



HEALTH CARE  
COMPLIANCE  
ASSOCIATION

# COMPLIANCE TODAY

Volume Six  
Number Three  
March 2004  
Published Monthly

**Steve Ortquist  
discusses  
HCCA's  
upcoming  
Compliance  
Institute**



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FOR THE HCCA COMPLIANCE INSTITUTE, CHICAGO, IL—APR 25-28,  
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# Letter from the CEO

ROY SNELL

**Debate: It's important** Debate is an important part of learning. Debate is an important part of problem resolution. It is an important part of teaching or convincing someone to change their mind. Debate helps us cut through complex government regulations. Debating is difficult. If done poorly you may not only fail but irrevocably entrench someone in their position. Compliance professionals use debate constantly. Debate is important to the field of compliance. It doesn't always occur on a stage. Debate occurs during every day conversation in offices, meeting rooms, and in the hallway. You debate more than you realize. It's best to be as good as you can be. Many lawyers I know are very skilled at debate.

Much of what I know about debate has come from my legal colleagues. I have learned from two of the best. So that I will not embarrass them and to conceal their identity I will refer to them as Orville Orbuch and Redenbacher Roach. Much of what I share in this article has come as a result of debating Orville and Redenbacher. The key to their success is their attitude towards debate. Orville and Redenbacher are more successful in the field of compliance because of their debating skills.

## Generalizations

The generalization I just made about lawyers can be helpful for getting a point across. Some generalizations can be constructive and some can be destructive. You may agree or disagree with a generalization but it does help you understand where the person making the generalization is coming from. Generalizations between two contrasting groups of people can be even more helpful to make a point. Generally speaking, generalizations are risky. Therefore it is at some risk that I say lawyers generally debate effectively. It is at even greater risk that I say physicians generally struggle with debate.

## Why lawyers are effective at debate

Lawyers are taught to question and be questioned. They are

comfortable with being questioned. Physicians are not questioned on a regular basis. They are less comfortable with being questioned which makes debate difficult. Physicians are trained to make serious decisions in a short period of time. There is little time for debate. This type of training can be good for your health but counterproductive for debate. How you view debate affects your ability to debate.



Lawyers have an edge on the rest of us because they debated all through school and then spent years perfecting it. We can learn from them. There is a reason why they are so effective. I sometimes disagree with their point but I am often impressed with their skill at making it. I have learned one very valuable lesson from my legal colleagues about the spirit of debate. Don't view every debate as a life or death struggle.

**People who debate effectively remove emotions from the debate which are often caused by the desire for victory or the frustration of being questioned.**

People that don't like to be questioned remind me of the now famous scene from the Indiana Jones movie, *Raiders of the Lost Ark*. In that movie, a guy jumps out of a crowd to fight Jones. The opponent is standing 15 feet away and begins chanting and waving two long swords. It was like he had been training for this encounter his whole life. He was ready for a dual with Jones. He was proud to be up to the challenge. Then Jones pulls a gun and shoots him dead. People who debate effectively enjoy the art of the duel and the challenge

of the encounter as much as they enjoy vanquishing their opponent. They want more than a win. They want an encounter that they can learn from and an encounter they can teach with.

I don't think lawyers enjoy winning when they are wrong. They don't enjoy battling with an unskilled opponent. The joy of victory is tainted when a lawyer wins against an unskilled opponent. Lawyers get in to the process as much as the outcome of a debate. Debate is a way of life. The whole experience is appreciated and respected. It's not so much about winning and losing, it's the duel they enjoy.

## Emotion and Anger

Lawyers are often surprised and disappointed when their vanquished opponent runs off in a huff. The good ones fight hard but fight with a smile. They don't blink, or back down. People who are effective at debate stay calm because they fight to learn and teach. They want to keep a clear head. People who debate effectively remove emotions from the debate. Emotions are often caused by the desire for victory or the frustration of being questioned. Don't confuse passion with emotion. Individuals who know how to debate are passionate or pretend to be passionate but they don't get emotional. Out of control passion can turn into emotion. Out of control emotion can turn into anger. Anger kills your ability to think and entrenches your opponent. Some deliberately try to anger their opponent. If they do, they often win but really nobody wins. Don't let it happen to you.

If you see the end of a debate as winning and losing or life and death you react differently before you finish the debate. If you see value in the debate no matter what the outcome you will react differently before you finish the debate. If you enjoy the experience as much or more than the outcome you will react differently. Looking at a debate as a starting point rather than an end point can change your actions during the debate. If you see the debate as a winning experience no matter what the outcome and you will have a better chance of being victorious. Calm clear thinking helps. You can lose a debate and still learn or teach. A successful debater often sees debate as a beginning point, not an end point. Follow through helps you aim a ball even though it happens after you hit the ball. Thinking about the desirable outcomes of a debate helps you even though the outcome occurs after the debate.

### The flip side

Sometimes it helps to describe what not to do as opposed to what to do. Take, for example, my 15 year old daughter Jessica whose name I will not disguise because she will never read this. She should probably read this article but I don't want to give her any edge. She is a wonderful student and athlete but effective debate skills have eluded her. Ironically, I have told Jessica several times that she should be a lawyer because she loves to debate with her parents so much. Her debating style reminds me of the TV show The Rat Patrol.

### The Rat Patrol

Machine guns were mounted on the back of jeeps with good guys bouncing through the desert going after bad guys. The gunner in the back of the jeep is hanging onto the machine gun for dear life

firing randomly in the direction of the bad guys. If it were real, and not a TV show, they would have killed a dozen of their drivers each month. That's how Jessica debates. Random arguments shooting out in all directions hoping one hits her target. Debate a 15 year old and you will see the greatest example of someone who sees debate as a life and death struggle. She must win at all cost. Forget passion, it's full out emotion and anger. There is no hope of thinking straight. There is no hope of seeing debate as a positive experience.

### List of recommended books

I sent 10 people an email asking for the name of a good book on the subject of debate. I wanted to share those books with you. I sent the email to some of the best in the business. Unfortunately, no one had a clue as to what to read. Not only do they not have one on their shelf but they didn't even remember the name of one. I am disappointed that I have no books to recommend but I think there is a far greater message in my discovery that these people have no books on debate. I don't think they have studied debate that intently. I think they're naturally effective.

How could they be good without studying tactics and strategy on a regular basis? Three hundred page books on debate discuss step by step strategy. Experts tell you hundreds of things to remember. Like most things it may not be as complicated as the experts make it out to be. Could it be that strategy and tactics are not that important? Are effective debaters good because they naturally come by the skills that I have observed; attitude, perspective, process versus outcome, and avoiding emotion and anger? If so, becoming effective at debate could be as simple as flipping a switch. Just decide to take their approach and do it. Unfortunately, changing is hard. However, the first step in changing behavior is acknowledging that change would be helpful.

### Debate is important to compliance professionals

Good debating skills are particularly important for dealing with physicians and administrators. Debate is a constant in our job. Compliance professionals resolve difficult issues. We are here to change behavior. We are here to challenge behavior. We are here to sort through complex regulations. We are here to be sure that all sides are considered and everyone gets a voice. Effective debate can help us perform our function within the organization. Effective debate can reduce stress. Ineffective debate will increase stress. Study debate and observe those who debate effectively. You will sleep better. ■