



**Building a
consistent
approach across
broad enterprises**

an interview with
R. Brett Short



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by Margaret C. Scavotto, JD, CHC

Boost your compliance culture with Corporate Compliance and Ethics Week

- » Corporate Compliance and Ethics Week is one way to improve your compliance culture.
- » Corporate Compliance and Ethics Week will reinforce compliance principles and reward staff participation.
- » Your compliance message should be the centerpiece of the week.
- » Effective compliance programs must be supported by a strong culture.
- » Providers will benefit from continuing compliance activities year-round.

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Set Corporate Compliance and Ethics Week aside to educate staff about your compliance program and celebrate your team's efforts to promote compliance.

The goals of Corporate Compliance and Ethics Week are to:

- ▶ Promote the visibility of your compliance program,
- ▶ Increase employees' familiarity with the compliance officer and compliance committee,
- ▶ Provide compliance education,
- ▶ Inspire employees to recognize non-compliance and report it internally,
- ▶ Show employees that your compliance program will help them do their jobs better,
- ▶ Demonstrate that your organization's leaders are serious about doing the right thing, and
- ▶ Reinforce compliance principles and keep compliance top of mind.

Each of these achievements will improve staff comprehension of, and trust in, your program.



Find your message

Does your compliance program have a brand, a theme, a slogan, a message, or a logo? It should. A compliance message makes staff aware of the purpose of compliance and keeps it in the forefront. If someone from the Office of the Inspector General (OIG) walked into your organization and said to the nearest employee, "Tell me about your compliance program," what would they hear? How long would it take for that employee to explain your compliance program to the OIG? Would it be a challenging task? A clear compliance message is easier for everyone to understand and articulate.

Here's a message that I like: "Compliance is here to help." It's not that snappy, and it won't blow your mind, but it's true, positive, and easy to remember. In a highly regulated industry like healthcare, an employee's work can feel daunting. Healthcare employees face a daily mountain of potential HIPAA

violations, mind-bending questions about arrangements with referral sources, quality assurance challenges, and ethical conundrums.

A compliance program that feels like a hammer makes this worse and makes an employee's work harder. Compliance should make things *easier*. And it can! Here are some examples:

- ▶ The compliance officer answers compliance questions and makes sure nobody experiences retaliation for good faith reporting.
- ▶ The anonymous hotline makes reporting more comfortable for employees.
- ▶ Compliance policies show people how to do their jobs in a way that adheres to the compliance program.
- ▶ Compliance training (when approached with the right attitude) removes uncertainty and shows employees how to avoid discipline and licensure investigations.

Compliance really is “here to help.” But there are plenty of other ways to brand your program. Maybe, “Connect with Compliance,” “Choose Compliance,” or “Take Comfort in Compliance.” Perhaps you want your compliance slogan to emphasize a different aspect of compliance—like integrity, teamwork, ethics, or patient care.

Whatever slogan you choose, use Corporate Compliance and Ethics Week to showcase it. If you don't have a compliance message, Corporate Compliance and Ethics Week is the perfect opportunity to find one. Host a compliance slogan or logo contest. Or, hold a brainstorming session with your compliance committee.

Broadcast that message

Now that you have your compliance message, it's time to get the word out. Here are some ideas.

Compliance officer meet and treat

The compliance officer hands out a freebie with a compliance message. This is an opportunity for the compliance officer to meet employees, remind them of their roles, and invite them to complete Corporate Compliance and Ethics Week activities. Order pens or sticky notes printed with your compliance message, or print out your message and attach it to candy or granola bars. Whatever your budget, your message can be heard.

Hall trivia

The compliance officer walks around the building and asks personnel a question (e.g., “What is our mission statement?” “How do you report non-compliance?”) If the employee answers correctly, the compliance officer hands out a treat or a ticket for a Corporate Compliance and Ethics Week prize raffle. If the employee answers incorrectly, the compliance officer explains the right answer, or hands the employee a card with the correct answer.

