



# Compliance TODAY

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an interview with  
**Lori Strauss**

by Andrea Seykora, JD, CIP and Melinda Allie, CIP

# Monitoring as an opportunity to build partnerships

- » Compliance monitoring can help build relationships with business partners.
- » Engage stakeholders in developing an approach with operational relevance.
- » Set expectations up front about monitoring criteria and time involved.
- » Use monitoring to facilitate other quality improvement opportunities.
- » Gather business partners' feedback to drive continuous improvement.

*Andrea Seykora* ([andrea.m.seykora@kpchr.org](mailto:andrea.m.seykora@kpchr.org)) is the Research Compliance Manager and *Melinda Allie* ([melinda.j.allie@kpchr.org](mailto:melinda.j.allie@kpchr.org)) is the Quality Improvement Compliance Coordinator at the Kaiser Permanente Center for Health Research in Portland, Oregon.

**I**nternal monitoring and auditing is well-recognized as one of the seven elements of an effective compliance program outlined in the *Federal Sentencing Guidelines for Organizations*.<sup>1</sup> A robust monitoring and auditing plan ensures that the compliance program

is functioning effectively and can help identify compliance concerns and their root causes before they become serious or are discovered in external audits.

As a focus group of the Health Care Compliance Association (HCCA) and Association of Healthcare Internal Auditors (AHIA) has articulated, auditing and monitoring are two different things.<sup>2</sup> Auditing is a more formal, periodic review of processes and controls, governed by professional standards and conducted by individuals independent of the operation. Monitoring, in contrast, involves less formal, ongoing evaluation to ensure

that processes are working as intended. It is often not conducted by individuals who are independent of the operation and may include operations and compliance staff. This feature of monitoring makes it a great opportunity to build partnership between Compliance and the operational departments.

## Best practices

When a monitoring strategy is approached as a collaboration between Compliance and operational business partners, it can boost other elements of the compliance program, such as maintaining open lines of communication and providing effective training and education.<sup>3</sup> This article outlines the key characteristics of monitoring programs and practical implementation strategies that foster the partnership between Compliance and operations.

## Collaborative program design

In designing a monitoring program for a process or functional area, the stakeholders whose work will be monitored should be involved from the beginning. Monitoring can take many forms, so be flexible and open to ideas. Gather stakeholder feedback on the scope (i.e. what will be monitored) and procedures (i.e. how the evaluation, documentation, and



Seykora



Allie

follow-up will take place). Take the opportunity to educate business partners about the applicable legal, regulatory, and other requirements; the importance of compliance; and the role of monitoring in preventing problems. Operations staff who understand the rules and the potential consequences of non-compliance will be more likely to see monitoring as a helpful quality improvement tool rather than a burden.

Risk assessment is integral to developing a valuable monitoring program.<sup>4</sup> Operations staff have a critical role in defining the risks that will drive the scope of monitoring. Through these conversations, compliance staff should also seek to gain a practical understanding of the business partners' workflow, operational needs, and day-to-day challenges. This lends important context to the monitoring program and helps compliance professionals recommend not only actionable remedies for any issues in need of correction, but also relevant strategies for quality improvement. When monitoring moves beyond finding and fixing problems and into a collaborative conversation about how to mitigate future risks and streamline business processes, everybody wins.

### **Set expectations up front**

Before engaging in monitoring activities, let business partners know how much time you expect their preparation and the monitoring process to take. Ask them how much time they spend throughout the process, and track this information so that future estimates are based on real-life data. Demonstrating respect for your business partners' time helps set a collaborative tone right from the start.

Provide the criteria you will use to evaluate compliance well before monitoring begins. If possible, have a pre-monitoring meeting with business partners to discuss the criteria and establish a shared understanding of how they relate to key risk areas for the

organization. Specify what you will need business partners to provide or do (e.g., documentation, observation of an event, interviews with particular individuals) to verify that each criterion is met. This makes the process transparent, streamlines preparation, and opens the door for discussion of any questions or concerns before they can impede the success of the monitoring activities.

