

“BENCHMARKING” YOUR COMPLIANCE PROGRAM’S EFFECTIVENESS: A PRACTICAL GUIDE

H. Guy Collier, Esq.
Shaw Pittman LLP
Washington, DC
guy.collier@shawpittman.com

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Key Questions:

- What are the “benchmarks” against which your compliance program should be evaluated?
- Why evaluate your program?
- Who should evaluate it?
- How do you perform a meaningful evaluation?
- What substantive and procedural areas should be covered?
- What is the “deliverable,” or work product?
- What are the keys to a successful evaluation?
- How long should it take?/How much should it cost?
- How frequently should it be done?

What are the Benchmarks Against Which Your Compliance Program Should Be Evaluated?

- Your own compliance plan
- Your original and updated implementation plans
- OIG “guidance?”
- Industry best practices

Why Evaluate Your Program?

- Is it effective in preventing and detecting violations of law?
 - Should priorities change?
 - Are all key elements working well?
- Is your program sufficiently comprehensive to avoid imposition of a CIA?

Who Should Evaluate It?

- Inside vs. outside
- Objectivity
- Legal vs. non-legal
- Privilege issues

How Do You Perform A Meaningful Evaluation?

- Document review
 - Code, plan, policies & procedures
 - Minutes
 - Training schedules and materials
 - Audit schedules and reports
 - Hotline activity
 - Other

How Do You Perform A Meaningful Evaluation? (Continued)

- Interviews
 - CCO/chair of compliance committee
 - Legal/other senior management
 - CFO/other finance staff
 - CIO (HIPAA)
 - IRB/research director
 - Internal audit/hotline coordinator
 - Radiation safety/environmental/occupational

What Substantive and Procedural Areas Should Be Covered?

- Review/updating of plan and priorities
- Educational efforts
- Audit activities
- Hotline functioning and results
- Disciplinary mechanisms and results
- Effectiveness of excluded persons screening

What Substantive and Procedural Areas Should Be Covered? (Continued)

- Reporting relationships
 - Theory
 - Practice
 - Effectiveness
- Document retention
- Adequacy/organization of overall documentation of program

What is the “Deliverable,” or Work Product?

- Privileged report to CCO, legal
- Description of scope, process
- Synopsis of interviews
- Recommendations for remedial action
- Incorporating comments on draft report
- Presentation to senior management, compliance/audit committee

What Are the Keys To a Successful Evaluation?

- Organized process
- Simple, cost-effective
- Thorough and objective
- Clear recommendations for remedial action

How Long Should It Take?/How Much Should It Cost?

- Development of a realistic timeline
- Weeks, not months
- Cost/order of magnitude

How Frequently Should It Be Done?

- Size, complexity of your organization
- Particular risk areas
- Previous encounters with regulatory agencies
- General guidelines

Conclusions

- Cost-effective, timely, concise
- Enormous potential benefits