

Insights

The OIG's New Unified Compliance Resource Tool: You've Been "Voluntold" to Comply

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The United States Office of Inspector General ("OIG") published a unified compliance resource tool on November 6, 2023. While the General Compliance Program Guidance ("GCPG") does not provide new substantive content, it does provide a single source of information relating to some of the greatest risk areas for health care providers participating in federal health care programs (i.e., Medicare and Medicaid). The OIG stresses that its GCPG is voluntary and nonbinding, however, with health care fraud investigations, prosecutions, and settlements at an all-time high, health care providers should take heed of the GCPG and implement or reform their corporate compliance programs to avoid unwanted liability.

The GCPG does not contain new material. For years, the OIG has notified health care providers of various risk areas, arrangements of concern, and publishes a work plan detailing its areas of focus. However, these publications have not been available in a single source like the GCPG, which can create knowledge gaps for providers building an effective compliance program. This GCPG streamlines those resources into a single location and contains a detailed table of contents that allows users to directly access a specific topic. This GCPG will likely be an evolving document moving forward. The GCPG applies broadly to all providers in the health care industry, and starting in 2024, the OIG will begin publishing industry-specific compliance program guidance for different categories of providers, suppliers, and other participants relating to federal health care programs. Health care providers should continue to look for updates from the OIG on an ongoing basis. Additionally, the OIG is inviting feedback from the health care community on the development of these GPCGs by submitting comments to Compliance@oig.hhs.gov.

Although compliance with the GCPG is voluntary, health care providers, however, ignore them at their own peril. Health care fraud investigations are increasing at a rapid pace. The United States Department of Justice ("DOJ") reported that it recovered \$1.6 billion in civil health care fraud settlements and judgments under the False Claims Act in FY2022. This easily accessible GCPG provides useful tools for establishing an effective compliance program. Moreover, the DOJ's Evaluation of an Effective Compliance Program (March 2023) specifies that the DOJ will take an entity's compliance program into account when evaluating resolutions, monetary penalties, and settlements. Together, these resources can help detect noncompliance or reduce a provider's potential liability for health care fraud.

The GCPG acknowledges that a compliance program is not a "one-size fits all" approach to corporate compliance. Krieg DeVault's professionals have years of experience helping clients to create an effective compliance program that incorporates the elements of the GCPG and adapts them to any client's needs. If you need assistance with your corporate compliance program, please contact Brandon W. Shirley or Stacy Walton Long.

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