Responding to Government Investigations and Enforcement

Managing the Crisis and Communicating with Key Constituencies

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Meet Your Presenters

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Why Crisis Management at a Healthcare Enforcement Compliance Conference?

Overview

» How to Recognize a Smoldering Enforcement Crisis and its Risks
» Being Prepared to Respond: Crisis Team and Crisis Management Plan
» Role of Communications in Response Plan
» Responding to the Crisis
» Communicating about the Response: Who, What and When?
» Case Study: Applying Crisis Management Strategies to a Real Enforcement Crisis
Signs of Possible Enforcement

» Compliance Complaint/Issue
» Subpoena/Civil Investigate Demand
» Search Warrant
» Agents Contact Current or Former Employees

Crisis Risks

» Compliance/Legal
» Financial
» Operational
» Reputational
The Team and the Plan

» Who should be on the Crisis Management Team?
» Who should lead the effort?
» Who should provide outside support?
» What goes in the Crisis Management Plan?

Responding to the Crisis

» Compliance Response
» Legal Response
» Internal Investigation
» Privilege Considerations
» Self-Disclosure
The Role of Communications

Why it matters and how to think beyond “no comment”

Today’s Landscape: The Trust Crisis

Trust in institutions is at an all-time low.

2017 Edelman Trust Barometer showed the largest ever drop in trust across four institutions.
Leadership Trust Crisis

CEO credibility dropped 12 points to an all-time low of 37%. Government leaders are the least credible at 29%.

Loss of Faith in the System

53% Believe the system is failing them
32% Are uncertain
15% Believe it’s working
Five Steps to Success

How to structure a successful communications effort
#1 Overprepare

» Identify your vulnerabilities
» Build an interdisciplinary team
  o Don’t wait to bring in communications
» Agree on approach and philosophy
» Plan creation: details
» Set up monitoring process and protocols ahead of time

#2 Think Like a Political Campaign

» Rank your constituents
» ID opposers and supporters
» Know whom they trust and how they get information
» ID the reputational risk for each
» Prioritize the release of information among them
#3 The Golden Rule

» Tell it all, tell it first, tell it again ... and again
» Put yourself in control
» What sticks: how you handle it vs. what you did
» Message management is the name of the game
  o Don’t play defense, wait
  o Be “the source”
  o It’s not over when it’s over
  o Keep an ear to the ground

#4 The Government Is Your Friend

» Or at least pretend ...
» Develop your communications timeline and materials in partnership ... if possible
» Share an overview of your communications plan (not the details)
» Understand their broader agenda
» Know the boundaries
#5 Be Authentic ... Really

» To the public (and everyone but the government), tone trumps the details
» Message must strike a balance
  o Acknowledge, but get to the solution
  o Focus on the patient or mission of the organization
  o Highlight your commitment to legal, ethics and compliance
» Be smart, but lean in and address how people feel
» Avoid legal ease and jargon
» Know the power of apology

Q&A

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