HOW DO YOU KNOW IF YOUR COMPLIANCE PROGRAM IS EFFECTIVE?

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Agenda

- Using the OIG/HCCA Resource Guide
- Demonstrating Program Effectiveness
- Key Takeaways
- Questions

2

Using the OIG/HCCA Resource Guide: Ways to assess the effectiveness of a compliance program

3

What the OIG/HCCA Resource Guide Is

- A tool in your toolbox
- A guidance document for assessing compliance program's effectiveness.
- A more objective (although still subjective) view of what OIG might be looking for in assessing effectiveness.

4

What the OIG/HCCA Resource Guide Isn't

- A checklist or roadmap for assessing compliance program's effectiveness.
- A guarantee that your program will be deemed effective if you measure and trend everything.
- A statement that your program won't be deemed effective if you measure and trend other things.
- A be all and end all for effectiveness nor is it a one size fits all

5

Understanding the background

- OIG and HCCA identified the Detailed Content Outline for the CHC exam as the starting point, why?
- What the DCO is:
  - An outline of what the typical compliance professional might spend their time on
  - It is based on a job analysis performed by a psychometric firm.

6

Ways to use the Resource Guide

- Review the breakdown of the seven elements
- Identify what is within the oversight of your compliance program
- For those items outside the oversight of your program assure an understanding of what is being done in those areas

7

Ways to use the Resource Guide

- Identify and breakdown the metrics by
  - What metrics your program already gathers
  - Those that are not currently tracked
    - Could the metric be readily tracked?
    - Why don't you currently track the item?

8

Ways to use the tool

- For the metrics you currently track look at
  - Are they the same as what the guide suggests?
  - Are they different?
- Consider the adage "What gets measured gets done"

9

What metrics do you currently use?

- Develop metrics that matter
  - Are they measurable?
  - Do they correlate to the seven elements?
  - Do they serve to inform regarding the compliance risks?
  - Do they correlate to compliance efforts and outcomes?

10

Challenges you might find

- Not all meaningful criteria is measurable
  - Senior leadership engagement in the program
- For de-centralized compliance units there might be
  - Lack of access to data
  - Inconsistent measurements because of disparate systems
  - Lack of leadership support at the local level
- Lack of leadership support for the overall program

11

Review other items in the Resource Guide

- What surveys do you use to assess the program?
  - Usefulness of P & Ps
  - Awareness and perception of the program
  - Culture of the organization
  - Incentive method consistent with the compliance program
  - Peer organization surveys to compare practices with industry standards

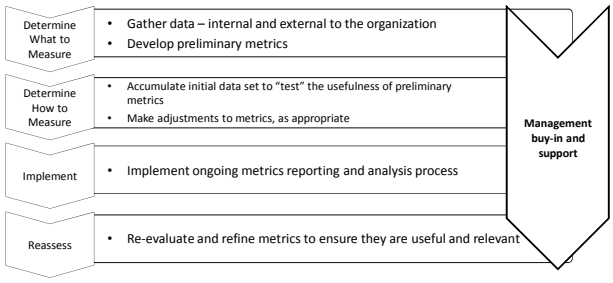
12

Review other items in the Resource Guide

- Are you auditing the items the Resource Guide suggests such as
  - Policies for your high risk areas
  - BOD minutes that reflect compliance discussions and approval of the annual work plan
  - Compliance with training requirements
    - Employee
    - BOD

13

One approach to metric development



14

Reminders

- You probably are not doing everything in the guide, that is ok
- Use it as a tool
- You might be tracking an item is a different way than suggested.
  - Assess why and see if you are comfortable that it gets to the same end.

15

Other tools to consider

- HCCA Publication, *Evaluating and Improving a Compliance Program,* January 2003
- DOJ Criminal Division, Fraud Section Publication: *Evaluation of Corporate Compliance Programs,* January 2017
- OIG Compliance Program Guidance documents
- AHLA/OIG/HCCA/AHIA Publication, *Practical Guidance for Health Care Governing Board on Compliance Oversight,* April 20, 2015

16

Demonstrating effectiveness

17

Why it is difficult to show effectiveness?

- There are no objective measures
- It is a little bit of an "I know it when I see it"
- It is difficult to compare your program to others because providers and programs are unique
- OIG/HCCA Resource Guide and DOJ outline of questions posed to organizations help

18

What shows effectiveness?

- Established compliance program goals and metrics to track progress on those goals
- Evidence that the compliance program
  - identified risk areas and assessed compliance with those areas
  - identified problems before outside sources brought them to provider's attention
  - responded quickly, thoroughly, and appropriately when a problem was identified

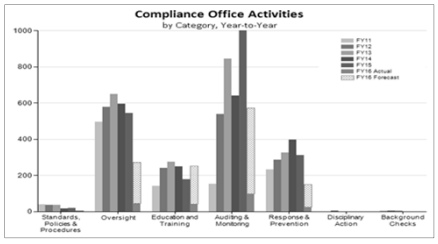
19

What type of metrics should you have?

- Consider a method of showing in a concise manner what the program is doing
  - Across risk areas
  - Across the seven elements of an effective compliance program
  - In the current fiscal year
  - Over the course of fiscal years

20

Styles of metrics



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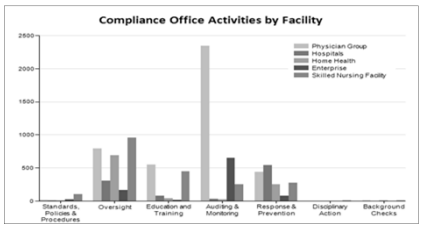

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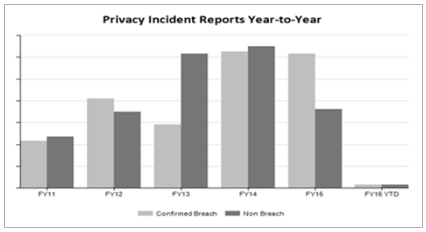

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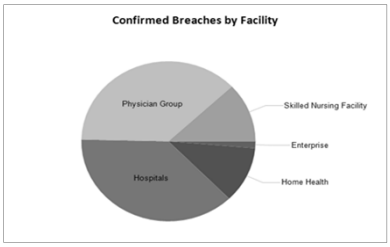

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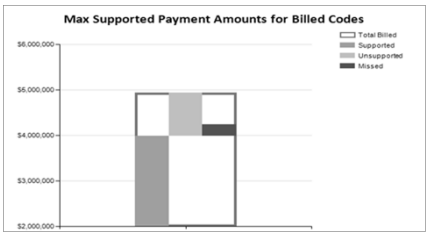

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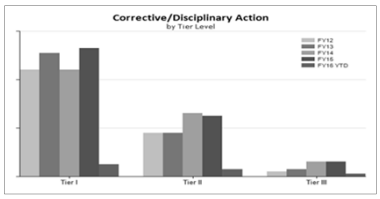

26

Key takeaways

27

Takeaways

- There will be no effectiveness without a compliance structure
- Engaging the Board and senior leadership in compliance is critical
- Demonstrate effectiveness through risk assessment, proactive internal audit, and quick response to issues
- Creating a culture of transparency and accountability will increase effectiveness.

28

Questions

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29