

# HCCA



HEALTH CARE  
COMPLIANCE  
ASSOCIATION

# COMPLIANCE TODAY

Volume Six  
Number Five  
May 2004  
Published Monthly

**Interview  
with  
Allison  
Maney**

## INSIDE

- 2 Leadership letter
- 3 Weblinks
- 3 On the calendar
- 4 Intangible value of membership
- 6 Focus on ethics & compliance
- 8 OIG spotlight
- 11 Preventing compliance litigation
- 14 Health care professionals and the Pharma Code
- 17 Meet Allison Maney
- 19 The spill-over effect
- 23 MMA Part B presents new challenges
- 27 e-learning revolution
- 28 FYI
- 30 CEO's letter

### **REGISTER TODAY!**

FOR THE AHLA/HCCA FRAUD & COMPLIANCE FORUM, BALTIMORE, MD—SEPT 26-28, 2004 - For registration info go to the HCCA Website, [www.hcca-info.org](http://www.hcca-info.org), or see page 39 of this issue.

# Letter from the CEO

**ROY SNELL**

**The Old Days** Our industry is not very old. Therefore, one would think that there is not much to talk about when describing the old days. However, things have changed so much in the past few years that there are some very interesting stories about the old days. Some believe “health care has been doing compliance for 20 years.” Given the fact that we have become the most fined industry in the history of planet earth, I don’t think it’s technically possible that the compliance effort started that long ago. Some believe that health care compliance got started when the U.S. Sentencing Commission Guidelines were written. Most would agree that the U.S.S.C. Guidelines were largely ignored by health care until the settlements started.

## **When did it all start?**

There were a few settlements prior to 1995-96, but the rush of settlements began with the University of Pennsylvania and Thomas Jefferson University. What got our attention was the mandatory compliance program and the mandatory assignment of a compliance officer. Oh yes, there were also the multi-million dollar fines. What also got our attention was the fact that if you had made some effort in the compliance area, you would get treated differently if a problem arose.

## **Excuses**

I got a real kick out of the excuses people made that prevented them from setting up a compliance program. The hospitals said: “it’s just those academic centers that can’t get it right. The enforcement community won’t bother us.” Then the hospitals started settling and the doctors said, “It’s just those hospitals. I knew they couldn’t get it right. The government won’t bother us.” Then the physicians started settling. Compliance officers’ warnings were ignored until their industry segment started settling. Eventually there was no segment left to say, “They won’t come after us.”

## **Memorable moments**

Back in ‘95 and ‘96, I assembled the leadership of our organization to watch a video feed from an association that

described what was going on. We sat and watched and listened to some of the compliance industry pioneers. To us, it was the beginning of compliance. It was like watching the beginning of time. It was like watching Adam and Eve, except it was Lew and Brent on the big screen. Lew Morris from the Office of Inspector General and Brent Saunders from Thomas Jefferson were bantering over the issues on the big screen. Lew made a reference to billing being as simple as picking food from a menu. Brent said if the regulations were as clear as a menu we wouldn’t be having these problems. Lew fired back, and the compliance industry was born. Ironically the same debate and the same arguments are being made seven years later.



## **HCCA**

The Health Care Compliance Association started in 1996 when Mary Dunnaway and I brought together some speakers and compliance officers for a meeting in Minneapolis. Brent Saunders spoke and Debbie Troklus was in the audience. Within 24 hours we had a name, a mission statement, President, Vice President, and a Second Vice President. When I asked Debbie to get involved she said “I am only an interim compliance officer and I have no idea what I am doing.” I told her, “You will fit right in because none of us know what we are doing.” To this day, no one has made a greater contribution to the compliance profession than Debbie Troklus. What a stroke of luck that she was there that day! Our association doesn’t do much patting itself on the back. In fact, we have only one award: the Pinnacle Award. In seven years we have given it out only once. It was given to Debbie.

## **It’s been fun to watch**

We have come a long way and we have a long way to go. Our profession “popped up out of nowhere,” within an industry that has been around for many years. A lot has changed. Some things remain the same. It’s been a real treat to watch it evolve and it has been a great learning experience. It will be interesting to see what all this looks like ten years from now. My guess is that a lot will change and some things will remain the same. ■