



# Compliance TODAY

August 2013

A PUBLICATION OF THE HEALTH CARE COMPLIANCE ASSOCIATION

WWW.HCCA-INFO.ORG



## Q: Who is HCCA's 8,500<sup>th</sup> member?

**A: Mark F. Leep, MA, JD, MBA, CIP**

Director, IRB and Research Compliance & Education  
Manager, Bon Secours Richmond Health System

*See page 20*

**27**

OIG's updated  
Provider Self-Disclosure  
Protocol: Sampling  
and overpayment  
extrapolation

Cornelia M. Dorfschmid

**33**

Should  
readmissions  
be on a  
compliance  
officer's radar?

Myla Reizen

**37**

Dealing with  
an even more  
aggressive  
year of  
enforcement

Brian G. Flood

**41**

Sixth Circuit  
Court of Appeals  
limits the reach of  
the False Claims Act

Gabriel Imperato  
and Shachi Mankodi

by Roy Snell, CHC, CCEP-F

# Do we have a problem with tone at the top, or a problem communicating that we have tone at the top?

*Please don't hesitate to call me about anything any time.*

612 709-6012 Cell • 952 933-8009 Direct

[roy.snell@corporatecompliance.org](mailto:roy.snell@corporatecompliance.org)

**M**arketing isn't just a good tool for generating revenue. You can market concepts, too. We do a terrible job of marketing our compliance programs to our staff and to the public. Employees don't understand compliance and ethics programs because we don't market compliance programs. To me communications is "Let me tell you about something a couple times." Marketing is, "I need you to know some very important information so I will beat this to death." Communications are often forgettable. When you market something effectively, people can't get what you market out of their heads.



Snell

We have a crisis of confidence in business.

The press, public, prosecutors, and politicians want blood. There have been a few anecdotal stories of horrible ethics and regulatory missteps in business (Enron, WorldCom, Tyco, etc.), repeatedly discussed and thrown in our faces. You might say the bad news about business is marketed effectively. It gives the impression that every company in the country is unethical and breaking the law. In return, we have weak communication about what business is doing well.

Ethics surveys show that an astonishing number of employees think leadership is not supportive of compliance and ethics. On the other hand, most of the compliance professionals I talk to say their leadership is supportive of their compliance and ethics programs. Compliance professionals obtain leaderships' support and then they bury it in a video employees may see once and forget. Or they put it in some annual report which people may see once and forget. We need to market the fact that leadership is supportive. Don't we want investigators to walk in the building and see evidence of leadership support for compliance everywhere they go? The press, public, politicians, and the prosecutors are *marketing* "the fact that businesses are greedy and unethical" and business people are *communicating* the fact that their leadership supports compliance and ethics in their organizations.

We should think of innovative ways to *market* the fact that leadership is supportive. Doing a couple things is not nearly enough. We need to put up posters, send emails, put it in the code of conduct, create a video, put it in the company newsletter, put it on the website, discuss it briefly at all major staff meetings, etc. And we need the message sent to employees by line managers, too. *Market*, don't communicate, the tone from the top. 🗣️