



**THE PATIENT PROTECTION AND AFFORDABLE CARE ACT OF 2010
(HEALTH CARE REFORM BILL)
MANDATORY COMPLIANCE AND ETHICS PROGRAM REQUIREMENTS
FOR NURSING HOMES**

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Health Care Reform Bill Section 6102 requires skilled nursing facilities and other nursing facilities to establish compliance and ethics programs to be followed by its employees, which may be tailored to the size of the organization, and which must be "reasonably designed, implemented, and enforced so that it will be generally effective in preventing and detecting criminal, civil and administrative violations under this Act and in promoting quality of care." This section lists eight mandatory components of the compliance and ethics program and requires that the programs be in place by March 2013.

The eight mandatory components include:

- The Provider must have established compliance standards and procedures to be followed by its employees and other agents that are reasonably capable of reducing the prospect of criminal, civil, and administrative violations.
- Specific high-level employees must be assigned overall responsibility to oversee compliance with such standards and procedures and have sufficient resources and authority to assure such compliance.
- The Provider must use due care not to delegate substantial discretionary authority to individuals whom the Provider knew, or should have known through the exercise of due diligence, had a propensity to engage in criminal, civil, and administrative violations.
- The Provider must take steps to effectively communicate its standards and procedures to all employees and other agents, such as by requiring participation in training programs or by disseminating publications that explain in a practical manner what is required.
- The Provider must take reasonable steps to achieve compliance with its standards, such as by utilizing monitoring and auditing systems reasonably designed to detect criminal, civil, and administrative violations by its employees and other agents and by having in place and publicizing a reporting system whereby employees and other agents can report violations by others within the organization without fear of retribution.

- The standards must be consistently enforced through appropriate disciplinary mechanisms, including, discipline of individuals responsible for the failure to detect an offense.
- After an offense has been detected, the Provider must take all reasonable steps to respond appropriately to the offense and to prevent further similar offenses, including any necessary modification to its program to prevent and detect criminal, civil, and administrative violations.
- The Provider must periodically undertake reassessment of its compliance and ethics program to identify changes necessary to reflect changes within the organization and its facilities.

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Carmen earned her Juris Doctor at Whittier College School of Law in 1987. She was a member of Whittier College School of Law Moot Court Honors Board earning an award for Best Internal Written Brief, Fall 1985.

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