### **Take advantage of face time**

Monitoring meetings conducted in person can be a great way to connect with business partners and establish solid working relationships. In advance of the monitoring meeting, let your business partners know that you see it as a two-way exchange and encourage them to bring compliance questions that may be unrelated to the specific monitoring activities. Through your words and your actions, reinforce the idea that you are partners with similar goals—to work as effectively and efficiently as possible while maintaining compliance. Keep the following in mind when preparing for meetings:

- ▶ Schedule sufficient meeting time to allow the conversation to expand;
- ▶ Point out areas of success in addition to any corrective actions needed;
- ▶ Discuss long-term quality improvement goals and ask how compliance can lend support;
- ▶ Ask about any training or education needs and make a plan to address them; and
- ▶ Have a point-of-contact compliance professional in attendance who will be available to answer questions and follow up after the meeting.

The Office of the Inspector General (OIG) points out that open lines of communication are a product of an organizational culture that encourages open communication without fear of retaliation.<sup>5</sup> Transforming an interaction like

compliance monitoring, which can sometimes be viewed as intimidating or punitive, into a productive, forward-thinking dialogue can do wonders to build an organizational culture with strong relationships and free-flowing communication between Compliance and the operational departments. This will help business partners feel more comfortable reaching out to Compliance in the future as questions or issues emerge, before they become serious.

OIG guidance on appropriate training and education advises that the compliance program content should be re-evaluated at least annually, taking into consideration results from audits and investigations as well as feedback from trainees.<sup>6</sup> Addressing this in monitoring is a great way to gather direct insight from business partners to inform the evolution of compliance training and education.

### Gather feedback

Upon completion of monitoring, follow up with business partners to collect feedback that will help improve the monitoring program. Ask what they found to be helpful, what they learned through the process, what could have been improved, and what else the Compliance team can do to help facilitate operational compliance and continuous quality improvement. Track responses and review them regularly.

Gather quantitative data in addition to qualitative feedback. For example, ask business partners to rate their experience with different aspects of the monitoring process on a numerical scale from 1 (Strongly Disagree) to 5 (Strongly Agree). Helpful items to rate might include:

- ▶ I understand the purpose of the compliance monitoring program.
- ▶ The monitoring process was useful for ensuring that we are compliant with applicable requirements.
- ▶ The monitoring process helped increase my knowledge of compliance requirements.
- ▶ I understood what I needed to do to prepare for monitoring.
- ▶ Compliance staff who assisted with monitoring were courteous and professional.
- ▶ The monitoring process and preparation took a reasonable amount of time.

Several commercially available survey tools can be used to generate reports that will help track trends over time and identify areas for improvement. Evolve the content of the survey as needed to obtain more targeted feedback.

Report back to your business partners what you have learned from the feedback gathered and what changes you have made in response. Letting your business partners know their voices have been heard further reinforces the partnership and is an investment in the future success of the monitoring program. You are practicing what you preach by demonstrating a commitment to continuous improvement through a collaborative exchange of ideas.

### Conclusion

Compliance monitoring can feel burdensome and intimidating to business partners, but a collaborative approach can turn it into a great opportunity to build partnerships. Those partnerships provide an important foundation that will mitigate risk and drive future quality improvement efforts. 🍷

1. United States Sentencing Commission, Organizational Guidelines 2016, §8B2.1. Available at <https://bit.ly/2OSBij7>
2. Mark P. Ruppert, "Defining the Meaning of 'Auditing' and 'Monitoring' & Clarifying the Appropriate Use of the Terms" Association of Healthcare Internal Auditors (AHIA) white paper. Available at <https://bit.ly/2O6k1U2>
3. Ibid, Ref #1
4. Glen C. Mueller, "Performing a Compliance Risk Assessment for Compliance Auditing & Monitoring in Healthcare Organizations" AHIA white paper. Available at <https://bit.ly/2LqDgce>
5. 70 CFR 19 at 4875. HHS Office of Inspector General, Supplemental Compliance Program Guidance for Hospitals, January 31, 2005. Available at <https://bit.ly/2Lt2jeR>
6. Idem