Poster scavenger hunt

Make sure compliance reporting flyers are posted in multiple places around the building. For example, you might have Compliance hotline posters in the Compliance Office, the lobby, the breakroom, the nurses' station, and in the Administration hallway. Create a worksheet for staff to list every place they find a Compliance hotline poster. Staff who turn in completed worksheets to the Compliance Office get a raffle ticket or a prize—and now they know how to find the hotline number (and where the Compliance Office is) if they need it.

Get to know the compliance committee

Each compliance committee member brings in a treat and has one compliance tip to share.

Each member hands out a raffle ticket to each employee who stops by their office for the compliance tip.

Compliance committee scavenger hunt

Decide on a question for staff to ask each compliance committee member (e.g., "What is your favorite TV show?") and create a worksheet for staff to use to write down the answer for each committee member. Staff who turn in completed worksheets get a raffle ticket or prize—and know the committee members a little better.

Compliance committee awareness

Each compliance committee member wears a bright t-shirt with their first name on the front and the hotline number or your compliance message on the back. Or, each compliance committee member wears a button with their name on it, plus: "Ask me about [insert area of expertise]." For example: the director of Nursing wears a button that says: "Ask me about quality assurance."

Celebrate milestones

Look back over the past year and identify compliance successes to celebrate. Perhaps your organization achieved 100% attendance at annual compliance training or reached a quality assurance goal. The compliance audit program can also yield many reasons to celebrate—just be careful to reward people for audits completed, rather than zero audit findings. The last message you want to send is that finding problems in an audit is a bad thing.

Use an anonymous survey

This is one way to find out if your team is aware of and trusts Compliance. (Example

survey question: "Would you feel comfortable reporting non-compliance internally?") Employees who turn in the survey get a raffle ticket.

Note: In order to protect the anonymity of the survey, employees should be directed to turn their survey in to a drop box in the Compliance Office, or in an annual compliance training setting. That way, tickets can be handed out, but anonymity is preserved. Or, use an online survey, which enters participants into a raffle drawing.

Create a word search

Embed your compliance message into the scrambled letters, and challenge staff to find the hidden message.

Promote your principles

Make table tents or flyers with friendly reminders about your top five (or ten) compliance principles and post them where they will be read. If there are already 30 posters by the time clock or on the employee bulletin board, it's time to get creative. Hint: Put flyers on the microwave, above drink-

ing fountains, or in bathroom stalls. There's nothing else to read there, so your flyers will get noticed. Or, go digital and send out your reminders by email blast or text alert, or loop them on a digital photo frame, screen saver, or TV screen.

Reinforce participation

Corporate Compliance and Ethics Week is not about right or wrong answers. Instead, it is a time to reinforce employee knowledge of compliance principles, and help staff understand the right answers. Your goals are to increase employee understanding of compliance and

If there are already 30 posters by the time clock or on the employee bulletin board, it's time to get creative.

encourage them to ask questions when they are unsure of the right thing to do—not to discourage individuals who are unsure. Whatever Corporate Compliance and Ethics Week activities you choose, focus on participation, and identifying opportunities to teach staff the principles you want them to remember.

Look inward

Your compliance committee can likely brainstorm dozens of potential Corporate Compliance and Ethics Week activities. The next step is tailoring these activities to your organization. What kind of activities and prizes will your employees appreciate the most? Do your activities and prizes consider all shifts and all types of staff? Don't forget about vendors, board members, students, volunteers, and contractors—they are part of your compliance program, too.

Customizing your Corporate Compliance and Ethics Week might take some trial and error. For example, a nursing home I work with planned a party as the capstone event for their inaugural Corporate Compliance and Ethics Week. The compliance officer brought root beer floats and drew the winning raffle tickets during the party. Attendance was far lower than anticipated. So, the following year, the compliance officer skipped the party and reallocated the party portion of the Corporate Compliance and Ethics Week budget toward adding more prizes for activities the staff did enjoy: a compliance word scramble and the hall trivia game.

