

Life After A CIA:

Continuing Effective Compliance Objectives After Removing the Ball and Chain

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Background

- Quest CIA 10/1996
- SBCL CIA 2/1997
- Quest acquisition of SBCL 6/1999
- Amendments to CIA's
- No IRO requirement
- 4 “Probation Officers”
- Expired 10/2001

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Effective???

- How to Determine:
 - Government view
 - Broad application
 - Moving Target

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Ball and Chain

or

Safety Net

?

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Stick with the Critical Cornerstones

- Organization
- Policies and Procedures
- Training and Education
- Reporting
- Enforcement
- Monitoring
- Corrective Actions

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Don't change the "WHAT"
Change the "HOW"

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Organization

- Top-Down
 - Board of Directors
 - Senior Management
- Bottom-Up
 - local compliance teams
 - individual responsibility

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Policies and Procedures

- Policy vs. Procedure
- No Legalese
- Business Tested/Business Relevant
- Availability

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Training and Education

- One Size Fits All vs. Custom-Fitted
- Talking-Head vs. Multi-Media
- Scenario Based
- CIA requirement vs. Employee needs

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Reporting

- Duty to Report
 - To uphold reputation vs. to ferret out bad people
- Keys:
 - Non-Retaliation
 - Prompt Investigation
 - “If you report, we will act”
 - Innocent Until Proven Guilty
 - Retrain/improve training to be more effective

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Enforcement/Discipline

Be Fair:

- Training vs. Discipline
- Ensure Appropriate & Consistent Discipline
 - All the way up the ladder
- Heavy-Handedness
 - Watch out for hidden agendas!

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Auditing

- Biggest bang for buck
- Auditing vs. Monitoring vs. Measures
- “Outcomes” review vs. front-end controls

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Corrective Actions

- Consistent
- Documented
- Refunds
- Proactive

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Ball and Chain or Safety Net

Advantages of Operating with a CIA

EXTERNAL

- Reporting - CIA vs. Voluntary Disclosure Protocol
- OIG feedback on Compliance Program/Practices
 - OIG review as an FCA defense
- Gives You Access to OIG
- You learn more about OIG
- OIG learns more about you and your industry

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Ball and Chain or Safety Net

Advantages of Operating with a CIA

INTERNAL

- Presents opportunities to collaborate with the OIG
- Provides support for budget
- Elevates the priority of Compliance
- Elevates stature of chief compliance officer

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Tactics to Overcome Loss of Advantages

EXTERNAL

- How to report?
 - Privilege issues in internal investigations
 - New CMS proposed regulations re refunds
- Continue dialogue with OIG
- Build professional relationships with government contacts, past and present
- Document current program and regularly report to highest governing body at institution

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Tactics to Overcome Loss of Advantages

INTERNAL

- Be the driver of change
- Communicate broadly
- Train new employees on history
- Partner with business people
- Educate on compliance issues beyond Fraud and Abuse

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Quest Diagnostics - Integrity Commitment

Quest Diagnostics will provide an environment of strict compliance with the laws and regulations, not only as a legal obligation, but because it's the right thing to do.

As an employee, I pledge to:

Protect Integrity

preserve and protect the integrity of Quest Diagnostics.

Privacy

honor the privacy of all health and personal information, including laboratory orders and results, of our clients, patients and employees.

Accountability

comply with the Integrity Commitment to help ensure quality care to patients.

Training and Education

complete all necessary compliance training to help me properly perform my job duties.

Guidance and Assistance

seek guidance and assistance whenever I am in doubt about the right thing to do.

Inducement

not provide anything of value to a client, or potential client, intending to improperly induce their business.

Order, Perform, Bill

perform my job duties in accordance with all applicable ordering, performing and billing policies and procedures.

Duty to Report

report to the Company all potential or suspected violations of the Integrity Commitment.

As a supervisor, I also pledge to:

Leadership

demonstrate leadership in compliance through my actions, including communicating to my employees a clear expectation that all our activities must protect the integrity of Quest Diagnostics.

Training and Education

ensure my employees receive the compliance training and education necessary to help them properly perform their job duties.

Addressing Compliance Concerns

ensure an environment of non-retaliation and take timely and appropriate action whenever compliance concerns or potential issues are raised.

