Compliance in a Box: An Overview of the Fundamentals for Rookies, and a Refresher for Veterans

Presented by

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Disclaimer: Nothing in this presentation should be construed as legal advice nor relied upon as legal expertise.
Polling Question:

What best describes your role in your organization?

a) Chief Compliance Officer
b) Director level
c) Manager level
d) Consultant
e) Subject matter expert

Legal and Compliance – Different, But Aligned
Compliance Why, What and How

Why (as Context) + What + How = “Compliance”

The Genius of the “And”

Compliance “Why”
**Laws and Regulations Protect...**

- **Reputation**
- **Buildings**
- **Lawsuits**
- **Safety**
- **Data Loss**
- **Financial Losses**
- **Loss of Life**

**Our “WHY” at HP**

We will be a **catalyst** for **Integrity**
- We promote a culture of integrity as the HP Way
- The guardrails that ensure we WIN the right way

We will Promote **Trust** in HP’s Brand from
- Our Customers and Partners
- Our leaders
- Our Employees
Our “WHY” at HP

We will Inspire Trust by promoting Organizational Justice

- Providing a safe place to Speak Up
- Ensuring multiple avenues that Listen Up
- Issues Reported to us are Followed Up

Why in Healthcare?

Quality of Care—frequently it affects patients’ lives

- “Driving for Quality in Acute Care: A Board of Directors Dashboard”
  https://oig.hhs.gov/fraud/docs/complianceguidance/RoundtableAcuteCare.pdf

- “Driving for Quality in Long-Term Care: A Board of Directors Dashboard”
  https://oig.hhs.gov/fraud/docs/complianceguidance/Roundtable013007.pdf

- “Corporate Responsibility and Health Care Quality: A Resource for Health Care Boards of Directors”
  https://oig.hhs.gov/fraud/docs/complianceguidance/CorporateResponsibilityFinal%209-4-07.pdf
Why in Healthcare?

- Health and Human Services Office of Inspector General has exclusion authority

- Can exclude from participation in Federal Health Care Programs...a.k.a. the "kiss of death"

Compliance "What"
Polling Question

Which industry do you work in?

a) Consulting  

b) Energy  

c) Financial Services  

d) Government/Policy  

e) Healthcare  

f) Higher Education  

g) Information Technology  

h) Insurance  

i) Manufacturing and Production  

j) Pharma/Medical Device

Compliance Program Content

Approximately 70% of compliance comes from just being an employer
What We Value at HP

Integrity at HP – Our Code of Conduct
- What we Value
- The Risks We Face

Describes How We Will Aspire to Our Vision and Our Promise And Fulfil Our Mission
What We Do

ECO Policies

- Conflicts of Interest Policy
- Anti-Corruption Policy
- Global Business Amenities Policy
- Partner Code of Conduct
- HP Global Privacy Policy
- HP Privacy Statement
- Confidential Information Policy
- Contingent Worker Code of Conduct
- Fraud Mitigation Policy and Framework

Compliance Program Content--Healthcare

OIG Compliance Guidance
Documents by provider type:

- Nursing Facilities
- Hospitals
- Pharma/Med Device
- Ambulance
- Physician Practices
- Medicare+Choice
- Hospice
- Durable Medical Equipment
- Third-Party Medical Billing Companies
- Clinical Laboratories
- Home Health

https://oig.hhs.gov/compliance/compliance-guidance/index.asp
Compliance “How”

Polling Question

Does your organization use the “seven elements of effective compliance programs?”

a) Yes
b) No
c) N/A or Don’t Know
FSG as “How” – A Framework

U.S. Sentencing Guidelines on Effective Ethics and Compliance Programs (§8B2.1) often called the “Federal Sentencing Guidelines” or FSG can be viewed as the de facto framework of institutional compliance.

FSG: The 17 ”Shall’s”

Examples:

• ...an organization shall exercise due diligence to prevent and detect criminal conduct...

• The organization shall establish standards and procedures...”

• The organization shall take reasonable steps to communicate periodically and in a practical manner...

