approval from their supervisor. OPAs are vetted because they could involve a relationship with a vendor, interfere with the time and attention an employee should be devoting to patient care or compete with the health system—all variations of a conflict of interest.

"Most of the difficult conversations come up through OPAs," said Ted Lotchin, chief compliance and privacy officer at the North Carolina health system. "A lot of times that involves saying no to someone who wants to pursue a passion project."

There have been times employees resigned because their plans to develop a new technology or business conflicted with their job duties. "There's sort of a fine line here," Lotchin said at the Health Care Compliance Association's Compliance Institute April 26. "We have a process in place to help foster employee innovation and bring new ideas to market if possible." A management plan for the conflict may be able to keep that in house.

Lotchin thinks of conflicts-of-interest management "as a series of guardrails on the front end and back end." How do you find conflicts? What kinds of processes are built into your onboarding and human resources procedures to identify them? And then using management plans to prevent conflicts from interfering with health care decision-making.

"We use all available resources to identify them," Lotchin said. Disclosure forms are at the heart of that. WakeMed's management team members (with a job code of manager or above), board members and employed physicians/advanced practice providers are required to complete an online conflict-of-interest disclosure form as new hires and annually after. Members of certain committees (e.g., institutional review board, pharmacy and therapeutics, purchasing) also are required to complete the form. The compliance team selects a random sample of provider surveys and compares them to the data on CMS's open payments program, which is a publicly available database of all pharmaceutical and device manufacturer payments to physicians, advanced practice providers and teaching hospitals. "If there's a big discrepancy, we go back to the physician and have them update their conflicts of interest disclosure," Lotchin said.

This document is only available to subscribers. Please log in or purchase access.

[Purchase Login](#)