

Compliance Corner



Developing Effective Lines of Communication in Health Care Compliance

By Marla Berkow, CHC, Gateway Foundation

At your health care organization, you may be the compliance officer or a person who counsels the compliance officer on matters with actual or potential legal risk. Depending on the size of your organization and resources available, you may serve as both the compliance officer and general counsel. Whatever your role, the establishment, maintenance, and ongoing improvement of communication channels are critical to your organization's overall integrity and success.

Overview of Compliance Program Operational Guidance

Chapter 8 of the U.S. Sentencing Guidelines provides clear direction on effective compliance and ethics communication channels, describing this as the periodic and practical dissemination of standards and procedures and the conducting of training and education to ensure that the appropriate individuals in an organization know and understand their roles and responsibilities regarding compliance with relevant laws. The Office of Inspector General (OIG) *Compliance Program Guidance for Hospitals* (1998) emphasizes the designation of a compliance officer to coordinate organizational response concerning matters of fraud, waste, and abuse to work collaboratively with employees, executives, and the board of directors.

The 1998 guidance also highlights hotline reporting systems

and the availability of anonymous channels for reporting compliance issues as essential to the effectiveness of a comprehensive communications plan. The recent HCCA-OIG joint publication, *Measuring Compliance Program Effectiveness: A Resource Guide*, issued March 27, 2017, arranges compliance program elements to align communication with education and training as one essential element for compliance programs. It is important to recognize that many critical components of compliance program effectiveness overlap and should be considered in light of not only evaluation tools but also for operational risk management.

Education and Training

Adequate training and education on identifying compliance-based matters and the widespread availability of an anonymous hotline reporting system are essential interrelated components of a strong compliance communications plan. Investigative response to compliance reports, whether received through a hotline system or directly through the compliance officer, provides a golden opportunity to reinforce the culture of compliance and educate management on the importance of the "Open Door" policy, good faith reporting, and non-retaliation.

Building effective lines of communication within your organization can be challenging, particularly if you are wearing

many hats; however, one successful approach is involving operations with training in response to compliance issues. When investigating a concern you may discover a training opportunity, and rather than training one individual or business team, you can engage executive management and human resources to develop a comprehensive training program on a special topic to deliver to middle managers. This will strengthen partnerships with management and shed light on areas of vulnerability within your organization. This type of ad hoc training will help you determine where to focus your annual training plan.

Develop an annual training plan that incorporates hotline and compliance investigative casework metrics, or other forms of information such as incident reports, as well as informal compliance communication with management and staff. This will guide your risk management program so that it is specific to your organization. Additionally, incorporate a “train the trainer” approach into your compliance corrective actions to ensure that business and upper management is engaged and that your action plans are both corrective and preventive.

“Open Door” Policy and Communication

Effective education and training on compliance issues remains one of the most generally accepted methods for preventing and correcting misconduct. Certainly, ongoing and annual training are critical to successful communications for any compliance program and for engaging management; yet, compliance officers also have an opportunity to set a tone for open dialogue through enforcing a policy on reporting that allows employees to break their chain of command.

The compliance office door, email address, and reporting mechanism should always be open not only to every employee in your organization, but every patient, family member, vendor, contracted physician, and business associate. Potentially, anyone in the community could file a complaint and you are on the front line to review that complaint and consider whether investigation is needed.

It is also essential that all levels of management participate in an “Open Door” policy and afford their staff and associates an opportunity to voice concerns and report issues without fear of retaliation. While compliance matters often are identified through risk analysis, many issues would go unidentified or be identified too late, unless open lines of communication are encouraged and reinforced by management to listen and respond to concerns and also report to compliance.

Conclusion

Managing compliance risks, monitoring reporting systems, and building effective communication lines all contribute to the overall effectiveness of your organization’s compliance program. Integrating compliance casework metrics and results of compliance investigations into your risk management and annual training plan will help build the all-important compliance communication infrastructure within your organization. Interpersonal communication between compliance and the operation takes time and patience to nurture, but a culture of compliance will become more deeply rooted in a responsive, non-punitive, and open approach, centered around training, education, and responding to concerns that are encouraged to be reported, so they may be quickly resolved.



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