



COMMUNICATING WITH REGULATORS & ENFORCEMENT AVOIDING PITFALLS

PANEL DISCUSSION FOR HCCA'S INDIANAPOLIS REGIONAL CONFERENCE

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COMMUNICATING WITH REGULATORS & ENFORCEMENT PROFESSIONALS - PRESENTERS



Moderator

- » **James Rough** President, SunHawk Consulting, LLC.

Panelists

- » **Lamont Pugh**, Special Agent In Charge, HHS Office of Inspector General, Office of Investigations
- » **Matthew Whitmire**, Director, Medicaid Fraud Control Unit, Office of the Attorney General Curtis Hill
- » **David Fuchs**, Senior Counsel, Office of Counsel to Inspector General, U.S. Department of Health & Human Services
- » **Cindy Cho**, Assistant United States Attorney, Southern District of Indiana – DOJ

COMMUNICATING WITH REGULATORS & ENFORCEMENT PROFESSIONALS – FEW BEST PRACTICES



Please remember these three simple, but critical best practices:

1. Be available and helpful.
2. Listen, and remember the Regulators are human - not things.
 - They don't bite, I promise
3. Be accurate, but timely with your responses.

QUESTIONS YOU SHOULD BE ASKING YOURSELF TO HELP UNDERSTAND YOUR RISKS



1. You think it is legal, however what is the intent of the law?
2. What is the regulator's perspective on the subject?
3. Are you afraid / avoiding bringing up the topic?
4. Are you waiting for the Regulator to raise a concern?
5. Has your communication evolved into a negotiation instead of a working relationship?
6. Does your internal team have respect for the regulator?

QUESTIONS YOU SHOULD BE ASKING YOURSELF TO HELP UNDERSTAND YOUR RISKS (CONTINUED)



7. Are your data submissions or answers to auditor's questions coming back incomplete or with errors?
8. Be cognizant of your own time restraints.
 - Is there too much on your plate?
 - Is your team rushing to complete document requests?
9. Does the Regulator have a high turnover rate?
10. Does your company have a high turnover rate?

BUILD A WORKING RELATIONSHIP WITH YOUR REGULATOR NOW



1. Start off on the right foot, get to know your regulator before you have a problem.
2. Don't communicate Corporate / National positions when dealing with State or County Regulations.
3. When the Regulator has a Request, tell them you will get an answer right away or you will find the person that can get the answer.
4. When your regulators calls, answer the phone with "What can I do to help you?"

AVOID COMMUNICATION BARRIERS



1. Is there literally a communication barrier on yours or the regulator's team?

English second language




Thick / heavy accent

Use of translators

HERE TO HELP - ANY QUESTIONS?



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Mr. Rough is Founder and President of SunHawk Consulting, LLC. a US based Disputes, Compliance, and Investigations Consulting Group. Mr. Rough is a Certified Healthcare Compliance Professional, Certified Fraud Examiner, Certified Compliance and Ethics Professional and Adjunct Professor for the Sandra Day O'Connor College of Law at Arizona State University's Healthcare Compliance Course.

For 17 years, U.S. and international clients have trusted Mr. Rough to perform independent investigations and compliance effectiveness assessments; consult on complex contract disputes; perform data analytics, and advise white-collar defense counsel in criminal, civil and class-action proceedings.

Mr. Rough regularly advises clients on multiple topics, including the False Claims Act, Affordable Care Act, Medical Loss Ratios (MLR), Usual and Customary Rates in Healthcare Industry, Claims Data Analytics, Statistical Analytics, Fraud Prevention and Investigation, and technical accounting for revenue recognition.