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**HEALTH CARE  
COMPLIANCE  
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# **COMPLIANCE TODAY**

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**Meet  
Robin  
Fletcher**

**Save  
the  
Date!**

**Medicare Prescription Drug Part D  
COMPLIANCE CONFERENCE  
December 11–13, 2005**

*For more information see page 2.*

# Letter from the CEO

Roy Snell

**Poker Compliance:** I have been allowed to write about 75 compliance-related articles in the last nine years. I am very careful, but clearly no wallflower when presenting a position. Nor am I afraid to present the position in an unorthodox way to make a point more interesting. I am as worried about being drab as I'm worried about saying something wrong. What amazes me is that I have received only one complaint about a position I have taken. There were probably others who just kept it to themselves, but so far, no major disasters or retractions. You can't write 75 articles with people looking over your shoulder and get it right every time. I have been careful and lucky.

I worry about the reader and my employer who pays me to represent them. I was very careful as a compliance officer for the University of Wisconsin, consultant for Deloitte and Touche, and PwC, and now as CEO of HCCA. All four organizations had very good reason to expect me not to be a fool. I have seventeen Board members to keep in mind as I write. I am most interested in representing the 4,000 members in a way that they would want to be represented. I do enjoy getting as close to the edge as possible. I want the articles to be interesting. I want people to read the articles and look forward to getting them. I want to help the profession. It is a most interesting balance. All that said, I once again stay close to the edge in this article.

I have been playing poker for a couple of months. Gambling is a very dangerous hobby. Many families have been ruined by out-of-control gambling. I do not recommend gambling unless you are certain you can control it. It can be inexpensive or devastating. What has surprised me is that it teaches you a lot of very important skills. I would have never imagined how beneficial it can be. I see parallels and lessons for the compliance profession. I have been practicing, studying, and reading about poker for months. I recently won \$400 in a fishing contest so I decided it was time to test my poker acumen. I went online and set up a small account with the winnings from the fishing contest. I got lucky and won the first

tournament I entered. I played 420 people for six-and-one-half hours and won \$9,000. It was a thrill; however, buried in all of the obvious things I could say about the experience, it turns out that poker can teach you important skills.



Poker teaches you patience. It teaches you when to be aggressive and when to back off. It rewards your ability to read people. Poker teaches you to know when to fight an issue and when to let something go. I discovered that playing poker is oddly beneficial to those of us trying to be successful in difficult jobs. As is the case with a lot of hobbies or side interests, poker can teach you skills that you can use elsewhere.

In Texas Holdem you have to be patient. I can use all the help I can get. You have to wait for good cards. You can't play every hand. You have to wait for the right moment to go all in and make a big fuss. In Holdem, if you fuss (bet) over every hand, you will lose a lot of money. If you make a big deal of everything, you will suffer for sure. It is my belief that the most frequent reason for the failure of a compliance professional is a panicked reaction to every little problem. Self-righteousness is a recipe for disaster as a compliance professional. You have to know when stand your ground and when to let it go.

Poker requires a lot of studying and experience to play for money. That is assuming that you want to win money. You cannot play Texas Holdem without knowing what you are doing. A lot of people think they can play poker. They think they can read people, or that they are smarter than the next guy. They think that they would be good because they have played similar games. A lot of people think they can be a compliance professional. They think that because they have studied law, coding, or have been an audit professional, they will be a successful compliance officer. It is my experience that technical skills are not as important as analytical, project management, and people skills.

Poker players who don't know what they are doing are penalized immediately. It is obvious that they don't belong and they are penalized financially. Compliance officers can take a little longer to fail, but wannabes get weeded out fairly quickly. Their organizations can be penalized. Typically, the penalty for compliance comes in the form of leadership's waning confidence in the compliance department or compliance officer. The lack of confidence often

comes from the compliance officer's absence of analytical, project management, and people skills. You can also get into trouble with judgment calls, inability to prioritize, and knowing when to holler back and when to let it go.

### Poker tells

Books have been written about how to tell when poker players are bluffing or have good cards. Let me give you one example. If a player raises the bet a little dramatically with their arm straight out, they are trying to show a strong hand. Typically they are trying to bluff. They want you to fold (quit the hand) because they do not have good cards. On the other hand, if they quietly/slowly move their chips in, they probably have a good hand and hope you don't notice. They want you to bet and take more of your money. Of course this is not always the case, so you have to blend their current action with their past behavior.

I can't tell you how many times I have sat across from a doctor/administrator who pounded the table and raised their voice, telling me what they were doing was okay. Even if I knew my facts, they wanted to bluff/bully me. I have also had members of the compliance team overreacting to an issue, and I had to be careful to check the facts before I went to bat for them. There are many bullies in poker too.

As a compliance officer, I also ran into people who quietly mentioned that they thought there was a problem somewhere. Many so-called whistle-blowers come in the form of single, innocuous, and quiet hallway conversation. Their next stop is the enforcement community. "Did you tell them about the problem?"... "Yes"... "What did they do?"... "Nothing."

The enforcement community does not give you a break because the whistle-blower did not try hard enough. You have to be able to read people. You have to listen and pay close attention. You have to be careful and sensitive. As in poker, you have to be careful not to react solely on the delivery of the message. Reading someone's current behavior should be balanced with your past experience with that person.

I also mentioned that I studied and practiced for a long time before I risked a dime. Education is important. Not only is there technical education for compliance professionals, there is good education for honing your people, judgment, and project management skills. Education in the soft science does not come as easily from books or presentations. It is easier to learn the subtleties of the compliance profession from talking to others. It comes from hallway conversations, breaks, lunch discussions, and dinners at major conferences. The best conversation takes place when you find the right person from a similar organization who has gone through what you are going through. You can get specific and helpful advice.

Our meetings, particularly the Compliance Institute in April 2006, in Las Vegas, are like poker tournaments. Although you learn a lot in class (or playing poker), you may learn more in between the sessions, talking to people at lunch, in line, or in the hallway. Poker players will tell you the same thing. They learn by talking to others about things that have happened to them. I really don't suggest that you play poker to learn more about compliance. The personal risks are too great. But networking with your peers can be helpful. I hope to see you in April. ■

### Call for Authors

The Health Care Compliance Association (HCCA) is seeking authors for upcoming issues of **Compliance Today**.

Topics to consider: HIPAA Security, compliance auditing and monitoring, compliance operations, implementing various aspects of the Sarbanes-Oxley Act, effective training techniques, 2006 OIG Work Plan, and more.

Contact [margaret.dragon@hcca-info.org](mailto:margaret.dragon@hcca-info.org) with questions and topics.

Please note that HCCB awards 2 CEUs to authors of articles published in **Compliance Today**.

### UPCOMING ARTICLE DEADLINES

November 14	January issue
December 9	February issue
January 12	March issue