Betting on Your Provider-Based Status?

Steve Lokensgard  
*Faegre Baker Daniels*

Kate Tarvestad  
*Allina Health*

Outline

• Provider-based status
  • Legal background
  • Judgment Calls

• Compliance Program
  • Assessments
  • Structure
Legal Background

• Provider-based status
  • Hospital Departments
    • Radiology, Imaging, Emergency Department
  • Provider-based clinics
    • Oncology clinic
    • Cardiology clinic

• In contrast to a Freestanding Clinic
  • Primary care clinic

Legal Background

• Provider-Based
  • Higher Reimbursement
  • Two Co-Pays
  • No “Incident To”
  • 3-Day Payment Window
  • 340B Eligible
  • EMTALA applies
  • Hospital COPs

• Freestanding
  • Lower Reimbursement
  • One Co-pay
  • “Incident To” OK
  • 3-Day Payment Window?
  • Not 340B Eligible
  • No EMTALA
  • No Hospital COPs
Legal Background

- Requirements from 42 CFR 413.65:
  - Licensure
  - Clinical Integration
  - Financial Integration
  - EMTALA

Legal Requirements

- Additional Requirements for Off-Campus Entities:
  - Limited Reimbursement for new entities
  - Ownership and Control
  - Coinsurance Notice
  - 35-mile radius
  - Signage
Legal Background

- Judgment Calls
  - Expansion of off-campus entity?
  - Attestation?
  - Shared Space?

Compliance Program

- Common Vernacular
  - Provider-based
  - Freestanding Hospital-based
  - Freestanding
Compliance Program

- Shared vision among stakeholders
  - Compliance
  - Finance
  - Leadership
  - Legal
  - Operations
  - Payor Relations

Compliance Program

- Assessment of each site
  - Site leadership
  - Visit
  - Scorecard
  - Take Pictures
  - Interview Staff
  - Call Site
  - Map Reporting Structure
Compliance Program

• Report to Senior Leadership
  • Requirements
  • Purpose of requirements
  • Assessments

Compliance Program

• Develop Guiding Principles for site determination
  • Existing and New Sites
  • Stakeholders: Compliance, Finance, Legal, Operations
  • Develop a communication plan
Compliance Program

- Identify committee that will analyze new sites or changes in status
  - Stakeholders: Compliance, Finance, Legal, Operations
  - Determine “trigger point” to initiate action

Questions?

Steve Lokensgard  
612-766-8863

Kate Tarvestad  
612-262-4905