

Working with Integrity Taking the “Right” Path

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Objectives

- Define differences between Ethics, Integrity, & Compliance
- Identify scenarios that provide the backdrop for poor decisions
- Provide steps to consider to guide making the right choices



Ethics - Integrity - Compliance

- Is there a difference?



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Ethics

...values relating to human conduct, with respect to the rightness and wrongness of certain actions and to the goodness and badness of the motives and ends of such actions.



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Integrity

- adherence to moral and ethical principles; soundness of moral character; honesty.
- the state of being whole, entire, or undiminished
- a sound, unimpaired, or perfect condition

Compliance

- conformity
- accordance
- cooperation
- obedience



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*Why do we do things that
don't feel right?*



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Listen to your gut....



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How do we deal with pressure?

"We are often times, the one who creates our own handicaps." Roger Crawford



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Normalization of Deviance^{*}

- What does this have to do with compliance?

^{*}Garrett Reisman former Director of Space Flight Operations at SpaceX & professor of engineering at USC



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Normalization of Deviance Risks

- Normalized
- Schedule pressure
- Discouraging dissent



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What happens when we ignore the “right” path?

- Disregard gut and go with judgment to give preference to employer/coworker wishes – at a terrible cost
- Hopefully your code of ethics provides clear guidance to never weigh safety/what’s right against wishes of employer



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Why do we struggle so with ethical issues?

- Have things change over the years?
- Have our ethics suffered?
- Why?



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Ethics Institute

“What we’re doing is training the next generation of corporate pirates” *related to rampant cheating in schools

What are we missing?

- Indignation, moral outrage, genuine fear
- Voices of parents who can go overboard in providing homework help to their children, but fall short when it comes to clearly articulating the importance of following the rules.

*Michael Josephson



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Truth telling

- False Claim Act says that fraud is “knowingly making or causing to be made any false statement, omission, or misrepresentation of a material fact in an application, agreement, bid or contract to participate or enroll as a provider of services or supplier under a federal healthcare program”
- Martha Stewart went to jail for lying – not for any of the other violations



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Important Compliance Elements

- Visible, open, approachable, informative compliance officers
- Identify and address instances of misconduct so you can stop or mitigate the risks created by the misconduct
- Impress upon all employees their duty to report



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- Whistleblowers will have a hard time proving “reckless disregard” or “deliberate ignorance” (the standard of proof for the FCA) if effective systems are in place that promote compliance and timely reporting



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How easy it is to slide down that slippery slope..

- Starts young...you and mom deciding not to tell Dad you wrecked the car...
- Cheating on a test... just this once
- Not go back and pay for an item you weren't charged for
- Not credit a charge made in error because it is too cumbersome
- Not report a co-worker that you know accessed information inappropriately



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Examples of slips in judgment

- Letting a second job conflict with your primary work.
- Using confidential information obtained in the course of working for personal benefit or to benefit another employer.
- Accessing PHI about a child's friend to potentially protect your child.
- Allowing a vendor access to stored images for "product development"



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Ways we get into trouble.....

- Accepting tickets to the Super Bowl from your favorite drug rep.
- Offering office space for less than FMV to that highly sought after specialist
- Fudging the numbers on the cost report for the CAH in order to keep the doors open another year



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More ways to get into trouble....

- Accessing PHI about your friend or neighbor to share with your prayer group.
- Finding documentation or charging errors and not reporting them because the person responsible is new and just learning.
- Charging for services you didn't perform – whether in error or knowingly.
- Falsifying research findings to continue a grant...



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Still more.....

- Looking in your facility directory to see if there is anyone in from your home town.
- Seeing your neighbor's daughter in the ER and calling them to let them know that she is in the hospital.
- Letting your child use your insurance card to receive care because they are uninsured.



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And more....

- Employing someone that is on the “exclusion list” because he is a good worker and has a young family depending on him
- Discussing patient information in the cafeteria, stairwell, elevator
- Sharing patient information for which you have no “need to know”.



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Things you hope you never hear....

- I didn't intend for it to go this far...
- I saw some red flags but thought it would be ok..
- I needed that information to help my child...
- The physician asked me to do it...
- I didn't know who to tell....
- I reported and no one did anything....
- To be successful you have to do this...



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Definition of Success in the 1800's

To laugh often and much;

To win the respect of intelligent people

And the affection of children;

To earn the appreciation of honest critics

And endure the betrayal of false friends;

To appreciate beauty,

To find the best in others;

To leave the world a little better,

Whether by a healthy child,

A garden patch or a redeemed social condition;

To know even one life has breathed easier because you have lived.

