



Compliance - TODAY

August 2015

A PUBLICATION OF THE HEALTH CARE COMPLIANCE ASSOCIATION

WWW.HCCA-INFO.ORG

An Outlaw in Compliance

an interview with John Outlaw

Compliance Officer – Hospital Affiliated Physicians
McKesson Business Performance Services

See page 16



25

Physician
arrangements:
The missing link

Gail Peace

31

How to be
a compliance officer:
Tips for new members
of our profession

Kim E. Greene

37

The law firm
business associate:
New liabilities create
conflicts of interest

Barry S. Herrin

43

Validity
versus
representativeness

Chun Liu

by Catherine Boerner, JD, CHC

Where are the controls?

Catherine Boerner (cboerner@boernerconsultingllc.com) is President at Boerner Consulting, LLC located in New Berlin, WI. [in](https://www.linkedin.com/in/catherineboerner) [in/catherineboerner](https://www.linkedin.com/in/catherineboerner)

Let's face it—Compliance is about making sure there are controls to mitigate risk. So we just have to keep asking ourselves, with each compliance risk area we address, “Where are the controls?” It does not mean there is no risk after controls



Boerner

have been established; however, it does mean the operational owners have taken steps to understand the risk and assure us they are addressing it. If we cannot prove that after the appropriate people knew about the compliance risk area they took some proactive steps to mitigate the risk, then how can we say we are making progress? So let's think about controls.

The first control to any compliance risk area is initial awareness. Are the operational process owners of the compliance risk area aware that it is a compliance risk area? Do they know what the regulatory requirements are? Do they know how it applies to their job functions? Do they know specifically what enforcement actions have been taken at other organizations regarding this risk area? If not, tell them or get someone else to tell them.

A second control usually is a written policy and procedure. Having a current written policy and procedure establishes that the process owners took the time to understand and develop the policy and write the procedure to

mitigate the risk of not following the rules and regulations. And, of course, make sure to train employees on the policy and procedure, and know where to find it.

A third control is the ongoing specialized compliance training in the area. This is where most compliance programs fall short over time. You don't want the initial awareness of the compliance risk area to become ineffective due to employee turnover in the department. It is so frustrating when you know you had controls in place only to find out, due to employee turnover, there is a lack of awareness and understanding of the policy and procedure. You are now back to square one.

It is so frustrating when you know you had controls in place only to find out, due to employee turnover, there is a lack of awareness and understanding of the policy and procedure.

So keep asking “Where are the controls?” Also, add to your work plan to monitor the operational owner's ongoing specialized compliance training to ensure that the department turnover does not result in compliance risk you thought was controlled. ☺