



Who's On First

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Disclaimer

The views, opinions, and information, including baseball opinions and analogies, in this presentation are the views and opinions of the presenters and do not represent the official position of our employer, Sutter Health.

Abbott & Costello 1945

[Insert Video Here]

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Part I

**Focus on the Home Team:
Elements of an Effective Team/Compliance
Program**

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Element #1 – 1st Base

Implementing written policies, procedures, and standards of conduct

- Must be clear and understood (simple)
- Must be well communicated
- Procedures and policies should be tailored to your organization and designed to effectively address your risks

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Element #2 – 2nd Base

Designation of a compliance officer and compliance committee

- Should conform to the compliance structure of the organization
- Committee should be educated and informed
- Should be organized with a charter and adhere to OIG and other government directives including the Federal Sentencing Guidelines
- Raised to the appropriate level in the company
- Should be reviewing information and metrics to assess program effectiveness
- Compliance leadership should be part of executive performance reviews
- CCO and Compliance Committee should be given the authority to make prompt, fair and effective decisions regarding compliance activities

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Element # 3- 3rd Base

Effective training and education

- Focus on what needs to be known
- Effectively targeted to proper audience
- Documented and tracked standards
- Consistency in the education message
- Use different modalities
 - Live at New Employee Orientation (NEO)
 - Newsletters, e.g. "Compliance Corner"
 - Online with annual attestation to code of conduct

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Element # 4 - Shortstop

Developing effective lines of investigation and reporting

- Included within this is effective communication
- Consideration of tools to allow for anonymity including hotlines
- Focus on systemic issues that are recurring
- Uniform and consistent standards for conducting and documenting investigations
- Consistency in tracking issues and corrective actions

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Element # 5 – Left field

Internal monitoring and auditing

- Proactive and Reactive Audits
- Consistent and constant performance of audits
- Avoidance of complacency
- Focus on continual improvement
- Ongoing search for irregularities and outliers
- Focus on areas of high risk or regulatory focus (e.g. HHS OIG annual work plan)

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Element # 6 – Center field

Enforcement of standards through well-publicized disciplinary guidelines

- Uniform but fair use of administrative action directed at employees
- Published and documented standards known to all
- Appropriate discipline or administrative action
Focus on reporting and follow up
- Addressing the underlying behavior
- May include disclosing outcomes in a generic manner

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Element # 7 – Right field

Prompt response to detected offenses and undertake appropriate corrective action

- Response included as part of the investigation should focus on root cause
- Focus on thoroughness and completeness
- Investigation needs to be coordinated with the root cause analysis
- Fix the problem so it does not happen again

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Pitcher and Catcher

- Collaboration and teamwork
- Always be aligned with other internal stakeholders
- Alignment with leadership and board too
- All of the work you do is done in partnership with others
- You cannot work in a silo

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Part II

Avoiding the Strikeout



"Never let the fear of striking out get in your way"
Babe Ruth

Avoiding the Strikeout

- Practice is just as important as the game - start building work relationships now
- Important to keep your eye on the ball – never lose focus of the compliance challenges you are working on
- Collaboration, teamwork and playing together are the most important part of the game



The way a team plays as a whole determines its success. You may have the greatest bunch of individual stars in the world, but if they don't play together, the club won't be worth a time.

