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**Value Added Compliance
Program Effectiveness Review:
A Health Plan's Journey**

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Setting Scope & Objectives

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- What are you trying to accomplish?
  - Ready for a CMS Part C and D Compliance Program Effectiveness (CPE) Program Area audit?
  - Interested in determining how effective Compliance Program structure and processes are supporting health plan operations?
  - Interested in finding out if the Compliance Program is integrated into operations?

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CMS Approach

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- Desk Review
  - Policies, procedures & Code of Conduct
  - Reporting to governing body and senior management
  - Compliance Officer and appropriate resources
  - Developed and provided training materials
  - Communication strategy: vertical and horizontal
  - Risk assessment, monitoring and auditing processes
  - OIG/GSA exclusion list monitoring
  - Investigation and corrective action plan processes
  - FDR oversight
- Testing
  - Provide data universes that primarily focus on monitoring, auditing and compliance resources
  - Six or more tracer samples to test effectiveness
- Self Assessment Questionnaire

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CMS Approach Modified: Part 1

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Documentation Review
Code of Conduct
Policies & Procedures
• General Compliance
• Privacy
• Data Security
Compliance Department Work Plan
Compliance Annual Audit Plan
Risk Assessment Process
Audit Report & Corrective Action Plan
Tools
Health Plan Organizational Chart
Compliance Webpage
Compliance Department Communication
Samples

Monitoring Results
Committee structure, charters, minutes
Board Compliance Committee minutes
Investigation and outcome log (including from hotline)
New Employee Compliance Training Materials
Existing Employee Compliance Training Materials
Governance Compliance Training Materials
Employee Handbook
Compliance Department Job Descriptions and Organization Chart

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CMS Approach Modified: Part 1

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Documentation Review Objectives:
• Identify conflicting messages (Code versus other written materials)
• Policies consistent with current regulatory requirements
• Risk based approach to managing the program
• Accountability and follow up instilled in the monitoring and auditing process
• Communication strategies engaging and focused on risks
• Reporting structure of compliance resources and committees meet organization needs and support independence/objectivity
• Training materials focus on the "Important stuff", things employees and governance needs to know to be an active participant in the compliance program
• Clarity in roles and responsibilities

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CMS Approach Modified: Part 2

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• Many, many interviews (approximately 40)
    • Board and Committee members
    • C-Suite members
    • Senior management
    • Mid-Level management
    • Front line employees, supervisors and managers
• Include some individuals that participate on compliance committees, work in high risk functional areas, and areas that may not view compliance relevant to their work.
• Interviews are confidential with specific comments not shared with management. This approach encourages candor.
• Explain the focus is not to "test" their knowledge but rather determine the effectiveness of compliance program tools and resources

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CMS Approach Modified: Interviews

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Interviews focus is on their opinions and determining how much they know about the compliance program.
- Board and/or Committee Members
  - Understanding of an effective compliance program
  - Describe culture of compliance
  - Knowledge of compliance resources (CCO, PO, SO)
  - Compliance Program updates
  - Compliance Program training
  - Risk awareness
  - Program strengths
  - Program opportunities

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CMS Approach Modified: Interviews

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- Senior Management
  - Knowledge of compliance program structure and process
  - Describe culture of compliance/leadership engagement
  - Knowledge of compliance resources (Names, Code and Policies)
  - Compliance Program training
  - Risk awareness
  - Program strengths
  - Program opportunities

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CMS Approach Modified: Interviews

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- Mid-level Management and Staff
  - Compliance Program training content
  - Knowledge of compliance resources (Names, Code and Policies)
  - Describe culture of compliance/leadership engagement
  - Committee effectiveness and focus
  - Compliance communications
  - Monitoring processes
  - Regulatory update process
  - Program strengths
  - Program opportunities

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CMS Approach Modified: Interviews

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- Compliance Department Resources
  - Risk assessment and work plan development process
  - Policy development/revisions and dissemination
  - Describe culture of compliance/leadership engagement
  - Committee effectiveness and focus
  - Compliance communications and awareness campaigns
  - Monitoring oversight
  - Corrective action plan process and oversight
  - Regulatory update process
  - Training methods
  - Program strengths
  - Program opportunities

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Create Momentum for a Review

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- Do your customer contracts require assessment of compliance program effectiveness?
- Where are you in the compliance work plan development cycle?
- How closely do you work with your internal audit function or executive?
- How does your boss feel about conducting a review?
- When was the last time your organization conducted a similar review?
- Have you discussed a review at a compliance committee meeting?

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How Key Leadership Was Engaged

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- Met with audit executive and collaborated on requirements
- Included in the annual internal audit work plan approved by governing body
- Talk about it with all stakeholders including compliance champions and others
- Implemented a Know Your Compliance Program Placemat for senior leaders and board members to prepare them for the review
- Include reference to the review in the compliance program annual work plan that is discussed and approved by the governing body
- CMS Medicare Part C & D contract requires it

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Expected Review Outcomes

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- Identification of strengths and opportunities of the compliance program
- Independent assessment of effectiveness
- Highly visible process and transparency of results
- Expert recommendations for improvement
- Satisfaction of CMS Part C & D requirement

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Value Added by Review

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- Education on the importance of compliance program effectiveness
- Engagement by governance amplified key messages and set the stage
- Increased visibility to single points of failure
- Drove the case for more IT resources and support for operations
- Ownership & accountability highlighted in report meetings with executives

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Value Added by Review

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- Insights underscored platform for change
- Strengths were concrete and helpful, gratifying to validate
- Interviewees were incredibly candid with consultant
- Led to more effective compliance committees
- Clarified the role of compliance in certain decision making situations *(see handout for details)*
- Prepared us for a subsequent CMS Operational Review & Technical Assistance Visit

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Compliance Program Effectiveness Review Update

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Management is providing excellent support and encouragement for the review and improvement of compliance program effectiveness.

- Final draft report was received November 5, 2015.
- Review overall was helpful, timely and full of great recommendations.
- Meetings with executive leaders to review recommendations on December 3, 2015.

Next Step:

- Develop and assure a plan to address recommendations is implemented or incorporated into 2016 work plan.

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Approaching Remediation

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- Drove annual work plan content
- Captured discussions with consultant while reviewing report for documenting critical next steps in each operating division
- Empathized with operational leaders knowing the challenges they faced
- Met with CEO and small executive team to prioritize program work and process to gain improvements
- Involved key stakeholder groups to share the results, work plan and answer questions
- Planned a re-review

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Enduring Value of a Review

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- Key stakeholder groups all understand the following about compliance programs and effectiveness:

  - What a compliance program is
  - What compliance program effectiveness looks like
  - Who is accountable for which pieces
  - Why it needs to be embedded in operations
  - Who is authorized to make decisions regarding compliance matters and compliance program matters
  - Why it focuses on outcomes and performance

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Questions

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