Post-CIA Compliance: Maintaining the Momentum

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Best Practices Forum

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The concepts and recommendations discussed in this presentation are the personal opinions of the panelists and do not represent the opinions of their respective companies or legal advice.
Session Overview

- Life After the CIA
- Culture and Key Communications
- Organizational Implications
- Operational Tactics
- Legal and Risk Implications
- Applying Lessons Learned Outside the US
- Final Thoughts and Questions
Life After the CIA
DEVELOPING A STRATEGY

- Lessons Learned
- Evaluating the Current Landscape
- A Proactive Plan for Moving Forward
- How to Approach Compliance

CORPORATE INTEGRITY AGREEMENT BETWEEN THE OFFICE OF INSPECTOR GENERAL OF THE DEPARTMENT OF HEALTH AND HUMAN SERVICES AND EXTENDICARE HEALTH SERVICES, INC. AND THE PROGRESSIVE STEP CORPORATION

I. PREAMBLE
Extendicare Health Services, Inc. (“EHSI”), and The Progressive Step Corporation (“ProStep”) (hereafter collectively referred to as “Extendicare”) hereby enter into this Corporate Integrity Agreement (CIA) with the Office of Inspector General (OIG) of the United States Department of Health and Human Services (HHS) to promote compliance with the statutes, regulations, and written directives of Medicare, Medicaid, and all other Federal health care programs (as defined in 42 U.S.C. § 1320a-7b(f)) (Federal health care program requirements). Contemporaneously with this CIA, Extendicare is entering into a Settlement Agreement with the United States.
Culture and Key Communications

MAINTAINING COMPLIANCE

- Messages and Take-Aways
  - How Have You Grown?
  - What Has Been Enhanced?
  - Lessons Learned from the CIA
  - Not Going to Move Backward

- Stick vs. Carrot
  - Compliance as the “Right Thing to Do”
  - Importance of Seeing the Big Picture – Continue to Move Forward
  - Continuing Requirements of a Highly Regulated Work Environment
Organizational Implications

A CHANGED ORGANIZATION/A CHANGED LANDSCAPE

- Where Compliance “Sits”
- Strategic Opportunities: Integration of the business shape
  - No Longer a Need to be Prescriptive
  - Where is the Business Headed?
  - Partnering with the Business (The Internal Consultant)
- Considerations of Top Compliance Risks
  - Regulatory Environment
  - Products/New Products/Product Life Cycles
  - Annual Risk Assessment: Looking through a Different Lens
- Talent Development and Building for the Future
  - Size Structure and Roles Needed
  - Compliance Leadership Team
  - A New Model
  - Executing in New/Different Ways
- Vision for Governance Teams Created or Enhanced as a Result of the CIA
Operations and Tactics
PUTTING A PROCESS IN PLACE

- How to Integrate into the Bigger Picture
- Maintain/Enhance/Streamline/Simplify
  - Policy
  - Procedure
  - Training
- Critical Components of Review
  - Third-Party Management
  - Management Certifications
  - Reportable Events
  - Monitoring and Auditing
  - Corrective Action Plans
  - Data Analytics
  - PhRMA Certifications
  - Transparency/Open Payments/SOX
Legal and Risk Implications

GLOBAL MOVEMENT TOWARDS GREATER TRANSPARENCY

- Subsequent CIAs
  - Financial Implications
  - Operational Considerations
  - Perception Risks

- BoD Considerations
  - Fiduciary Standards
  - Certifications

- CIAs Requirements: Memorializing the Law vs. Better Practices
  - California, Connecticut, Massachusetts, Nevada
  - Self-Disclosure
Applying Lessons Learned Outside the U.S.
A SPRINGBOARD TO GLOBAL COMPLIANCE OPPORTUNITIES

- Government Expectations
- Process and Procedures
- Cultural Implications
- Evaluating a Global Compliance Structure
Final Thoughts
CLOSING THOUGHTS AND QUESTIONS

- Key Take-Aways
- Final Thoughts From the Panel
- Questions