



Human Resource Management in the RHC

Oregon Rural Health Association
October 3, 2019
Bend, Oregon

inQuiseek LLC
Consulting



What are we going to discuss?

- The HR Role in the RHC
- Recruitment/Application Process
- Background Checks and Screenings
- Job Descriptions
- Federal, State and Local Laws
- Payroll Forms and Paperwork
- Employee Health Information
- Training Upon Hire Requirements
- Annual Training Requirements
- Employee Grievances
- Performance Evaluations and Competency Check-offs
- PIPS and Terminations



The HR Role in the Rural Health Clinic

INDEPENDENT RHC: Responsible for all HR functions at the Clinic Administrator or Manager Level. Wears lots of hats. May lack resources or support. May need HR consultant or attorney for big questions. May work with accountants, payroll services or other 3rd parties.

PROVIDER-BASED: HR functions located at parent hospital. Clinic Manager needs basic understanding of HR administration. Must know corporate processes. Responsible for being source of information for RHC employees/staff.. Needs to collaborate with other departments. Hospital HR may not know RHC-specific requirements



The Recruitment & Application Processes

- Use the same hiring and application process for everyone and every position.
- Posting jobs internally depends on the organization.
- Employment Application or Professional CV required by the Accreditation Organizations during survey.
- Applicants must answer questions about criminal history
- Applicants must give authorization for background checks.



Candidate Selection and Interviewing

- Involve all stakeholders at some level of applicant review and interviewing.
- Ask open-ended questions.
- Avoid one-sided interviews.
- Avoid questions which could be interpreted as discriminatory or preferential.
- Involve managers and providers in the process of hiring direct reports.
- Win-Win



Background Checks and Screenings

- Authorization to conduct background checks needed.
- Conduct criminal background check per state laws.
- Follow parent hospital's policy on background checks.
- OIG Excluded Parties Database prior to hire and periodically thereafter; follow Medicaid guidelines.
- Provider-based RHC providers should be credentialed and privileged through hospital medical staff per 42 CFR §413.65



OIG Excluded Party Database

- Check using all known names (alias, maiden, previous married names)
- If you get a hit, check by SSN to verify identity.
- Print screen shot to document screening.
- May be included in other background services.

OIG Database Search

<https://exclusions.oig.hhs.gov/>



Job Descriptions & Staffing Requirements

- Make sure that the job descriptions are accurate and RHC specific.
- Follow RHC staffing requirements and responsibilities in 42 CRF § 491
- For PBRHC, at least one NP or PA must be a W-2 employee of the hospital.
- Employees must sign current job descriptions.
- Job descriptions are a required personnel file component by the AOs.



Employee or Contractor?

Professionals such as doctors, dentists, veterinarians, lawyers, accountants, contractors, subcontractors, public stenographers, or auctioneers who are in an independent trade, business, or profession in which they offer their services to the general public are generally independent contractors. However, whether these people are independent contractors or employees depends on the facts in each case. The general rule is that an individual is an independent contractor if the payer has the right to control or direct only the result of the work and not what will be done and how it will be done. The earnings of a person who is working as an independent contractor are subject to Self-Employment Tax. (Source: IRS)

<https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-defined>

<https://www.irs.gov/businesses/small-businesses-self-employed/independent-contractor-self-employed-or-employee>



Exempt or Non-exempt ?

Positions are classified as either exempt or non-exempt depending on the nature of the job tasks to be performed and if the employer is required to pay overtime.

To be considered a bona fide executive, administrative, or professional employee under the Fair Labor Standards Act, workers must be compensated on a salary or fee basis at a rate of not less than \$455 (week), \$1,971.66 (monthly), or \$23,660 (annually), excluding board, lodging, or other facilities. Some states have higher limits.

Job status determines how or if overtime is paid as well as other benefits.



Federal, State and Local Laws

RHCs are subject to all federal, state and local laws including labor laws.

- ✓ Equal Opportunity Employer
- ✓ Office of Civil Rights
- ✓ Non-discrimination
- ✓ Fair Labor Act
- ✓ OSHA
- ✓ FMLA >50 employees
- ✓ Worker's Compensation
- ✓ Regulated Benefits
- ✓ State Regulations
- ✓ Grant or Contract Regulations

Labor Laws Posted in Employee Area





Links and Resources

US Department of Labor

<https://www.dol.gov/>

Office of Civil Rights

<https://www.hhs.gov/ocr/>

OSHA For Healthcare

<https://www.osha.gov/SLTC/healthcarefacilities/standards.html>



RHC Federal Regulations

42 CFR § 491

<https://www.gpo.gov/fdsys/pkg/CFR-2011-title42-vol5/pdf/CFR-2011-title42-vol5-part491.pdf>

CMS Policy Benefit Manual, Chapter 13

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/bp102c13.pdf>

CMS Claims Processing Manual, Chapter 9

<https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/clm104c09.pdf>

State Operations Manual, Appendix G

https://www.cms.gov/Regulations-and-Guidance/Guidance/Manuals/downloads/som107ap_g_rhc.pdf



Payroll Forms and Paperwork

- I-9 Employment Eligibility Verification (Secured)
- Form W-4 Federal Tax Withholding
- Form OR-W-4
- Acknowledgement of Employee Handbook
- HIPAA Privacy, Security and Confidentiality Statement
- Standard of Conduct Statement
- Other internal documents: Benefits enrollment, direct deposit, etc.