This is the meaning of success. - Ralph Waldo Emerson.



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Merriman-Webster 2018

Definitions of *success*

1. degree or measure of succeeding
2. favorable or desired outcome
3. the attainment of wealth, favor, or eminence
4. one that succeeds



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Promote Compliance Matters ... because it does

- Talk with your staff about working with integrity and what that looks like
- Profess the “Platinum” Rule – *“Do unto others as you would have them do unto your most precious loved ones.”*
- Promote and live by the “Need to Know” Principle



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Making the right choices

- Know what you believe is right and wrong - write down the values you will live by
- Apply the Golden Rule
- Guard against being lulled into thinking you're not capable of making bad decisions.
- Ask yourself; *Would I be comfortable with my decision hitting the front page of the paper?*
- Practice ethical decision making every day.
- Discuss tough decisions with others



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- Find your courage – groupthink can be dangerous
- Apply the same code of ethics whether at home or work
- Pay attention to your instincts
- Above being loyal to your superiors, be loyal to your principles.

Extraordinary Circumstances, Cynthia Cooper



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Integrity, Compliance, Ethics –

How do we reinstate faith in big business?



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Put them all together.....

- Everyone in your organization is accountable for compliance with the rules and regulations
- Organizations must put processes in place to support compliant behavior
- Compliance is not responsible for every person's actions – that's where ethics and integrity kick in



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How does that work?

- *“Not everyone does what you expect, and some may not do what you inspect, but almost everyone will do what you enforce.” Roy Snell*



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Walk the Talk,

- If employees don't see investigation, enforcement, and discipline for issues raised, it is difficult to get them to work with integrity/compliance.



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Who are our highest risk employees?

- Ethics works for most people but not everyone
- Compliance programs work for the most reluctant people ...these are your highest risks.
- Neither ethics nor compliance works for these guys



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OIG Most Wanted

- <http://oig.hhs.gov/fraud/fugitives/index.asp>



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Choices

- Your choices can make your life turn out very differently from what you intended.
 - Morton Thiokol
 - World Com
 - OIG Most Wanted
- Most frequent root cause of business disasters....



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Clear Purpose

- Decide how you want to spend your time, energy and resources



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*Marginal Cost Doctrine**

- Choosing between right and wrong
 - Just this once – won't hurt
 - Giving in “just this once” based on marginal cost sets a precedence
- Easier to hold your principles 100% of the time vs 98%
 - Define what you stand for and draw the line in a safe place

**Clayton M Christensen – Harvard Business Review*



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Wise Words

- Aristotle, the philosopher 2000 years ago said: "We are what we repeatedly do."
- Earl Nightengale, personal development pioneer, and radio legend in the 1950's said: "We become what we think about most."
- Mary Daly, a theologian, says, "Courage is like—it's a habitus, a habit, a virtue: You get it by courageous acts. It's like you learn to swim by swimming. You learn courage by couraging."



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Words of Wisdom from the Iron Lady



*"Standing in the middle of the road
is very dangerous; you get knocked
down by the traffic from both
sides."*

Margaret Thatcher



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So then...

- We ultimately determine who we become....
- We can challenge old thinking patterns....
- By relying on highly ethical and compliant practices....



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More from Margaret Thatcher

- Watch your thoughts for they become words.
- Watch your words for they become actions.
- Watch your actions for they become habits.
- Watch your habits for they become your character.
- Watch your character for it becomes your destiny.
- What we think, we become.”



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How to get there.....

- All employees should know their resources
 - ideally by name
 - Johns Hopkins Bayview CIA
- Empower leaders & employees to understand their role in compliance
- Share stories – good and bad



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There's a big difference between what you have a right to do and what is right to do. Justice Potter Stewart, (deceased) U.S. Supreme Court



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So many good reads.....

- When you feel pressured to do the wrong thing at work -HBR *Joseph L. Badaracco*
- The Power of Noticing – *Max Bazerman*
- How will you measure your life *Clayton M Christensen*
- The Gifts of Imperfection *Brené Brown*
- Extraordinary Circumstances: The Journey of a Corporate Whistleblower *Cynthia Cooper*
- Wagon to Disaster *Aaron Beam*



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*You have brains
in your head.
You have feet
in your shoes.
You can steer
yourself
Any direction
you choose.*

*Oh, the Places
You'll Go!
By
Dr. Seuss*



Questions?

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