- Babe Ruth

Collaboration

Effective Collaboration

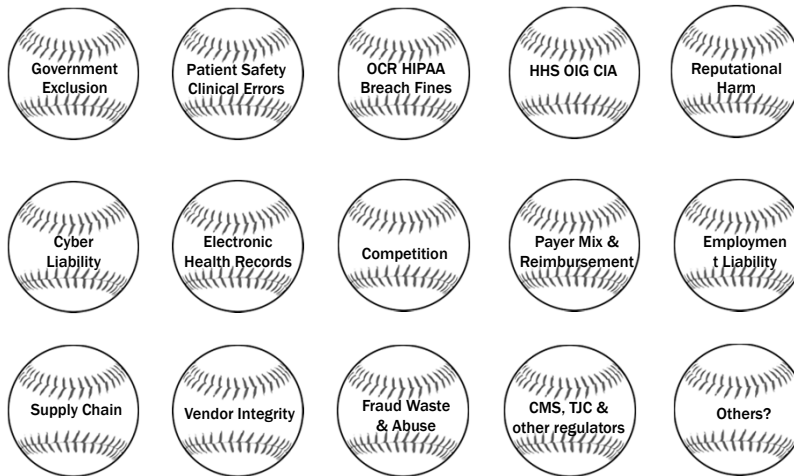
1. Presume Positive Intent

1. Your differences may just be because they focus on a different risk

Talent wins games but teamwork and intelligence wins championships.

-Michael Jordan

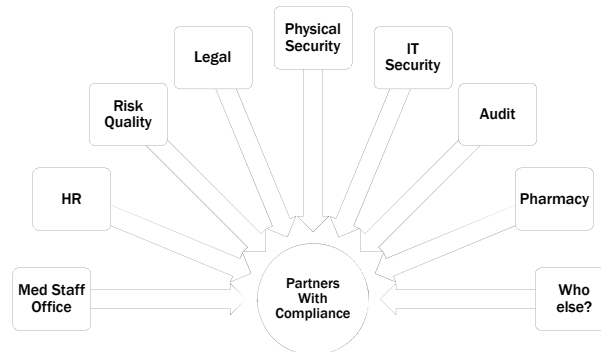
Mitigating Risks



Partnerships

Brainstorming:

Let's list organizational areas that are potential partners with health care compliance and privacy:



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Partnerships

Effective Internal Coordination

- You achieve effective communication with by understanding the perspectives and concerns of your colleagues
- Compliance work can't be effectively conducted in a silo
- It's best to develop positive relationships with your partners in advance:
 - Information Security and Information Technology
 - Privacy team
 - Never forget HR
 - Local (Physical) Security

Tip: If you have multiple internal teams (e.g., HR, Compliance, Privacy, Risk, Quality) working on similar projects, consider sitting down and reaching a coordination agreement (who's on first for what) to ensure consistency and effective partnering.

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Develop the Relationship with Team Members

- Schedule regular meetings and checking in on pending matters
- Identify when other stakeholders can help you

This:

Not This:

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Challenge Situations Effective Internal Coordination

- **Example 1:** Compliance wants to interview an employee accused of fraud or criminal behavior and HR wants 4 extra people in the room with you
- **Example 2:** A patient is being investigated for medical identity theft to obtain care/fraud and there are HIPAA concerns
- **Example 3:** Security wants to provide a medical center presentation on "Threats and Thefts" and refuses to let you preview the presentation.
- **Example 4:** Compliance is contacted by an external outpatient pharmacy. They have received a telephonic prescription from a person purporting to be from an affiliated physician for a patient you happen to also know is an employee of your facility. The pharmacy believes the person calling is not the physician.

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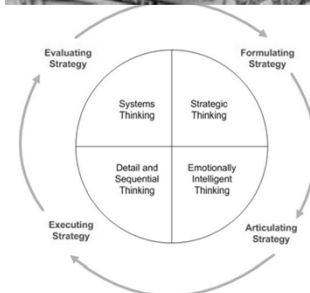
Develop a Common Plan with the Team

- Strategic working group
- Develop a working agreement for role delineation and role clarification
- Defined scope of duties and responsibilities in advance
- Develop an outline available resources and techniques for use

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Develop an Approach for Data Analytics

- Use a “Moneyball” concept in your compliance program
- Focus on specific data as part of the auditing and monitoring element
- Proactive data mining
- Reactive (CAP related) data mining
- Continually improve and build upon existing auditing and data capabilities
- Strategize on new and innovative ways to use data
- New issues and opportunities present with each investigation



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Fundamentals in an Investigation

- Focus is on basic fact gathering
- Conduct a prompt, but thorough investigation
- Interviews of relevant witnesses “as few as possible but as many as you need to”
- Determine scope and procedures of the investigation
- Complete and thorough review of documents and any relevant evidence
- Complete the investigation, communicate to stakeholders
- Make appropriate disciplinary decisions and corrective action

