



BUILDING A COMPLIANCE PLAN: *HOW DOES A POLICY BECOME AN EFFECTIVE COMPLIANCE PLAN?*

What a Compliance Plan Requires:	How to get there:
Endorsement and Support of Leadership	<ul style="list-style-type: none"> • Communication by leadership/owners that this Policy is important to the organization and that compliance by all members of the workforce is an expectation of employment/engagement. • Commitment of resources to carry out the Compliance Plan; Annual budget item for Compliance Plan. • Periodic Compliance Plan updates are made to the governing board (recurring agenda item). • Annual written compliance report to the governing board. • Willingness to address non-compliance or authorize human resources to address non-compliance (including reduction of salary, reduction of duties, termination of employment). • Assignment of responsibility to carry out the plan to someone with authority (workforce will respond to this person) and accountability (this person will fulfill the responsibility for carrying out the plan and reporting to the board); Compliance Officer.
Publication	<ul style="list-style-type: none"> • Workforce cannot follow a Policy they do not know about. • Distributed to (impacted) workforce when adopted and anytime there is a revision to the Policy. • Distributed to new employees. • Continued availability at a “common source” (in a handbook, on an intranet). • Document that publication is made (and keep the documentation). • Assignment of responsibility for publication and making sure the publication site is updated when the policy is updated.
Training	<ul style="list-style-type: none"> • Materials that include a clear delineation of expectations for each member of the workforce (it may differ based on position). • Training at time of adoption of the Policy. • Training for new employees/when employees have changes in position that have different applicable Policies. • Periodic reminders/re-training regarding Policies. • Retraining when Policy is revised or to address issues identified (for instance, need for clarification/further training) as a result of non-compliance or changes in law/rules. • Includes identification of who should be contacted with questions. • Document when training is done (and keep the documentation). • Assignment of responsibility for training.
Auditing	<ul style="list-style-type: none"> • Are workforce members in compliance? • Do workforce members understand what is expected of them under the compliance plan? • Is there a process and timeframe established for periodic auditing of compliance with policies. • Define what “compliance” is (the standard) before audit is conducted • Does Auditing require the resources/expertise of an outside consultant/firm? Are the

	<p>circumstances such that an attorney should be engaged to conduct the audit and engage the outside auditor (in order to afford attorney client privilege to the audit)?</p> <ul style="list-style-type: none"> • Consider use of periodic surveys to ensure that individuals understand what is expected of them re: compliance with policies, to solicit input regarding compliance, and to request general impressions regarding whether the entity is taking sufficient steps/providing resources to support compliance within the organization. • Document that auditing has occurred (and keep the documentation). • Who should see results of the audit? When should audit results be shared with senior leadership or the board? • Assignment of responsibility for auditing <u>and</u> for sharing results of audit.
Updating	<ul style="list-style-type: none"> • Development of annual compliance work plan that focuses compliance team on matters each year • Process for periodic review of each existing policy (is it still relevant to the organization, appropriate for the organization?). • Changes on law or other requirements applicable to the Practice that require updating the Policy. • Following a breach of the Policy, review to see if it requires the Policy to be updated. • Document when Policies are updated, what updates were made and the reason for the updates. • What new Policies should be added? What has changed in the Practice or in the healthcare industry that requires more focused attention? • Assignment of responsibility for updating the plan.
Workforce Expectation to Report Non-Compliance	<ul style="list-style-type: none"> • Training and other communications establish that reporting suspected non-compliance is a job responsibility. • Communication to team when a suspected non-compliance report results in action by the Practice, and where appropriate, publicly thank the individual for reporting and advise of the outcome. • Development of culture that expects all workforce members to treat compliance as part of their job and to report suspected non-compliance.
Mechanism to Report Non-Compliance	<ul style="list-style-type: none"> • Clear reporting mechanism (or better yet, several mechanisms) to report suspected non-compliance. • Receipt of “anonymous” reports. • Form to solicit information regarding non-compliance (especially helpful if report is made anonymously). • Process to recognize and thank individuals for reporting; where possible, share results of investigation. • Document reported events. • Assign responsibility for individual who is responsible for receiving reports of non-compliance (may include monitoring a hotline, a drop box)
Process for Investigations of Non-Compliance	<ul style="list-style-type: none"> • Consider whether allegations are of a type that legal counsel should be consulted or engaged to conduct the investigation • Institute process for collecting information (interviews, documents) and retaining information • Document, document, document • Each report and investigation should end in an action item (<i>examples:</i> no issue identified, retraining, adoption of new policy, sanction of employee, termination of employment) • All investigations should be included in report to leadership • Assignment of responsibility for this element of the plan (may be several individuals) to ensure that investigation process is pursued to completion.
Discipline	<ul style="list-style-type: none"> • There must be repercussions for non-compliance. • Multiple violations require escalating discipline. • Establish who has authority to decide disciplinary action, what types of discipline must be

approved/reported to board?