

Simplify Your Incident Management

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When Noncompliance is Detected What are You Expected to do?

Your compliance program doesn't have to be perfect. Chapter 8 of the sentencing guidelines calls for compliance programs to be "generally effective in preventing and detecting criminal conduct." In other words, your compliance program can still be deemed effective even if criminal conduct occurred. A great example of this is Morgan Stanley. The government deemed that they had an effective compliance program and declined to bring action against the company even though an individual employee broke the law and the Department of Justice brought action against the individual.

"The failure to prevent or detect the instant offense does not necessarily mean that the program is not generally effective in preventing and detecting criminal conduct."

When noncompliance is detected what are you expected to do? The answer in one word: Correction. Our job as compliance officers is not to expect perfection, but rather to be "generally effective" in preventing non-compliance. So, when our compliance programs, education, audits and hotlines discover an incident of non-compliance, the incident needs to be managed from start to finish:



DISCOVERY



INVESTIGATION



CORRECTIVE ACTION



DOCUMENTATION

Every step must be well documented in some format that is easy to retrieve many years after the fact.



How Would You Rate Your Documentation?

- ☐ Does your program rely on the memories of employees to recall the facts of an investigation from a few years ago?
- ☒ Are those employees still employed by the organization?
- ☐ Does your program rely on paper records and files, the oldest of which are stored off-site to make room in the office for the more recent investigations?
- ☒ Are those records easily retrieved when needed?
- ☐ Is the trail of evidence clear in showing how the incident was promptly discovered, recorded, investigated, corrected and verified as still corrected many years later?
- ☒ Are spreadsheets, emails and electronic files stored on multiple employees' computers?
- ☐ How will you know you've gathered all the appropriate documentation?

If you checked one or more of the above questions, you might want to seriously consider upgrading your documentation process to something a little more efficient and reliable. Electronic tools and compliance management software can be a great way to succeed in the process of incident management and it's something every compliance officer should try. The 'trail of evidence' so to speak, needs to demonstrate all of your due diligence in managing any reported incidents. This is how a compliance program demonstrates its effectiveness, these are the metrics upon which your program will likely be judged. Your 'trail of crumbs' needs to be clear enough that you can follow and recall all the details of any story if questioned about it years later. And since most compliance investigations are handed off from employee to employee or from one department to another, a paper trail of this is a lot more difficult to follow than a software printout.



Using Software to Document Corrective Actions (And Make Your Life A Lot Easier)

The OIG has stated that "detected but uncorrected misconduct can seriously endanger" your organization's "mission, reputation, and legal status." Notice that it's not the incidental mistake that will endanger your organization the most, but rather the "detected but uncorrected misconduct" that will put your organization at the greatest risk. When it comes to corrective actions, great documentation is absolutely crucial. Regardless of how amazing your paper process is, there's nothing quite like the simple, streamlined, functionality of software. Here are a few areas where it's especially helpful:

POLICY CHANGES AND TRAINING

Often, the corrective action process requires a new or modified policy, and you'll need to track the various policy versions and key policy owners' approvals of any modifications. Corrective actions often involve additional training of employees, business associates or contractors of the organization. You will be required to track the knowledge

assessment and documentation of the training so you can demonstrate the steps your compliance program took to correct any areas of non-compliance.

SCHEDULE AND ASSIGN FUTURE AUDITS

Even after you feel immediate corrective action has taken place, a best practice in incident management is to include the area of weakness in future auditing and/or monitoring activity. Leveraging a software application can help you schedule future audits, assign them to the appropriate party and alert you when they are completed or overdue. You should also include the audits in your annual audit planning activities.

OBTAINING ATTESTATIONS

In your corrective action plan you should also include obtaining attestations from responsible department heads or executives who may own the responsibility for the area in question. By using attestation software you can save time by assigning and tracking attestations.

DISCIPLINARY ACTIONS

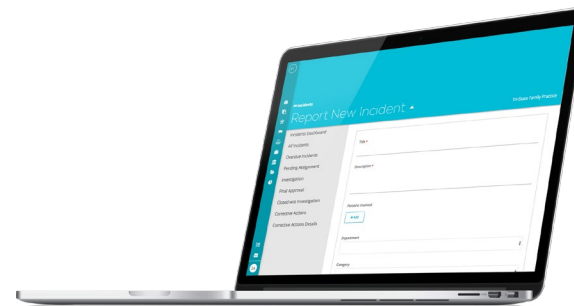
Unfortunately, disciplinary action may be required when correcting incidents of non-compliance. When required, will your program have the evidence to prove that it took necessary steps to discipline your employee or others in a consistent and fair manner?

Conclusion

Ultimately, incident management is what compliance programs are all about. Effectiveness will be determined by how well you program discovers, investigates, corrects and documents the numerous incidents your compliance program will face. Make it easier on yourself and utilize software designed just for compliance officers and the way they think.

Compliance Manager by Healthicity was created specifically with compliance officers and incident management in mind. From the moment an incident is logged into the system, it can be effectively tracked and monitored. Assignments from employee to employee or from deadline to deadline can be identified and adjusted if the progress is too slow or ineffective in your estimation.

Rather than rely on email folders filled with sent and received messages, the incident management flow allows you to connect the dots and keep detailed accounts of all of your hard work in one place.



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AUTHOR BIO

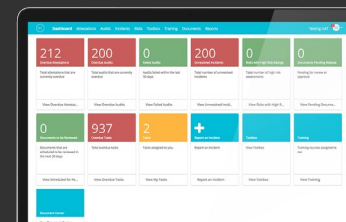
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CJ Wolf is a healthcare professional with more than 20 years of experience in hospital and physician revenue cycle, practice management, compliance, coding, billing, and client services. He has been providing healthcare consulting and solution services to hospitals and physician organizations throughout the country.

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Compliance Manager



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