Value Added Compliance Program Effectiveness Review: A Health Plan’s Journey

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Setting Scope & Objectives

• What are you trying to accomplish?
  • Ready for a CMS Part C and D Compliance Program Effectiveness (CPE) Program Area audit?
  • Interested in determining how effective Compliance Program structure and processes are supporting health plan operations?
  • Interested in finding out if the Compliance Program is integrated into operations?
CMS Approach

- Desk Review
  - Policies, procedures & Code of Conduct
  - Reporting to governing body and senior management
  - Compliance Officer and appropriate resources
  - Developed and provided training materials
  - Communication strategy: vertical and horizontal
  - Risk assessment, monitoring and auditing processes
  - OIG/GSA exclusion list monitoring
  - Investigation and corrective action plan processes
  - FDR oversight
- Testing
  - Provide data universes that primarily focus on monitoring, auditing, and compliance resources
  - Six or more tracer samples to test effectiveness
- Self Assessment Questionnaire

CMS Approach Modified: Part 1

Documentation Review

- Code of Conduct
- Policies & Procedures
  - General Compliance
  - Privacy
  - Data Security
- Compliance Department Work Plan
- Compliance Annual Audit Plan
- Risk Assessment Process
- Audit Report & Corrective Action Plan
- Tools
- Health Plan Organizational Chart
- Compliance Webpage
- Compliance Department Communication
- Samples

- Monitoring Results
- Committee structure, charters, minutes
- Board Compliance Committee minutes
- Investigation and outcome log (including from hotline)
- New Employee Compliance Training Materials
- Existing Employee Compliance Training Materials
- Governance Compliance Training Materials
- Employee Handbook
- Compliance Department Job Descriptions and Organization Chart
CMS Approach Modified: Part 1

Documentation Review Objectives:

- Identify conflicting messages (Code versus other written materials)
- Policies consistent with current regulatory requirements
- Risk based approach to managing the program
- Accountability and follow up instilled in the monitoring and auditing process
- Communication strategies engaging and focused on risks
- Reporting structure of compliance resources and committees meet organization needs and support independence/objectivity
- Training materials focus on the “Important stuff”, things employees and governance needs to know to be an active participant in the compliance program
- Clarity in roles and responsibilities

CMS Approach Modified: Part 2

- Many, many interviews (approximately 40)
  - Board and Committee members
  - C-Suite members
  - Senior management
  - Mid-Level management
  - Front line employees, supervisors and managers
- Include some individuals that participate on compliance committees, work in high risk functional areas, and areas that may not view compliance relevant to their work.
- Interviews are confidential with specific comments not shared with management. This approach encourages candor.
- Explain the focus is not to “test” their knowledge but rather determine the effectiveness of compliance program tools and resources
CMS Approach Modified: Interviews

Interviews focus is on their opinions and determining how much they know about the compliance program.

- Board and/or Committee Members
  - Understanding of an effective compliance program
  - Describe culture of compliance
  - Knowledge of compliance resources (CCO, PO, SO)
  - Compliance Program updates
  - Compliance Program training
  - Risk awareness
  - Program strengths
  - Program opportunities

CMS Approach Modified: Interviews

- Senior Management
  - Knowledge of compliance program structure and process
  - Describe culture of compliance/leadership engagement
  - Knowledge of compliance resources (Names, Code and Policies)
  - Compliance Program training
  - Risk awareness
  - Program strengths
  - Program opportunities
CMS Approach Modified: Interviews

- Mid-level Management and Staff
  - Compliance Program training content
  - Knowledge of compliance resources (Names, Code and Policies)
  - Describe culture of compliance/leadership engagement
  - Committee effectiveness and focus
  - Compliance communications
  - Monitoring processes
  - Regulatory update process
  - Program strengths
  - Program opportunities

CMS Approach Modified: Interviews

- Compliance Department Resources
  - Risk assessment and work plan development process
  - Policy development/revisions and dissemination
  - Describe culture of compliance/leadership engagement
  - Committee effectiveness and focus
  - Compliance communications and awareness campaigns
  - Monitoring oversight
  - Corrective action plan process and oversight
  - Regulatory update process
  - Training methods
  - Program strengths
  - Program opportunities
Create Momentum for a Review

- Do your customer contracts require assessment of compliance program effectiveness?
- Where are you in the compliance work plan development cycle?
- How closely do you work with your internal audit function or executive?
- How does your boss feel about conducting a review?
- When was the last time your organization conducted a similar review?
- Have you discussed a review at a compliance committee meeting?

How Key Leadership Was Engaged

- Met with audit executive and collaborated on requirements
- Included in the annual internal audit work plan approved by governing body
- Talk about it with all stakeholders including compliance champions and others
- Implemented a Know Your Compliance Program Placemat for senior leaders and board members to prepare them for the review
- Include reference to the review in the compliance program annual work plan that is discussed and approved by the governing body
- CMS Medicare Part C & D contract requires it
Expected Review Outcomes

• Identification of strengths and opportunities of the compliance program
• Independent assessment of effectiveness
• Highly visible process and transparency of results
• Expert recommendations for improvement
• Satisfaction of CMS Part C & D requirement

Value Added by Review

• Education on the importance of compliance program effectiveness
• Engagement by governance amplified key messages and set the stage
• Increased visibility to single points of failure
• Drove the case for more IT resources and support for operations
• Ownership & accountability highlighted in report meetings with executives
Value Added by Review

- Insights underscored platform for change
- Strengths were concrete and helpful, gratifying to validate
- Interviewees were incredibly candid with consultant
- Led to more effective compliance committees
- Clarified the role of compliance in certain decision making situations (see handout for details)
- Prepared us for a subsequent CMS Operational Review & Technical Assistance Visit

Compliance Program Effectiveness Review Update

Management is providing excellent support and encouragement for the review and improvement of compliance program effectiveness.

- Final draft report was received November 5, 2015.
- Review overall was helpful, timely and full of great recommendations.
- Meetings with executive leaders to review recommendations on December 3, 2015.

Next Step:

- Develop and assure a plan to address recommendations is implemented or incorporated into 2016 work plan.
Approaching Remediation

- Drove annual work plan content
- Captured discussions with consultant while reviewing report for documenting critical next steps in each operating division
- Empathized with operational leaders knowing the challenges they faced
- Met with CEO and small executive team to prioritize program work and process to gain improvements
- Involved key stakeholder groups to share the results, work plan and answer questions
- Planned a re-review

Enduring Value of a Review

- Key stakeholder groups all understand the following about compliance programs and effectiveness:
  - What a compliance program is
  - What compliance program effectiveness looks like
  - Who is accountable for which pieces
  - Why it needs to be embedded in operations
  - Who is authorized to make decisions regarding compliance matters and compliance program matters
  - Why it focuses on outcomes and performance
Questions