Working with Integrity
Taking the “Right” Path

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Objectives

- Define differences between Ethics, Integrity, & Compliance
- Identify scenarios that provide the backdrop for poor decisions
- Provide steps to consider to guide making the right choices
Ethics - Integrity - Compliance

• Is there a difference?

Ethics

…values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.
**Integrity**

- adherence to moral and ethical principles; soundness of moral character; honesty.
- the state of being whole, entire, or undiminished
- a sound, unimpaired, or perfect condition

**Compliance**

- conformity
- accordance
- cooperation
- obedience

**Scenario**

- Jan.28, 1986
Why do we do things that don’t feel right?

Listen to your gut....
How do we deal with pressure?

"We are often times, the one who creates our own handicaps." Roger Crawford

Normalization of Deviance*

- What does this have to do with compliance?

*Garrett Reisman former Director of Space Flight Operations at SpaceX & professor of engineering at USC
Normalization of Deviance Risks

- Normalized
- Schedule pressure
- Discouraging dissent

What happens when we ignore the “right” path?

- Disregard gut and go with judgment to give preference to employer/coworker wishes – at a terrible cost
- Hopefully your code of ethics provides clear guidance to never weigh safety/what’s right against wishes of employer
Why do we struggle so with ethical issues?

- Have things change over the years?
- Have our ethics suffered?
- Why?

Ethics Institute

“What we're doing is training the next generation of corporate pirates . . .” *related to rampant cheating in schools

What are we missing?
- Indignation, moral outrage, genuine fear
- Voices of parents who can go overboard in providing homework help to their children, but fall short when it comes to clearly articulating the importance of following the rules.

*Michael Josephson
Truth telling

• False Claim Act says that fraud is “knowingly making or causing to be made any false statement, omission, or misrepresentation of a material fact in an application, agreement, bid or contract to participate or enroll as a provider of services or supplier under a federal healthcare program”

• Martha Stewart went to jail for lying – not for any of the other violations

Important Compliance Elements

• Visible, open, approachable, informative compliance officers

• Identify and address instances of misconduct so you can stop or mitigate the risks created by the misconduct

• Impress upon all employees their duty to report
• Whistleblowers will have a hard time proving “reckless disregard” or “deliberate ignorance” (the standard of proof for the FCA) if effective systems are in place that promote compliance and timely reporting

How easy it is to slide down that slippery slope..

• Starts young…you and mom deciding not to tell Dad you wrecked the car…
• Cheating on a test… just this once
• Not go back and pay for an item you weren’t charged for
• Not credit a charge made in error because it is too cumbersome
• Not report a co-worker that you know accessed information inappropriately
Examples of slips in judgment

- Letting a second job conflict with your primary work.
- Using confidential information obtained in the course of working for personal benefit or to benefit another employer.
- Accessing PHI about a child’s friend to potentially protect your child.
- Allowing a vendor access to stored images for “product development”

Ways we get into trouble…..

- Accepting tickets to the Super Bowl from your favorite drug rep.
- Offering office space for less than FMV to that highly sought after specialist
- Fudging the numbers on the cost report for the CAH in order to keep the doors open another year
More ways to get into trouble....

- Accessing PHI about your friend or neighbor to share with your prayer group.
- Finding documentation or charging errors and not reporting them because the person responsible is new and just learning.
- Charging for services you didn’t perform – whether in error or knowingly.
- Falsifying research findings to continue a grant...

Still more....

- Looking in your facility directory to see if there is anyone in from your home town.
- Seeing your neighbor’s daughter in the ER and calling them to let them know that she is in the hospital.
- Letting your child use your insurance card to receive care because they are uninsured.
And more....

- Employing someone that is on the “exclusion list” because he is a good worker and has a young family depending on him
- Discussing patient information in the cafeteria, stairwell, elevator ....
- Sharing patient information for which you have no “need to know”.

Things you hope you never hear....

- I didn’t intend for it to go this far...
- I saw some red flags but thought it would be ok..
- I needed that information to help my child...
- The physician asked me to do it...
- I didn’t know who to tell....
- I reported and no one did anything....
- To be successful you have to do this....
Definition of Success in the 1800’s

To laugh often and much;
To win the respect of intelligent people
And the affection of children;
To earn the appreciation of honest critics
And endure the betrayal of false friends;
To appreciate beauty,
To find the best in others;
To leave the world a little better,
Whether by a healthy child,
A garden patch or a redeemed social condition;
To know even one life has breathed easier because you have lived.
This is the meaning of success. - Ralph Waldo Emerson.

