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HEALTH CARE LAW ALERT

New Guidance Issued by the Department of Health and Human Services Office of Inspector General (DHHS OIG) for Health Care Governing Boards

The DHHS Inspector General issued new guidance on April 20, 2015 regarding the role Health Care Governing Boards should play in compliance program oversight. The guidance document is notable as a product of collaboration among various stakeholders, including the Association of Healthcare Internal Auditors, the American Health Lawyers Association and the Health Care Compliance Association. As such, the document is a resource for boards as well as internal auditors, lawyers and compliance officers.

The Health Care Governing Board's role in compliance oversight has become increasingly important in light of recent Stark Law decisions, including the reliance on board discussions as part of the government's case in *U.S. ex rel. Drakeford v. Tuomey*.

The guidance conveys OIG's continued expectation that Boards be fully engaged in their oversight responsibility. To that end, a Board's duties include ensuring that a corporate information and reporting system exists and that it is adequate in bringing matters to the Board's attention.

The guidance covers the following issues:

1. Roles of, and relationships between, the organization's audit, compliance and legal departments;
2. Mechanism and process for issue-reporting within an organization;
3. Approach to identifying regulatory risk; and
4. Methods of encouraging enterprise-wide accountability to achieve compliance goals and objectives.

The full guidance document is available here: <https://oig.hhs.gov/newsroom/news-releases/2015/guidance-release2015.asp>

If you have any questions or would like more information on the issues discussed in this communication, please contact any of the following Hancock Estabrook attorneys:

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