

HCCA



COMPLIANCE TODAY

Volume Twelve
Number Ten
October 2010
Published Monthly

HEALTH CARE
COMPLIANCE
ASSOCIATION

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CEO, West Yavapai
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Letter from the CEO

Compliance...we are not the Bad Guys

I have always been uncomfortable with Compliance being perceived as the “Bad Guys.” I am unapologetic about our work in general, because the work needs to be done. Letting problems go undiscovered or unresolved is just delaying the inevitable and making things worse. I have even gone so far as to say “If you want to be liked, get out of the profession. Don’t change the profession just because you can’t take the heat. If you want to be liked, go join one of the professions that came before us and didn’t get the job done because they wanted to be liked.” I know that sounds harsh, but it is what I believe. However, after some recent revelations, I have become more indignant altogether about the claim that we are the Bad Guys.

A few weeks ago, someone posted on the Internet, a video of a USDA employee making racist remarks. Within a couple days, her employer called her three times, while she was driving to resign, and asked her to resign. They finally had her pull over and send in a resignation e-mail. There was no investigation. No one asked her what her perspective was. They were the judge, jury, and executioner. The video was taken out of context and, as it turns out, she had a stellar record on racial issues. She was offered a job by the White House, but she initially declined.

“A disservice was done,” says White House Press Secretary Robert Gibbs of Shirley Sherrod’s firing. She was asked to resign after a conservative website showed edited video of her at an NAACP event, apparently saying she would refuse to help a white farmer.

This never would have happened if this had been handled by an effective compliance officer operating an effective compliance program. An odd subplot to all is that her employer needs a compliance officer and a compliance program, but that is not the point of this article. She would still be in her job today had a compliance officer handled this.

The point here is that compliance professionals handle false complaints all the time. In fact, I would imagine most complaints are unfounded

and result in no action. At least that was my experience at the University of Wisconsin. A good compliance program is there to root out problems, but it is also instrumental in protecting the innocent. Do we get any credit for that? Why not? We work quickly to prevent innocent people from having their good names dragged through the mud. We, without conflict of interest, gather all the information. We conduct unbiased investigations. We give people a chance to explain. The key point is that the idea that “Compliance is out to get people” is just junk science. It is a theory that unknowledgeable people use to describe compliance programs. In my experience, we save more people from injustice than we punish.



ROY SNELL

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I am done. I am not going to take it anymore. I am not going to appease those who claim that compliance is too tough. I am going to continue to suggest to those who want to focus on how to make compliance “more likeable” that they get out of our profession. We are here to find problems, investigate, and punish people who intentionally do wrong. We are also here to save

innocent people from false accusations. We are the “internal regulatory referees” of the business world. We are here not only because those who came before us failed to find and fix problems. We are here to protect people from false allegations. We protect people from inappropriate punishment. We are here to protect people’s good names. We are not just here to find problems and punish people.

If we had been there when the call came in to fire this woman, based on a video put on the Internet, we would have been appalled. We would have asked questions. We would have given her a chance to explain. We would have conducted interviews. We would have gathered data. We would have looked at the complete video, not just an excerpt. We are not the Bad Guys. We are the Common Sense Guys. We are the Logical Guys. We are the Use-your-stinking-head Guys. I am as appalled at false allegations as I am at the crud that went on at Enron, HealthSouth, and Tyco. But most of all, I am fed up with the effort to make compliance more likeable. We cannot be impartial. We cannot be free of conflicts. We cannot be effective if we go into our job with anything more than a simple, straightforward concern for the facts. We are not the Bad Guys. We need to stop apologizing for (on occasion) being the only logical people in the room. ■