Schedule thoughtfully

The Health Care Compliance Association is planning a national Corporate Compliance and Ethics Week during November 4–10, 2018. Because many healthcare providers across the country will participate, this is a great time for your Corporate Compliance and Ethics Week. But, if you cannot make that week work (e.g.,

perhaps your compliance officer will be out of town, or you have activities pre-planned for that week), don't skip Corporate Compliance and Ethics Week. It is less about the week you pick and more about how you use it.

Consider holding your Corporate Compliance and Ethics Week either: (1) during the week of annual compliance training; or (2) six months after annual compliance training. Option 1 provides an opportunity to increase attendance at annual training, and provides education and awareness at one central, focused time. Option 2, on the other hand, spreads compliance awareness out over the year. Both strategies are valid; choose what works best for your organization.

Don't wait for Corporate Compliance and Ethics Week

In order to make compliance part of your culture, it needs to be present beyond the annual Corporate Compliance and Ethics Week. Your strategy should be to help employees understand compliance *every day*.

Employees are busy providing patient care, documenting their work, and submitting claims. We can help them do these things in a way that adheres to the compliance program. This requires meeting employees where they are. How can you get reminders in front of your team throughout their work flow year-round?

Many Corporate Compliance and Ethics Week activities can be repeated throughout the year. For example, the compliance officer can incorporate the hall trivia game into his/her monthly workflow. Doing so will give employees who answer incorrectly incentives to learn the right answer, and opportunities to answer correctly next time.

The scavenger hunt can be used with new hire orientation. And there will surely be milestones to celebrate throughout the year. Keep an eye out for opportunities to throw a pizza

party, recognize an accomplishment in your newsletter, or write an employee a thank-you note. Post your compliance principles monthly in varying formats and locations. Incorporate them into existing in-service training to boost your compliance message.

See the big picture

Available compliance guidance shows that a compliance program cannot be effective without a strong underlying culture. The Federal Sentencing Guidelines, used to calculate penalties against entities charged with fraud and abuse, state:

(a) To have an effective compliance and ethics program, for purposes of subsection (f) of §8C2.5 (Culpability Score) and subsection (b)(1) of §8D1.4 (Recommended Conditions of Probation—Organizations), an organization shall— ... (2) otherwise promote an organizational culture that encourages ethical conduct and a commitment to compliance with the law.¹

In addition, the OIG's Compliance Program Guidance documents repeatedly emphasize the role of culture in an effective program.^{2,3}

Conclusion

Culture—the deeply embedded values and practices that define your organization—will make or break your compliance program. Compliance policies, training, audits, leadership, and communication are essential to every compliance effort, but they only go so far. An effective, lasting program needs a strong culture to support it and the employees motivated to follow it. A thoughtful Corporate Compliance and Ethics Week is a great place to start. After Corporate Compliance and Ethics Week, you will find it easier to incorporate your compliance message into your daily operations. The success of your organization depends on it! ☺

1. United States Sentencing Commission; *Guidelines Manual*, 2016. §8B2.1 Available at <http://bit.ly/2N2bJMc>
2. See, e.g., OIG Supplemental Compliance Program Guidance for Hospitals, 70 Fed. Reg. 4858 at 4874, January 31, 2005. Available at OIG Supplemental Compliance Program Guidance for Hospitals, 70 Fed. Reg. 4858
3. See, e.g., OIG Supplemental Compliance Program Guidance for Nursing Facilities, 73 Fed. Reg. 56832 at 56847, September 30, 2008. Available at <http://bit.ly/2KnjGgr>

501 Ideas for Your Compliance and Ethics Program: *Lessons from 30 Years of Practice*

Anyone working in the compliance field knows that the best ideas for building an effective program come from other compliance and ethics professionals. Author Joe Murphy has spent years not only collecting such ideas, but also using them and networking with others who use them.

He shares 501 of them here—ideas big and small—to help others find new ways to improve their compliance and ethics programs.

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