



COOPERATIVE OF
AMERICAN PHYSICIANS

**Good Outcomes in an Era of Tough Choices:
Legal Risks and Solutions for Opioid Prescribers**

An educational program presented by the

Cooperative of American Physicians, Inc.



SCRIPRIGHT

HEALTHCARE CONSULTANTS, LLC

PRESCRIBE WITH CONFIDENCE

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OWNERS AND CO-FOUNDERS

GOALS AND OBJECTIVES

1. Understand how and why the opioid epidemic poses numerous medical and legal dilemmas and risks for patients and prescribers;
2. Identify the latest law enforcement activity nationwide and the specific risks it poses to hospitals and providers;
3. Know the solutions available all of these challenges in a way that fosters good clinical outcomes, prevents or mitigates claims, and permits sound medical and legally compliant practice.

WHAT WE DO

Continuing Medical Education

Expert Consultants in Active Cases

**Proactive Audits and
Compliance Assessments**

Continuous Protection And Advice



WHO WE SERVE



**Medical
Groups**



**Community & Doctor
Owned Hospitals**



**Individual
Physicians**



**Professional Liability
Carriers**

OUR FOCUS IS PRESCRIPTION DRUGS & PRESCRIBING PRACTICES

Appx. 200,000 Americans have died
of drug overdose since 2000

2,000,000 Americans are addicted
to prescription painkillers

More Americans die of drug overdose
than in car accidents

Prescribers are blamed for the crisis
and expected to solve it

Source: Center for Medicare Services, 2017; CNN, 2016





PROVIDERS FACE NEW AND DIFFERENT LEGAL RISKS

You CAN prescribe to patients, but doing it safely and legally has become much more complicated, and it is very easy to be accused of doing it wrong – with huge consequences.

WHAT ARE THE POTENTIAL CONSEQUENCES, IF YOU ARE SUSPECTED OF INAPPROPRIATE OR UNLAWFUL PRESCRIBING?

- Investigation, Prosecution, Discipline
- Loss of Reimbursement, Accreditation, Reputation and Funding
- Higher Payouts by Insurers

THE RISKS YOU FACE TODAY

- Guidelines for prescribing are numerous, complicated and always evolving.
- The prescription drug crisis is a national, state and local law enforcement priority.
- The U.S. Department of Justice has 13 NEW specialized units nationwide, exclusively devoted to targeting doctors, pharmacists and others for federal criminal prosecution of suspected prescribing violations.
- When it comes to prescribing practice, Medical Boards and law enforcement don't teach providers how to do things right.
- Providers lack the time and resources to adequately self-educate and prepare, and can't know on their own what a practice might look like to a law enforcement agent or hostile auditor.



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WHO IS TARGETING PROVIDERS?

Government & Law Enforcement + Private Sector (third party payers)

IT CAN HAPPEN TO ANYONE

Investigations can start with scenarios like these:

- Doctor doesn't regularly check prescription monitoring database
- Pharmacists raise concerns about patients or doses
- Prescription bottle found after adverse event
- Patient with drug problem attracts law enforcement attention and gets questioned about medical care
- Patient complains to Medical Board



AND *YOU* DON'T HAVE TO HAVE DONE ANYTHING WRONG, TO BE INVESTIGATED

- Disgruntled employee makes false complaint to law enforcement about doctor's prescribing practices.
- Office staff in charge of purchasing is secretly ordering controlled drugs for illegal resale, without the doctor's knowledge.
- Office staff has access to Rx pads and the practice's controls slip.



OLD-SCHOOL INVESTIGATIVE METHODS



Tips



Random Checks



Rats and Raids





**OLD-SCHOOL WORKS,
BUT A NEW TOOL
WORKS BETTER**

THAT TOOL: YOUR DATA

- CMS and private payers have been collecting data for years.
- Data has been used to corroborate tips, build out investigations and supplement evidence



THEY'VE CHANGED
THE GAME





DATA IS BEING USED, TO:

- *Initiate* investigations, not just vet them.
- Analyze data **FIRST**, not later or last.

THIRD PARTY PAYERS FOLLOW CMS' LEAD

- The Healthcare Fraud Prevention Partnership's private-public White Paper wants big things.



AND THEY ALL HAVE ENDLESS RESOURCES

CMS' Investigative Arm:

- NBI MEDIC

Third Party Payers' Investigative Arm:

- Special investigation Units



GRANTED
MASSIVE BUDGET
INCREASE

THE WORST NEWS FOR YOU: CANNABIS ISN'T THE ONLY DRUG ON HIS MIND

- U.S. Attorney General Jeff Sessions in August, 2017 announced formation of 12 (now 13) special task forces of experienced federal prosecutors and narcotics agents who would specifically and dedicatedly target physicians and others believed to play a role in the opioid crisis.
- What it means: By virtue solely of geography, and using data as a first resort, not last, every prescriber or pharmacist in these geographic districts is getting looked at. And the program's success will lead to its expansion.

TARGETED DISTRICTS

The targeted federal districts are the Middle District of Florida, the Eastern District of Michigan, the Northern District of Alabama, the Eastern District of Tennessee, all of Nevada, the Eastern District of Kentucky, all of Maryland, the Western District of Pennsylvania, the Southern District of Ohio, the Middle District of North Carolina, the Eastern District of California, the Southern District of Virginia, and, making it a baker's dozen, all of Arizona.

WHICH MEANS THAT NOW, IT'S ABOUT INDICTMENTS!

THREE RIVERS, BILLS AND PILLS: A new federal case against a Pittsburgh doctor is a perfect example of how the DOJ's 13 task forces work.

For _____



Add

DEA No. _____

Do Not Refill

Refill Times

WHAT IS YOUR RX FOR THE SAFETY OF YOUR PRACTICE AND THE CARE OF YOUR PATIENTS?

- Prescribing Guidelines: Medical Board, Specialty, Society and CDC – read and understand. Easier said than done. You're on notice!
- Fundamentals of Risk Management: intake, screening, PDMP, pain treatment contract, urine testing, Rx pad, refill policy, adverse events, counseling caregivers and families (house call doctor concern)

BUT THAT'S NOT ENOUGH.

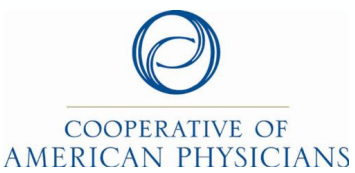
In this time of heightened scrutiny and risk to even the most conscientious practitioner, the value of expert review and feedback cannot be overstated.



Be fully protected and ready. Call your carrier for an on-site visit. And get a comprehensive proactive audit.

PROTECT YOURSELF FROM CONSEQUENCES LATER, BY GIVING YOURSELF A PRACTICE WELLNESS EXAM NOW

- Surveys, site visits, chart reviews – a comprehensive proactive compliance assessment – no substitute for it
- Look at the practice through the lenses of your adversaries – but ask yourself, do you know how? A lawyer who represents herself...
- The findings and recommendations of a proactive audit can make your life easier, your work more rewarding, and your worries smaller



KNOW WHAT

THEY'RE LOOKING FOR



• Industry Pioneer



• Experience and Expertise



• Contacts and Collaboration



• Always at the Forefront



YOUR PROTECTION IS THE RESULT

Compliance –

Assessed, Audited, Verified

Risk Management –

Proactive, Agile, Continuous Protection

