

Responding to Government Investigations and Enforcement

Managing the Crisis and Communicating with Key Constituencies

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Healthcare Enforcement Compliance Institute
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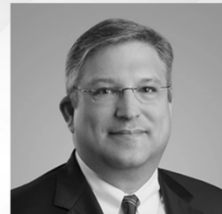
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Meet Your Presenters



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Why Crisis Management at a Healthcare Enforcement Compliance Conference?

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Overview

- » How to Recognize a Smoldering Enforcement Crisis and its Risks
- » Being Prepared to Respond: Crisis Team and Crisis Management Plan
- » Role of Communications in Response Plan
- » Responding to the Crisis
- » Communicating about the Response: Who, What and When?
- » Case Study: Applying Crisis Management Strategies to a Real Enforcement Crisis

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Signs of Possible Enforcement

- » Compliance Complaint/Issue
- » Subpoena/Civil Investigate Demand
- » Search Warrant
- » Agents Contact Current or Former Employees



Crisis Risks



» Compliance/Legal



» Financial



» Operational



» Reputational

The Team and the Plan

- » Who should be on the Crisis Management Team?
- » Who should lead the effort?
- » Who should provide outside support?
- » What goes in the Crisis Management Plan?



Responding to the Crisis

- » Compliance Response
- » Legal Response
- » Internal Investigation
- » Privilege Considerations
- » Self-Disclosure



The Role of Communications

Why it matters and how to think beyond “no comment”



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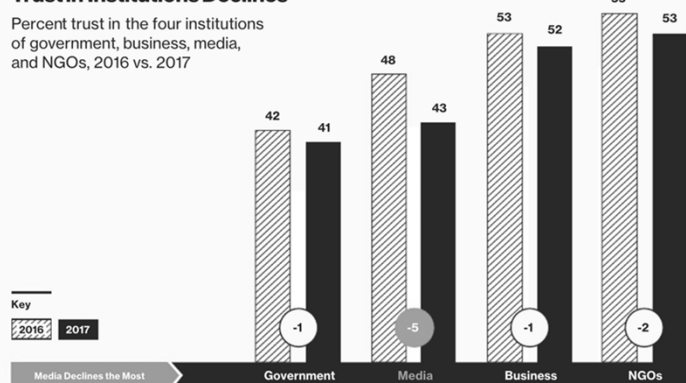
Today's Landscape: The Trust Crisis

Trust in institutions is at an all-time low.

2017 Edelman Trust Barometer showed the largest ever drop in trust across four institutions

Trust in Institutions Declines

Percent trust in the four institutions of government, business, media, and NGOs, 2016 vs. 2017



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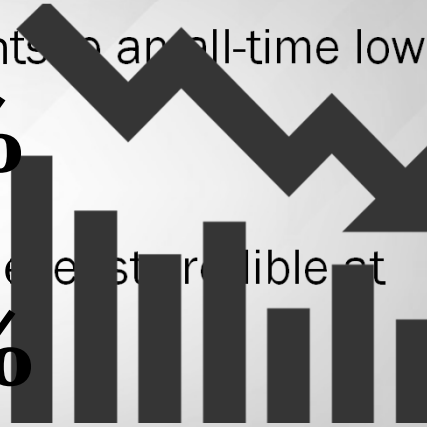
Leadership Trust Crisis

