

1. MAIN POINTS OF INTEREST

- Physicians and other providers will encounter conflicts of interest.
- Policies about reporting conflicts of interest need to be established, written, and applied consistently across the organization.
- Money is not the only source of conflict. Benefits bestowed to providers can come in many forms (i.e. receipt of gifts, free dinners, training opportunities, and/or the use of space/services/equipment).

2. AREAS TO WATCH

- Relationships with pharmaceutical, durable medical equipment, and other vendors within the healthcare industry.
- Potential conflicts of interest with value-based care arrangements.

3. LAWS THAT APPLY

- Stark Law (Physician Self-Referral Law)²
- Anti-Kickback Statute³
- False Claims Act⁴
- Physician Payments Sunshine Act
- Government Agencies (CMS, accrediting agencies, OCR, FTC, IRS, various state-level agencies, medical boards, courts, and funding sources)

4. ADDRESSING COMPLIANCE RISKS

- Disclosure is critical toward managing conflicts of interest.
- The growing number of health systems employing physicians and APPs is increasing the exposure risk. As a result, it is incumbent on health systems to ensure that policies are in place to manage these financial relationships and that a culture of compliance is encouraged.
- Provide routine training and guidance to physicians and non-physician staff.
- Distribute an annual disclosure questionnaire to document any potential conflicts of interest.
- Establish an open-door policy for reporting potential conflicts.
- With gainsharing arrangements and value-based care, health systems will need to evaluate practice patterns to avoid behaviors that would limit care in an effort to reduce costs.