

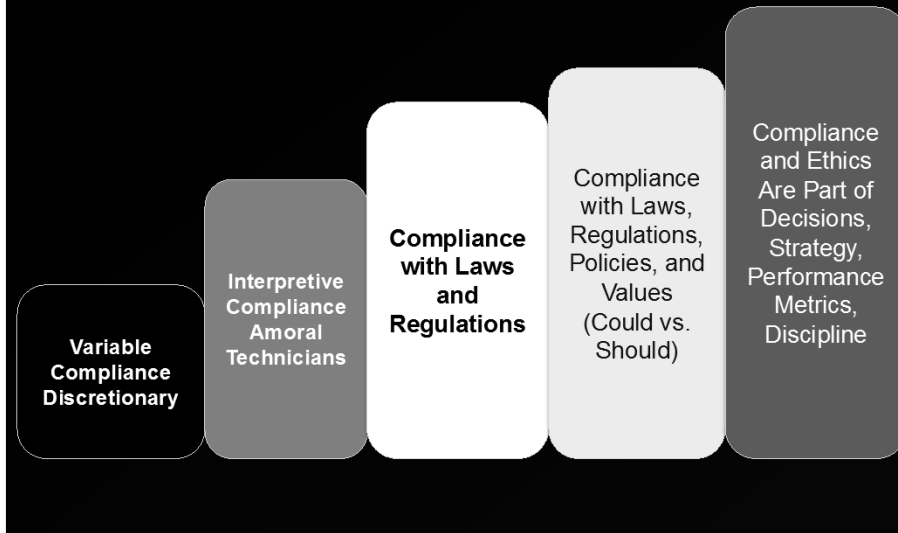
# **Culture Is King: Strategies for Developing and Maintaining an Ethical Culture**

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## **The Control and Power of Culture**

- How, what, and why things are done
- Rules vs. Culture
- *“Culture determines and limits strategy.”*
  - *Dr. Edgar Schein*
- Paraphrased by many:
  - “Culture eats strategy for breakfast.”
  - “Culture eats strategy for lunch.”
  - “Culture trumps everything.”

# Shades of Compliance and Ethics



## The Categorical Imperative

- How does it relate to the shades of compliance & ethics?
- Does an organization work on this individual by individual or at the organizational level?

May I do unto others  
as I would that they  
should do unto me.

*Plato*

*Sikhism: treat others  
as you would be*

**Christian  
Principal:  
Do Unto  
Others**

*JUDAISM:*

*What you  
hate, do not  
do to anyone  
else*

# Transition From Compliance and Reporting to Ethical Culture

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## The 6 Culture Influences

Leaders

Language

Enforcement

Financial  
Drivers

Unwitting  
Messaging

Belief That We  
in Health Care  
are Ethical

# Financial Drivers

What you measure

What behaviors result

Data cross-comparisons (Analytics)

## Financial Drivers

- How does an organization manage for margin/profit without creating unintended consequences?
- How can you best recognize areas where data cross-comparisons would help?

# **The Belief in Health Care That WE Are Ethical**

**Ends and Means  
Rules vs. Taking Care of Patients  
Conflicts? Never!**

## **Hypothetical**

Patient comes to the ED with a severe hand injury that must be addressed immediately. Hand surgery specialist usually on call is unavailable, so ED calls an alternate provider who requires hospital to guarantee payment at Medicare+ rates for all service provided. Hospital does not have a prior written agreement with the alternate provider.

# Our Language

**Lack of Introspection**

**Regulator bashing**

**“Not really a big thing”**

**Doesn't everyone have a corporate integrity agreement?**

- How can compliance professionals work with leaders on language?
- Does lack of introspection relate to the categorical imperative discussed above?  
Is this an individual or corporate issue?  
How should it be addressed?

# Unwitting Signals

What we talk about daily

Whether we have ethics discussions (not training)

Management Mantras

Who We Hire and Who We Promote

Who We Fire

## A hypothetical

- Several of the chain's senior executives were participants in a meeting during which a physician, who was doing a presentation, made several sexually suggestive "jokes." The senior executives said nothing at the time, and no action was taken regarding the physician's actions. The physician continued with his pattern of behavior. The explanation for no action was, In the grander scheme of things, his actions are not worth pursuing. "This is just his personality."

- Have you seen particular strategies for ethics discussions that work well in organizations?
- How to you help management send the right messages consistently?

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# Enforcement

**Timeliness**

**Consistency**

**Firing the “Stars”**

**“Enforcement is to organizations what integrity is to individuals.”**



- Do you have any insights from your work with organizations on particular strategies that work well for assuring consistent and appropriate discipline?

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# Leadership

**Boards**

**Executive Management**

**Compliance officer's reporting, relationships, and seat at the table**

**The risk of using leadership video messaging and ethics "talks"**

- Is the compliance officer's reporting relationship really crucial to success?
- If so, how do you persuade an organization that this needs to change?

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# Changing Culture

The importance of visible and dramatic change for a real culture shift

Leadership changes

Board involvement

Investigation backlogs

Restructuring

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## Another hypothetical

- E-mail to all employees:
- “Our officer team is now committed to change. What happened at X hospital and in billing was wrong, and XYZ Health will move forward with complete dedication to compliance and ethics.”
- Response from one employee: “But they had to know what was going on. How could they not?”