

The Role of Ethics in Compliance

A blessing, not a curse

Steve Priest

Three kinds of:

People

- ▲ Saints
- ▲ Criminals
- ▲ The Rest of Us

Organizations

- ▲ Most admired
- ▲ Sub-Dilbert
- ▲ The Rest of Us

“The Rest of Us” is Us

	Saints	The Rest of Us	Criminals
Great Cultures	Nirvana—No Problem	Live up to high standards	Weeded out quickly
The Rest of Us	Improve company (or leave)	Will do what’s right if	Get caught if everything works well
Bad Cultures	Leave quickly if they join	Live down to practices	Hell—No Hope

In today's health care environment

- ▲ Compliance is critical
 - Government scrutiny, fines, integrity agreements
 - Payor scrutiny, audits
 - Plaintiff's attorneys
- ▲ Compliance is challenging
 - Comprehensive
 - Complex
 - Changing
- ▲ Compliance is not enough

What do you stand for?

- ▲ Adhere to laws and regulations.
- ▲ Do the right thing.
(For patients, employees, shareholders, sponsoring institutions, the public.)

Who do you admire?

- ▲ Think of the person you most admire.
- ▲ Why?

The difference between ethics and compliance

Compliance

- ▲ Adhere to laws, regulations

Ethics

- ▲ Honest
- ▲ Respectful
- ▲ Fair
- ▲ Committed, steadfast
- ▲ Law abiding

Ethics is not

- ▲ Only medical ethics or clinical ethics
- ▲ Philosophical or
- ▲ Optional



Ethics v. compliance

A self diagnostic

▲ Driving behavior

Ethics v. compliance

A case history

- ▲ Defense Industry launched compliance programs in 1980s.
- ▲ Moderately successful—several notable problems
- ▲ By late 1990s, almost every major defense contractor had values based ethics and compliance programs.

Health care compliance

Of the past

- ▲ Billing, coding
- ▲ Reimbursements
- ▲ Kickbacks

Of the future

- ▲ Privacy
- ▲ Research
- ▲ Quality of patient care

The good news

- ▲ Ethics makes your compliance job easier, not harder
- ▲ Employees relate more to ethics and integrity than compliance
- ▲ Ethics allows compliance program to be more integrated with organizational mission, values, strategies

So what to do with ethics?

- ▲ Compliance program based in institutional and personal values
- ▲ Review the language of the program policies, communications, training to incorporate ethics & values
- ▲ Remember that culture wins

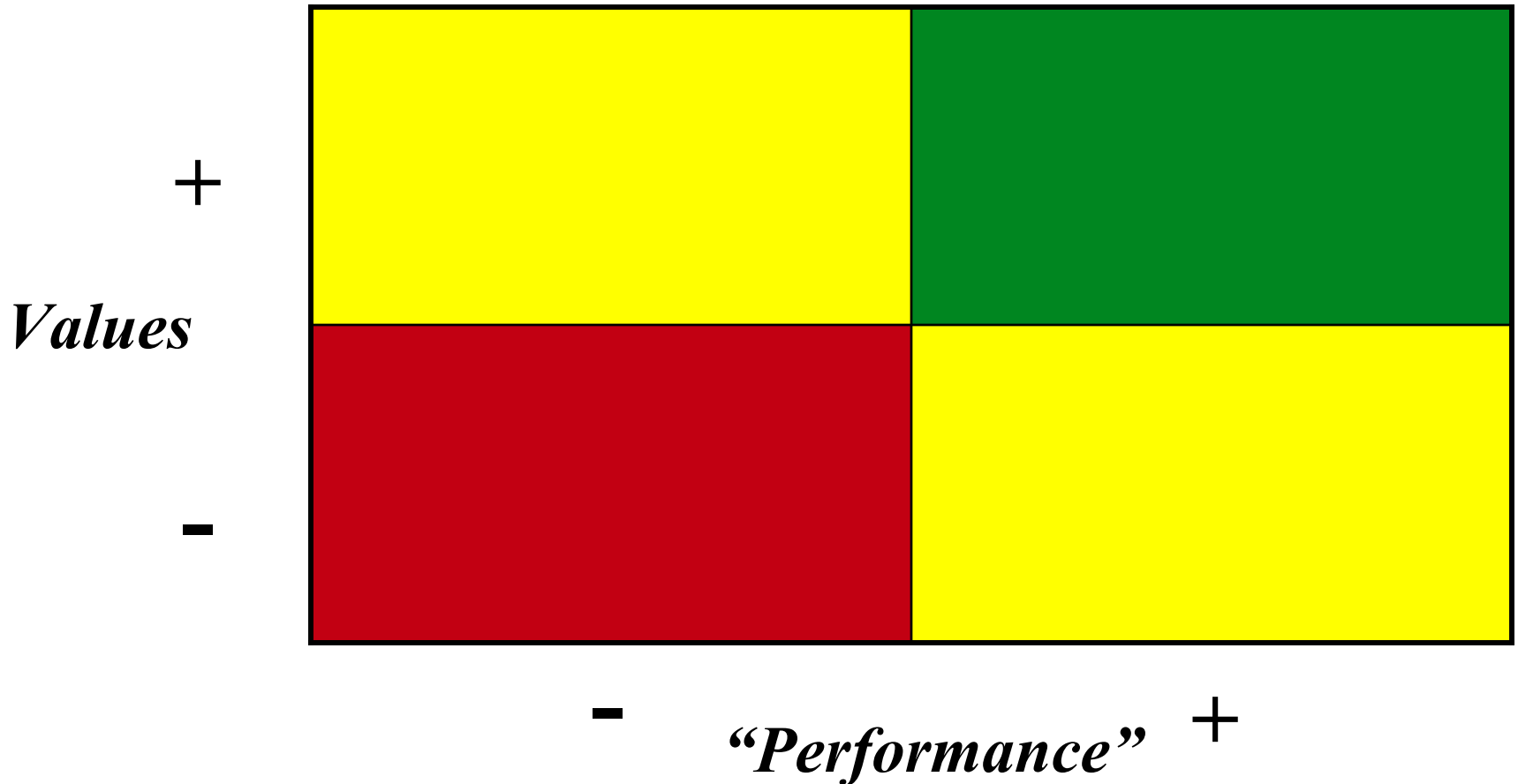
Changing a culture

- ▲ Leadership words—and actions
- ▲ Performance appraisals—and compensation

Leadership words and actions

- ▲ Decency/respect
- ▲ Balance messages: numbers and integrity
- ▲ Open door/don't shoot the messenger
- ▲ Role model for dealing with conflicts of interest, e.g., appropriate entertainment
- ▲ Consistency in applying standards
- ▲ Under promise and over deliver

Performance appraisals and compensation



Ethics in health care

One primary rule:

The patient comes first

Ethics is personal

- ▲ Which organization would you rather be a patient in?
- ▲ Which organization would you rather be a customer of?
- ▲ Which organization would you rather work for?
- ▲ Which organization would you rather invest in?
- ▲ What kind of person would you rather work with?

Who do you trust?

Steve Priest
Ethical Leadership Group

1935 Schiller Avenue
Wilmette, IL 60091 USA
(847) 853-8467 ethical@aol.com
www.ethicaleadershipgroup.com

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