CEO credibility dropped 12 points to an all-time low of

37%

Government leaders are the least reliable at

29%



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Loss of Faith in the System

53% Believe the system is failing them

32% Are uncertain

15% Believe it's working

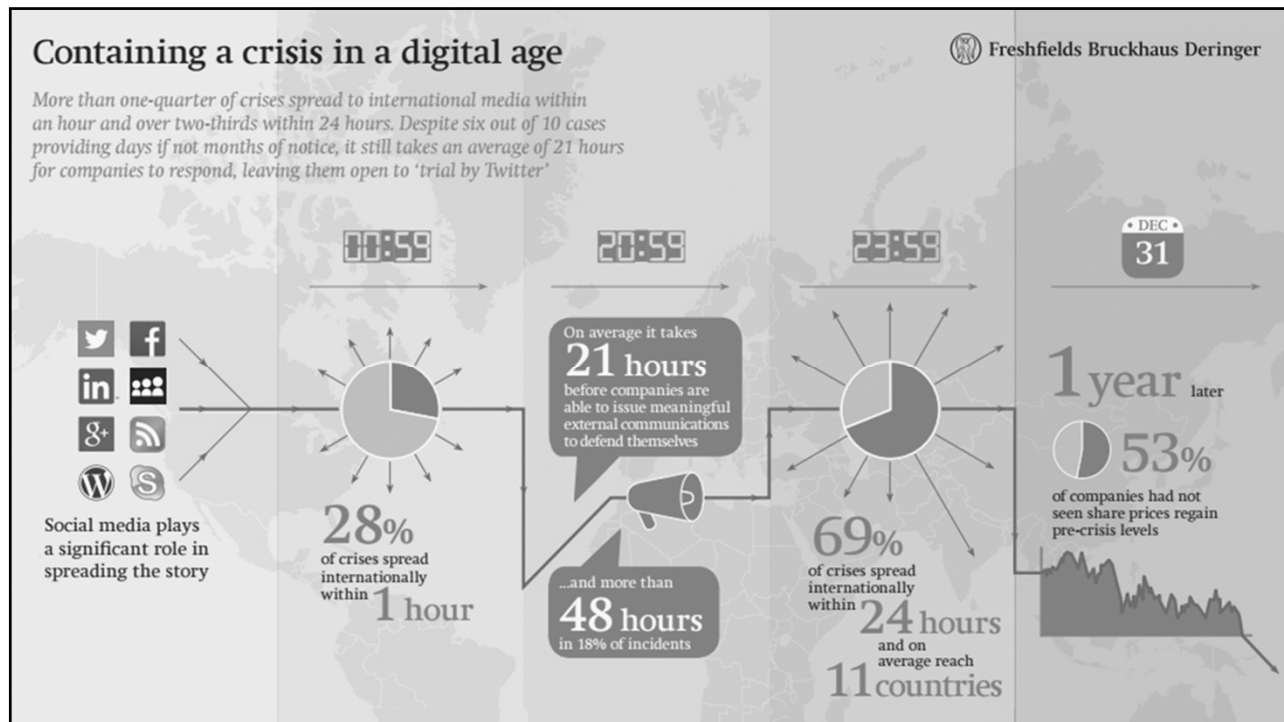


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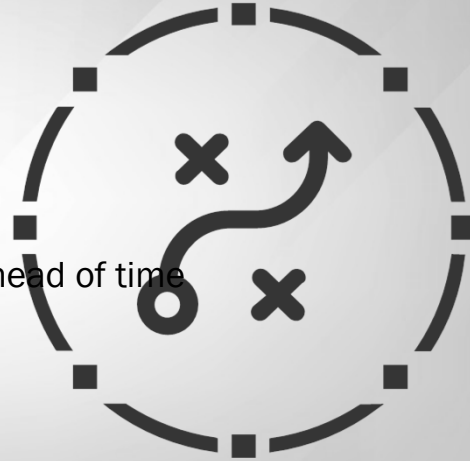


Five Steps to Success

How to structure a successful communications effort

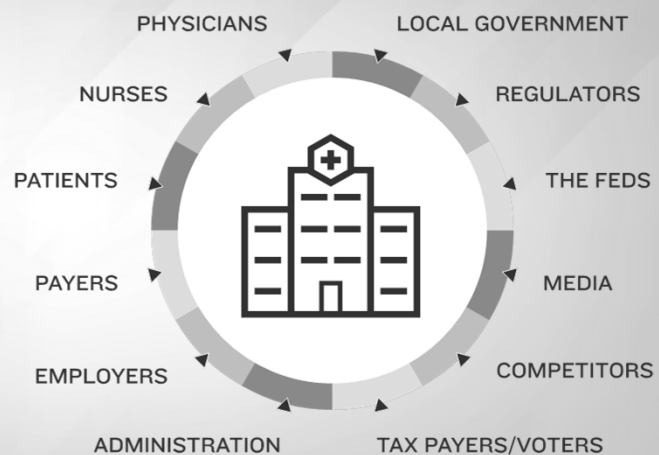
#1 Overprepare

- » Identify your vulnerabilities
- » Build an interdisciplinary team
 - Don't wait to bring in communications
- » Agree on approach and philosophy
- » Plan creation: details
- » Set up monitoring process and protocols ahead of time



#2 Think Like a Political Campaign

- » Rank your constituents
- » ID opposers and supporters
- » Know whom they trust and how they get information
- » ID the reputational risk for each
- » Prioritize the release of information among them



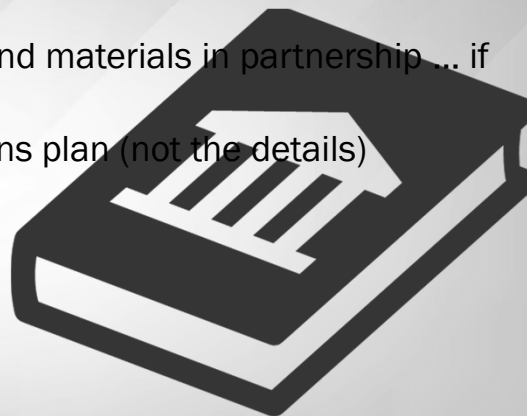
#3 The Golden Rule

- » Tell it all, tell it first, tell it again ... and again
- » Put yourself in control
- » What sticks: how you handle it vs. what you did
- » Message management is the name of the game
 - Don't play defense, wait
 - Be "the source"
 - It's not over when it's over
 - Keep an ear to the ground



#4 The Government Is Your Friend

- » Or at least pretend ...
- » Develop your communications timeline and materials in partnership ... if possible
- » Share an overview of your communications plan (not the details)
- » Understand their broader agenda
- » Know the boundaries



#5 Be Authentic ... Really

- » To the public (and everyone but the government), tone trumps the details
- » Message must strike a balance
 - Acknowledge, but get to the solution
 - Focus on the patient or mission of the organization
 - Highlight your commitment to legal, ethics and compliance
- » Be smart, but lean in and address how people feel
- » Avoid legal ease and jargon
- » Know the power of apology



Q&A

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