

NOVEMBER 6-12, 2022

# COMPLIANCE & ETHICS WEEK

Compliance Begins With You



## Compliance is Cool. Let's Celebrate It!

Webster defines cool as (slang): of the very best kind. Compliance does not just apply to the healthcare industry but across all industries and businesses worldwide. It's not just about knowing the detail of regulations. It's about understanding people and behaviors. Compliance doesn't just check the boxes; it affects behaviors.

This is the week to celebrate everyone who champions ethical culture and provides guardrails to ensure we do not go off track. Compliance professionals are central in ensuring that "doing the right thing" is seen as a natural extension of being compliant. Take time to reflect on the progress your compliance program and those involved have made throughout the year.



Happy Compliance and Ethics Week to all the cool compliance professionals!

You are the organization's ethical heart!

### ARE YOUR compliance DUCKS IN A ROW?

1 Compliance Officer/Official



Risk Analysis

2

3 Recent compliance training



Updated policies

4

5 Data safeguards



Encryption

6

7 Sanction screens



Business associates list

8

9 Compliance hotline



Signed business associate agreements

10



## Did you know that...

1. Every organization has its own set of policies and procedures for dealing with day-to-day operations. They explain both the employee's and the employer's responsibilities in detail so that everyone knows what they're expected to do and what they may anticipate in return. Ask your compliance official/officer where you can find your organization's compliance and HIPAA policies.

2. Every organization wants to know about your concerns. There are various ways to communicate your concerns. Talk to your supervisor, compliance official/officer and/or human resources. Your hotline number is also available 24 hours a day/7 days a week.

3. Every organization has a non-retaliation policy. This policy protects all staff, providers, and residents, from retaliatory action for reporting unethical or illegal activity, misconduct, and other compliance concerns.

4. Everyone is obligated to report abuse (mental, verbal, physical, sexual, deprivation of goods and services) immediately to your supervisor and/or compliance official/officer. The CMS definition of abuse is “the willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain or mental anguish.”

5. Protected health information (PHI) from more than 45.7 million patient records was affected by a major healthcare data breach in 2021. This is the second-largest number of records reported breached on the government site since 2015. In the first half of 2022 alone, the healthcare sector suffered about 337 breaches. The average cost of a healthcare data breach is now \$10.1 million per incident, signifying a 9.4 percent increase from 2021 according to IBM’s annual “Cost of a Data Breach” report.

The compliance department is not the department of “no,” it’s the department of “know.”

ROY SNELL







# Compliance Training Doesn't Have to Be Boring

Compliance training is not one-size-fits-all or a box that is checked off. Ideally training should be relevant to the workforce and be part of a multi-pronged approach to creating a culture of ethics and compliance. Training should reflect today's evolving work environment and what it means to 'do the right thing,' regardless of whether team members are located onsite or in a remote/hybrid setting. Effective compliance training fosters a speak-up culture that encourages and makes it easy for workforce to raise concerns and report misconduct.

When evaluating your compliance training, here are some questions to ask:

- Do you have a mechanism to track attendance or completion of education? Do you have a policy outlining consequences for not completing mandatory training?

- Is the training relevant to your workforce? Can it be customized to your organization's culture, brand and internal policies and procedures? Using relevant content, team members can visualize situations where compliance training applies to their everyday responsibilities.
- Is the training up-to-date? Does it meet the requirements of CMS Requirements of Participation? Not only is it critical that training is current but content needs to stay fresh so your team members are not taking the same course year after year.
- Is the training behavior-based? Rather than focusing on definitions of terminologies, effective training should focus on changing behaviors, raising awareness of what is and isn't appropriate workplace behavior and the consequences of misconduct.
- Does the training keep learners engaged with relevant examples, interactive scenarios, and practical actions that they can put into practice immediately?

Don't forget people naturally think and learn in different ways so it is important to tailor course content in various formats for different learning styles. Visual learners will appreciate pictures, videos, diagrams, and graphs. Diversify the training with podcasts, music, and FAQs for the auditory learners. And for the kinesthetic learners consider incorporating quizzes, interactive content, and hands-on simulations.

Lastly, compliance training should not be an annual event, but should be conducted on a regular basis throughout the year. Since it is difficult to retain an understanding once it is understood, education should be repeated over and over again. Learning is like music. You don't know a song by heart until you've heard the melody and chorus over and over.

## Your Compliance Team



## Right Brain vs. Left Brain

The brain has two hemispheres but too often the education system operates as though there is only one. It is important to understand how to communicate with people particularly when teaching. How is information processed by your brain when it comes to compliance?

Right brain is responsible for communication skills, attention to detail and risk assessment capabilities. It is centered around understanding the rules as they are articulated and knowing exactly where to go for the policies and support that you need. These are all the black and white things, which are still core and fundamental to compliance training, but are also understanding the left brain. Left brain is responsible for attention to the big picture, ability to interpret and ability to apply rules to real-life facts. We will never anticipate every single potential risk situation, but if we apply right and left brain thinking, we will be able to give the workforce a set of rules and tools that will enable them to make a more competency-based decisions.





# 9th Annual FSA Compliance & Risk Management Conference October 3-5, 2022