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Develop a Plan for the Visiting Team

VISITOR	INNING	HOME
6	H 9	E 10
BALL 2	FAIR-PLAY STRIKE 1	OUT 2
65	PITCH COUNT	74

- Have an advance plan for dealing with regulatory authorities
- Consider a company wide plan for working law enforcement in addition to regulatory authorities
- Develop a working liaison relationship with law enforcement where appropriate
- This strategy should include teamwork with other stakeholders

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Partner with the Home Team on Investigations



- All compliance matters have a secondary component
- A compliance matter may involve patient safety or quality
- Human resources components exist in almost every investigation
- Consider strategies and techniques others use in investigations
- Partnering with other internal stakeholders gives you the teammate you need
- Be a good listener to why they do it their way
- Don't forget resources other teammates can provide

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Teach and Learn to Improve Fundamentals

- Provide training to partners on basics of compliance investigations
- Improve your skills on the basics of internal investigations outside of compliance
- Always be mindful of attorney client privilege

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Compliance Effectiveness

You must:

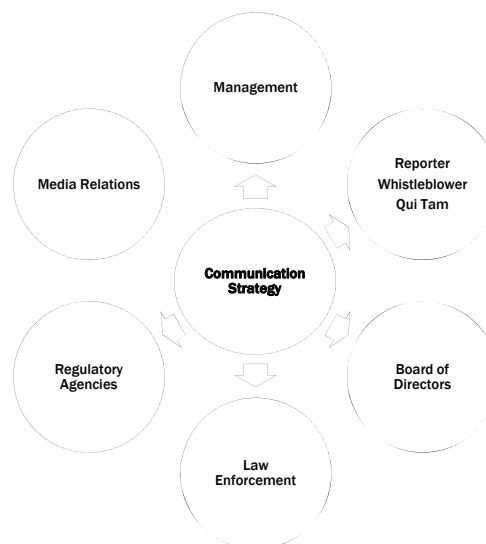
- Be visible
- Be supportive
- Be kind
- Be collaborative
- Anticipate risk
- Mitigate risk
- Juggle tasks
- Be flexible
- Add value
- Be credible

The difference between the possible and the impossible lies in a person's determination.
- Tommy Lasorda

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Compliance Communication

Communication strategy should be discussed, coordinated, developed for these stakeholders:



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Part III: Hitting the Home Run Compliance Scorecards

Sharing Best Practices

- 1. Step up to the microphone and share a reporting best practice with the group**
- 2. Share a best practice with compliance professionals sitting near you**

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Compliance Scorecards What is a CAR?

Compliance
Activity
Report


Concise

Simple

Coordinated

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COMPLIANCE ACTIVITY REPORT
 [Insert Month and Year]
 Reflecting the Elements of an Effective Compliance Program



<p>1) Written Standards of Conduct</p> <ul style="list-style-type: none"> • Number of Compliance Policies: • Number of Policies Updated CYTD: • Number of Policies Overdue: • Number of Policies to be Updated this year: 	<p>2) Compliance Oversight</p> <ul style="list-style-type: none"> • Comm meetings held in YTD with a quorum present: • Reports to Board [Name]: • Reports to [Name] Executive Committee: • Reports to [Name] Governance Group:
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3) Effective Education & Training

Insert your training measures here
 Status, % trained
 Special Education Initiatives, etc.

Confidential Compliance Report
1 of 4

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4) Monitoring & Auditing

<p>Ongoing Monitoring Status (All Audits)</p> <ul style="list-style-type: none"> • Audits with 100% Score: • Standards Not Met: • 100% Pre-Bill Review: • 100% Review by Coders: 	<p>Audit Results for [Insert tables graphs or charts for types of audits]</p> <div style="border: 1px solid black; height: 200px; margin-top: 5px;"></div>
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Professional Fee Audits

OIG/GSA/SAM Sanction Screening
[Insert Month/Year]

[ENTITY] Employee Screening

EHR Templates reviewed by Compliance Audit//EHR Integrity Team CY20XX

Confidential Compliance Report
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Questions?