Payroll Record-keeping

- Employee Legal Name, Address, DOB, SSN, Sex
- Base Salary/Rate of Pay/How Pay is calculated
- Job Title/Description
- Regular Work Week (Start/Stop)
- Straight Hours Worked
- Overtime Hours Worked
- Deductions/Withholdings
- Pay Period and Pay Date

Fact Sheet #21: Recordkeeping Requirements under the Fair Labor Standards Act (FLSA)

<https://www.dol.gov/whd/regs/compliance/whdfs21.pdf>



Overtime, On-Call and Other Tricky Details

Overtime is defined as time worked over 40 hours a week. In healthcare workplaces, overtime may also be calculated using the 8:80 rule for employees working fixed schedules over a 14 day period. An employee must agree to be paid under the 8:80 rule. All employees should be made aware of pay rate and period methodologies. Employers are not required to pay increased wages for weekends, after hours, or holidays although it is customary.

Fact Sheet #54 – The Health Care Industry and Calculating Overtime Pay

<https://www.dol.gov/whd/regs/compliance/whdfs54.pdf>

On-Call: You must compensate for on-call hours if the employee is precluded from other activities or is restricted while on-call.



Employee Health Records

- Stored separately from HR file but may be needed during the initial survey.
- Follow facility or state guidelines for healthcare workers.
- CDC has new TB exposure and testing guidelines for healthcare workers. The RHC AOs may have more strict requirements than CDC or the state.
- Proof of Hep B immunization, titer, or signed declination for all employees who provide direct patient care.



Education & Training: Initial Upon Hire

- Compliance Training on Fraud, Waste and Abuse
- Standard of Conduct
- Customer Service Model
- Civil Rights/Non-discrimination
- HIPAA Training on Privacy and Security
 - General HIPAA Training and Job-Specific Based on Role
- RHC Policies and Procedures
- Standard Precautions/Use of PPE
- MSD Sheets
- Emergency Preparedness Plan
 - General Training on EPP/ Specific Employee Role in Emergencies



Education & Training: Subsequent

- Clinical Competency Check-offs
 - Use of New Equipment
 - New Diagnostics
 - New Clinical Duties
- Compliance Training at least annually
- HIPAA Training on Privacy and Security at least annually
- In-Service Training & Periodic Staff Meetings
- Emergency Preparedness Exercises/Activities (at least 2 annually)
- Changes to EPP
- Changes to RHC Policies and Procedures



Employee & Patient Grievances

- RHC should have a process for responding to employee and patient grievances (complaints).
- Employees should be trained on both processes.
- Non-retaliation requirement
- How to receive a patient complaint
 - Person responsible (Compliance Officer, Clinic Administrator)
 - Forms to use
- How to file an employee complaint
 - Person responsible based on type of complaint
 - Process for resolution



Performance Evaluations & Clinical Competencies

- At least annually. More frequently is preferred.
- 360° evaluation is optimal.
- Have an evaluation method that is objectively structured.
- Ensure that evaluation method is consistent with the employee's current role in the RHC and is not a boiler plate hospital scoring tool.
- Have annual clinical competency check-offs to ensure that skills have been maintained or are adequate for current job function in the RHC.
- Make sure that unlicensed staff are trained and evaluated by state guidelines.



Performance Improvement Plan

- If an employee's performance falls below expectations or if an event occurs which requires counseling, document the event objectively.
- Discuss the weakness or failure with the employee in a timely manner. Do not postpone action. Respond calmly.
- Design a performance improvement plan which is measurable and attainable. Set a defined time period for results to be achieved.
- Have the employee agree to the PIP in writing.
- Monitor improvement during the period.
- Meet with employee at the end of the period to discuss progress and how to move forward.



Terminations

- Know your state laws. Know compensation rules.
- Clearly define terms for immediate dismissal.
- Follow corporate or hospital protocols. Document all actions.
- Act succinctly and objectively.
- Have all paperwork ready. Be able to communicate any post-employment benefits to employee.
- Secure IT and system access including clearinghouses, bank account access and payer portals.
- Minimize disruption to clinic operations.
- Have a plan for reassigning tasks or work load.
- Notify attorney, if applicable.
- ***Communicate changes to employees and staff***



Questions? Need More Information?

Patty Harper

pharper@inquireek.com

318-243-2687

www.inquireek.com

