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

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

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

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.
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

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?

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”
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?

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

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
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

One approach to metric development

<table>
<thead>
<tr>
<th>Determine What to Measure</th>
<th>Determine How to Measure</th>
<th>Implement</th>
<th>Reassess</th>
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<tbody>
<tr>
<td>• Gather data—internal and external to the organization</td>
<td>• Accumulate initial data set to “test” the usefulness of preliminary metrics</td>
<td>• Implement ongoing metrics reporting and analysis process</td>
<td>• Re-evaluate and refine metrics to ensure they are useful and relevant</td>
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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.
Other tools to consider

- DOJ Criminal Division, Fraud Section Publication: *Evaluation of Corporate Compliance Programs*, January 2017
- OIG Compliance Program Guidance documents

Demonstrating effectiveness

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
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

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

Styles of metrics
9/20/2017

Styles of metrics

Key takeaways
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.

Questions

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