• The organization’s compliance and ethics program shall be promoted and enforced...
The HCCA-OIG “Seven Elements”

1. Standards, Policies, and Procedures
2. Compliance Program Administration
3. Screening and Evaluation of Employees
4. Communication, Education, and Training
5. Monitoring, Auditing, and Internal Reporting Systems
6. Discipline for Non-Compliance
7. Investigations and Remedial Measures

Other Interpretations

U.S. Department of Justice Guidance (12 elements)

Designed?

1. Risk Assessment
2. Policies and Procedures
3. Training and Communication
4. Confidential Reporting/Investigation Process
5. Third Party Management
6. Mergers and Acquisitions

https://www.justice.gov/criminal-fraud/page/file/937501/download
Other Interpretations

U.S. Department of Justice Guidance (12 elements)

Implemented?
7. Commitment by Senior and Middle Management
8. Autonomy and Resources
9. Incentives and Discipline

Working?
10. Continuous Improvement, Testing, Review
11. Investigation of Misconduct
12. Analysis and Remediation

Other Interpretations

Healthicity (10 Keys)
1. Assessments
2. Trainings
3. Workplans
4. Policies
5. Incidents
6. Audits
7. Exclusions
8. Regulations
9. Contracts
10. Reports
Other Interpretations

The University of Texas at Tyler\(^1\) (8 Activities)

- Identify Requirements/Assess Risk
- Establish/Modify Compliance Organization
- Document Standards, Policies, and Procedures
- Communicate Standards, Policies, and Procedures
- Implement, Promote, and Enforce
- Monitor, Audit, and Report
- Continuous Improvement
- Leadership/Corporate Culture

\(^1\)Adapted from Deena King, Compliance in One Page, ©2015. All Rights Reserved. Used with Permission.

Ethics & Compliance Frameworks

Guidance

**Good Practice Guidance on Internal Controls, Ethics, and Compliance**

Adopted 18 February 2010

This Good Practice Guidance was adopted by the OECD Council as an integral part of the Recommendation of the Council for Further Combating Bribery of Foreign Public Officials in International Business Transactions of 28 November 2009.
HP’s 10 Standards

1. **Scope**: CF establishes current, clear, and comprehensive charter for its area of accountability.

2. **Structure & Resources**: CF is sponsored by senior management, and supported by GLA and sufficient resources. CF also regularly reassesses and adjusts to meet the needs of the business and functions.

3. **Policies**: CF establishes and communicates clear, comprehensive, and current policies.

4. **Legal & Regulatory Tracking**: CF scans the external legal/regulatory environment, captures laws and regulations affecting HP, and communicates with internal stakeholders to affect appropriate change.

5. **Training & Communications**: CF develops and delivers periodic and targeted training and communications.

6. **Risks & Risk Assessment**: CF identifies potential risks today and on the horizon. This includes how the CF prioritizes, communicates, and mitigates compliance risks based on HP’s risk profile.

7. **Incident Management**: CF consistently applies incident management procedures, from identification to response and closure.

8. **Crisis Management**: CF applies a defined approach for handling crises that could impact the company’s reputation or the business’ strategic objectives.

9. **Assurance**: CF monitors, tests, and periodically audits effectiveness of its policies, procedures, and programs.

10. **Reporting & Enhancements**: CF establishes consistent standards and measures of performance, reporting, and program enhancements.

How We Inspire Trust

INTEGRITY CENTRAL

VIDEOS  TRAININGS  TOOL KITS

INFOGRAPHICS  POSTERS  SCENARIOS
Why (as Context) + What + How = “Compliance”

The Genius of the “And”

Compliance Leaders and “How”

- The benefits of training/urging subject-matter compliance leaders to use all the elements of “How”

- Weaving compliance in the operations of your organization
Polling Question

When was your organization's last compliance program effectiveness review performed?
   a) We've never performed one
   b) Within the last 12 months
   c) Between 12-24 months ago
   d) More than 24 months ago

Measuring Effectiveness--Healthcare

• Not a standard (or is it?)
• Not a checklist
• Not a certification process
• One size does not fit all
• Not meant to be an industry benchmarking tool

[Hyperlink to HCCA-OIG Resource Guide]

Thank you!

Questions??