

# **ENFORCEMENT, COMPLIANCE OFFICER, AND GENERAL COUNSEL**

---

LAURA ELLIS, SENIOR COUNSEL/ADMIN AND CIVIL REMEDIES BRANCH, OIG

REBEKAH STEWART, CHIEF COMPLIANCE OFFICER, TEXAS HEALTH RESOURCES

LINDA EPSTEIN, GENERAL COUNSEL, BROWARD HEALTH

1

## **PRESENTATION OBJECTIVES**

---

- **Effective Compliance and Management: General Counsel and Compliance Officer**
- **OIG's Perspective on the Role of General Counsel and Compliance Officers**
- **Effective Compliance Practices and Priorities**

2

# **PERSPECTIVES ON THE ROLES OF LEGAL COUNSEL AND COMPLIANCE OFFICERS**

3

## **ISSUES THAT ARISE WHEN A CHIEF COMPLIANCE OFFICER ACTS AS LEGAL COUNSEL FOR THE ORGANIZATION**

---

- What role was the CCO hired to do?
- Will the CCO (who is a licensed attorney) acting in a compliance role be able to assert the attorney-client or work product privilege to effectively protect communications?
- What if the CCO (who is a licensed attorney) is asked by an internal business leader to review and give an opinion on a new regulation and its impact on the organization's business?

4

## **ISSUES THAT ARISE WHEN A CHIEF COMPLIANCE OFFICER ACTS AS LEGAL COUNSEL FOR THE ORGANIZATION**

---

- Can a CCO (who is a licensed attorney) negotiate a contract with a physician group?
- What if the physician group is represented by legal counsel? Can the CCO speak directly to the physician representing the group or does the CCO have to go through the group's legal counsel?
- Does the contract need outside legal counsel's approval to legal form before the CCO's business client can execute the contract?

5

## **WHEN TENSIONS ARISE BETWEEN THE ROLE OF THE CCO AND LEGAL COUNSEL.....**

---



6

## WHOSE JOB IS IT? EFFECTIVE PRACTICES

---

- Internal Investigations and Internal Investigations Policy
- Policy describing the role of the GC working with the CCO
- FMV policy and responsibilities
- Does the CCO have the political power within the organization to set the tone of compliance?
- How soon is legal counsel brought in?
- Does the CCO have the capacity to perform a GC's role and vice versa?

7

## QUESTIONS?

---



8