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by Roy Snell, CHC, CCEP-F

Compliance is not the problem

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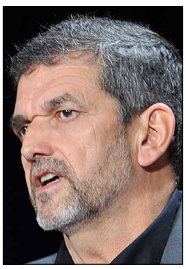
On occasion, I get a little grief for being in the compliance profession. Sometimes it's misguided because they think compliance professionals make up all the rules and they don't like rules. But it's still tiresome. There is a guy I have known for 29 years. He is socially awkward. Every time he sees someone, he manages to aggravate that person. He means well; he just has a bad habit of poking you in the eye every time he sees you. As a result, he is the former husband of my wife's dear friend. Until this weekend, I had gone 29 consecutive years not letting his eye-poking get to me.



Snell

This weekend he made another negative wisecrack about Compliance. I wasn't in a bad mood. I had just decided I was done with it, and said, "I don't appreciate that and I don't want to hear it anymore." Afterward, I thought I probably should have said more. I should have explained to him why I was done with his negative wisecracks. He is in medical sales. A few years ago a law was passed outlawing giving physicians money or material gifts to influence their clinical buying decisions. Bribing doctors became illegal. It was felt that patient care decisions should be based on what was best for the patient, rather than based on the personal financial gain of the physician.

Moments after the encounter, I felt I should have said more because the irony was too great to pass up. I should have said:

"The real problem isn't compliance officers and compliance programs. The real problem is that people like you bribed physicians so you could make more money. Because a few people like you were behaving unethically, the government had to impose new, onerous, expensive, and complicated laws—on all of us. Despite the rule of law, you people continued to bribe doctors. Then, companies like yours paid big fines and suffered horribly bad press. Then, companies like yours had to hire compliance officers and implement compliance programs to prevent, find, and fix problems because people like you continued to bribe doctors. Compliance is not the problem; the problem is that you people behave badly."

The real problem isn't compliance officers and compliance programs.… Because a few people like you were behaving unethically, the government had to impose new, onerous, expensive, and complicated laws—on all of us. Compliance is not the problem; the problem is that you people behave badly.

I just find it ironic that quite often the people who are aggravated by regulations, and compliance with the regulations, are the very people that caused all the regulations in the first place.