




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



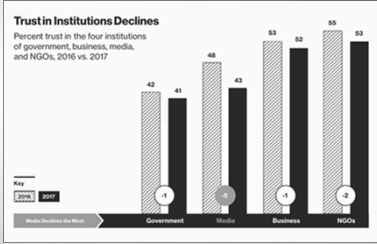
The Role of Communications

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



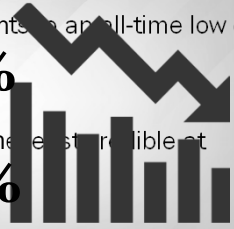
Leadership Trust Crisis

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



#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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