

June 2012

A PUBLICATION OF THE HEALTH CARE COMPLIANCE ASSOCIATION

[WWW.HCCA-INFO.ORG](http://WWW.HCCA-INFO.ORG)



## Meet Lanny A. Breuer

**Assistant Attorney General,  
Criminal Division,  
U.S. Department of Justice**

*See page 14*

**19**

**A timeline for change:  
A discussion of  
Affordable Care Act  
provisions**

Janice A. Anderson  
and Joseph T. Van Leer

**32**

**Ignore at your  
peril what  
others know  
about your  
organization**

Leon Goldman

**37**

**Complying with the  
ADA's accessibility  
standards: What you  
need to know**

Kara M. Maciel  
and Jordan B. Schwartz

**51**

**Reconsidering  
FCOI: What PHS's  
final rule means  
to investigators**

Ofer Amit  
and Draco Forte

by Roy Snell, CHC, CCEP-F

# When the wheels come off, it's a good idea to pull over to the side of the road

Contact **Roy Snell** at [roy.snell@hcca-info.org](mailto:roy.snell@hcca-info.org).

**C**ompliance program activities can go badly. For example, an investigation that creates an incident when a powerful person claims you are not conducting the investigation properly. All elements of a compliance program can occasionally create tumult. What I often see when the wheels



Snell

come off at work is that people immediately start flailing their arms, light their hair on fire, and run around. The problem often gets worse. There are times when trouble starts that you should do nothing...maybe for just a little while. I completely understand it's not always possible. I agree we have to be careful not to be seen as weak or obstructionist by creating a little delay. But as bad as excessively or inappropriately delaying action can be, overreacting can be equally as bad.

There was a problem I experienced yesterday, a highly visible problem not related to compliance, but it related to this philosophy of being calm. When the problem was discovered, people lit their hair on fire, ran around,

and flailed their arms. What they were doing was unintentionally escalating the problem. Our medium-sized problem was headed for the big time. We needed time to think. I asked myself if it was at all possible to do nothing, and it seemed like an option. I told those who wanted immediate and strong action to be taken that if matters got worse, I would take the drastic action they were looking for. It's 24 hours later, and there is still peace in the village. If I can make it two more days, then the entire matter will be over.

When there is trouble, people look at your face to see how bad the situation is. If nothing else, your suggestion that everyone calm down and think first will give them the impression that you've got it together. People who report to you, people you report to, and your peers can become animated in the face of a challenge. They want immediate action. They want a strong reaction. They get the sense that they know exactly what to do and that you must rush to do it. They may be correct about what to do, but they are often wrong about the sense of urgency. Me, I look to see if I can buy time. If I can buy 24 hours, I can often increase peace in the village significantly. ☀

# Thank you!

Has someone done something great for you, for the compliance profession, or for HCCA? If you would like to give recognition by submitting a public "Thank You," please send it to [margaret.dragon@hcca-info.org](mailto:margaret.dragon@hcca-info.org). Entries should be 50 words or fewer.



THANK YOU