Merriman-Webster 2018

Definitions of success
1. degree or measure of succeeding
2. favorable or desired outcome
3. the attainment of wealth, favor, or eminence
4. one that succeeds
**Promote Compliance Matters … because it does**

- Talk with your staff about working with integrity and what that looks like
- Profess the “Platinum” Rule – “*Do unto others as you would have them do unto your most precious loved ones.*”
- Promote and live by the “Need to Know” Principle

**Making the right choices**

- **Know** what you believe is right and wrong - write down the values you will live by
- Apply the Golden Rule
- Guard against being lulled into thinking you’re not capable of making bad decisions.
- Ask yourself; *Would I be comfortable with my decision hitting the front page of the paper?*
- Practice ethical decision making every day.
- Discuss tough decisions with others
• Find your courage – groupthink can be dangerous
• Apply the same code of ethics whether at home or work
• Pay attention to your instincts
• Above being loyal to your superiors, be loyal to your principles.

*Extraordinary Circumstances*, Cynthia Cooper

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**Integrity, Compliance, Ethics –**

How do we reinstate faith in big business?
Put them all together………

- Everyone in your organization is accountable for compliance with the rules and regulations
- Organizations must put processes in place to support compliant behavior
- Compliance is not responsible for every person’s actions – that’s where ethics and integrity kick in

How does that work?

- “Not everyone does what you expect, and some may not do what you inspect, but almost everyone will do what you enforce.” Roy Snell
Walk the Talk………..

• If employees don’t see investigation, enforcement, and discipline for issues raised, it is difficult to get them to work with integrity/compliance.

Who are our highest risk employees?

• Ethics works for most people but not everyone
• Compliance programs work for the most reluctant people …these are your highest risks.
• Neither ethics nor compliance works for these guys …………………..
**OIG Most Wanted**


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**Choices**

- Your choices can make your life turn out very differently from what you intended.
  - Morton Thiokol
  - World Com
  - OIG Most Wanted

- Most frequent root cause of business disasters….
Clear Purpose

- Decide how you want to spend your time, energy and resources

Marginal Cost Doctrine*

- Choosing between right and wrong
  - Just this once – won’t hurt
  - Giving in “just this once” based on marginal cost sets a precedence
- Easier to hold your principles 100% of the time vs 98%
  - Define what you stand for and draw the line in a safe place

*Clayton M Christensen – Harvard Business Review
Wise Words

• Aristotle, the philosopher 2000 years ago said: "We are what we repeatedly do."

• Earl Nightengale, personal development pioneer, and radio legend in the 1950’s said: “We become what we think about most.”

• Mary Daly, a theologian, says, “Courage is like—it’s a habitus, a habit, a virtue: You get it by courageous acts. It’s like you learn to swim by swimming. You learn courage by couraging.”

Words of Wisdom from the Iron Lady

“Standing in the middle of the road is very dangerous; you get knocked down by the traffic from both sides.”

Margaret Thatcher
So then…

- We ultimately determine who we become.
- We can challenge old thinking patterns.
- By relying on highly ethical and compliant practices.

More from Margaret Thatcher

- Watch your thoughts for they become words.
- Watch your words for they become actions.
- Watch your actions for they become habits.
- Watch your habits for they become your character.
- Watch your character for it becomes your destiny.
- What we think, we become.”
How to get there

• All employees should know their resources
  – ideally by name
  – Johns Hopkins Bayview CIA
• Empower leaders & employees to
  understand their role in compliance
• Share stories – good and bad

There's a big difference between what you have a right to do and what is right to do. Justice Potter Stewart, (deceased) U.S. Supreme Court
So many good reads…….

- When you feel pressured to do the wrong thing at work - HBR Joseph L. Badaracco
- The Power of Noticing – Max Bazerman
- How will you measure your life Clayton M Christensen
- The Gifts of Imperfection Brené Brown
- Extraordinary Circumstances: The Journey of a Corporate Whistleblower Cynthia Cooper
- Wagon to Disaster Aaron Beam

You have brains in your head.
You have feet in your shoes.
You can steer yourself
Any direction you choose.
Questions?

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