

Social media savvy— Think before you tweet!

an interview with Anne Van Dusen

Manager of Regulatory Compliance and Risk Management
ACM Medical Laboratory

See page 16



23

Department of Justice
memo emphasizes
individual
accountability in
corporate wrongdoing

Tricia R. Owsley

27

First 60-day rule
enforcement cases
unfavorable
to healthcare
providers

Colin P. McCarthy

32

Quality of care CIAs:
The importance of
credentialing and privileging

Chris Anusbigian, Heather Hagan,
Peter A. Khoury, and
Janemarie Schultz

37

SEC
enforcement
actions against
CCOs: Outlier
or new trend?

Tom Fox

by Walter E. Johnson, MSA, CHC, CCEP-I; Stephanie Helline; and Jeanne Fahey

Compliance training: The vantage point

- » Regular compliance training contributes to an effective compliance program.
- » Marketing strategies promote awareness, attract employees to compliance training, and help build the organization's brand.
- » Training must be engaging to increase audience retention rates.
- » Physicians have complex schedules and require sufficient notice to be active participants in training sessions.
- » Include marketing leaders, training experts, and physicians early in curriculum development to obtain information to increase attendance and training effectiveness.

Walter E. Johnson (walter@wejohnson.org) is a Compliance Consultant in North Potomac, MD. **Stephanie Helline** (stephanie@strategicdesignstudio.com) is the Owner and Creative Director at Strategic Design Studio in Baltimore, MD. **Jeanne Fahey** (jeannemariafahey@yahoo.com) is a Training Consultant in Arlington, VA.

[in /in/walter16](#) [in bit.ly/in-stephanie-helline](#) [in /in/faheyjeanne](#)
[@Walter_Johnson1](#) [@StrategicStudio](#) [@FaheyJeanne](#)

Compliance training is meant to have a lasting impression on an organization. It is a channel for changing corporate culture by preventing or mitigating risks. Unfortunately, there are instances when the best intentions may produce unsatisfactory results. Influencing these training results are varying perceptions throughout the organization about content, delivery, and frequency. Operational activities with overlapping production deadlines serve as distractions during compliance training and may also impact results. A compliance officer (CO) who includes subject-matter experts (SMEs) during the conception and development phases, can incorporate their expertise to develop sessions that meet or exceed training objectives. Here are a few perspectives worth considering when preparing for the next training session.

Compliance perspective

Training is essential. It is the first and possibly the most important line of defense for a compliance program.¹ Establishing an effective educational and training program requires tremendous effort. Underestimating this initiative can result in long-term risks. Compliance officers (COs) must engage the board of directors, compliance staff, and the organization.² Board support, employee/contractor/vendor participation, and evidence retention (i.e., written objectives, topics reviewed, handouts distributed, and attendance attestations) are necessary to demonstrate educational activities.

Education and training are one approach to promoting the compliance program. Another approach is to generate awareness through a compliance marketing campaign. In many cases, COs are the sole employee of the Compliance department. In comparison to operational areas, such as sales and marketing, Compliance department budgets are



Johnson



Helline



Fahey

significantly less. Being resourceful with existing resources is a strategy worth adopting.

COs are aware that some of the subject matter is not exciting to the audience. Nonetheless, COs are inspired to conduct training sessions that make a difference. Training that promotes awareness, changes behavior, and encourages dialogue about best practices and/or potential risks is meaningful. Training is necessary for COs to respond to reports and prevent risks.

Compliance training is one way of demonstrating to regulating authorities and the public that the organization has an ongoing process for exchanging information. Ideally, compliance training should be “live” with the CO on site to provide answers to organizational and/or industry-related compliance questions. An onsite presence demonstrates a “human” factor. It is important that participants are able to place a face with the compliance program and know that the CO is an approachable person. A face-to-face interaction closes the gap between the CO and the frontline operational teams. This is essential because employees must trust the process. When employees believe the CO is approachable, trustworthy, and ethical, the likelihood of sharing in training sessions, raising questions, and reporting concerns outside of training sessions increases.

Larger organizations consisting of multiple locations present a challenge for COs to have an onsite presence and conduct in-person training sessions. Admittedly, COs cannot do it alone, so compliance champions are always welcome. COs value compliance champions, because they contribute value to training sessions by helping to make them more exciting and engaging. Many have rapport within their teams, and this makes their testimonies, examples, statistics, and stories invaluable.

Online training, such as computerized training sessions and webinars, offers flexibility. From a CO’s perspective, flexibility

increases the chances for employee participation and completion rates. This results in positive numbers on our dashboards demonstrating the compliance program’s effectiveness. Although this delivery is popular among employees (and COs!), the “human” approach is lost. Establishing a compliance training program that includes training sessions with multiple delivery channels is an approach to leveraging the advantages of each method.

Marketing perspective

When one thinks of marketing, one generally doesn’t consider marketing to be a viable partner in helping to promote compliance, privacy, and security messages; create a campaign; or assist with reaching compliance goals. Yet, marketing techniques can help get the compliance message out to internal and external audiences and reach goals, all while contributing to the organization’s brand.

So what is a brand, and how do I contribute to it every day?

“A brand is not a logo. A brand is not an identity. A brand is not a product. A brand is a person’s gut feelings about a product, service or organization,” states Marty Neumeier, author of *The Brand Gap*.³

The feeling an individual has about the organization stems from all their interactions with the employees, contractors, and vendors representing the organization. This includes communications, from scheduling their first appointment, to the receptionist checking them in, to the nurse and doctor, to the cafeteria worker, to their experience visiting the website for information, and the list of touch points goes on and on. Every day, employees and medical staff of the organization shape the brand. When employees understand and embrace the organization’s values and recognize their everyday contributions, that pride they feel is energizing.

The mission statement filter

When starting a compliance campaign, Marketing recommends using the organization's mission statement as a filter. These core values are helpful for developing the campaign. It's another opportunity to show employees how their work emulates the organization's mission.

When the Marketing department is approached to participate in developing compliance, privacy, and/or security training, the first step is to address the internal audience. After achieving success, the next step is to address the *internal* healthcare message to external audiences, our patients.

Five steps to developing an effective campaign

Marketing recommends following these five steps when developing a campaign.

Step 1: Define goals and patient and employee needs

Be clear about what you want to accomplish. Do you want to fill a training session? Get the hotline number ringing? Increase participation at Compliance events? Inform patients about how the organization protects their PHI?

Gather stakeholders from different departments, utilizing the skills of marketing or communications team paired with the subject matter experts to identify audience needs and how those needs can be met and exceeded.

Step 2: Translate into the clearest message

Using the organization's mission statement, compress the mission and values down to two or three main messages that align with compliance, privacy, and/or security messages. COs may find that the messages focus on technology, communications, and trust.

Messages can remind employees about compliance, privacy, and security, but they also maximize a dual purpose — assuring patients that their health information is being treated with care and kept secure.

COs who don't have a Creative department to work with must empower themselves and be creative! Build a campaign around the top compliance, privacy, and security questions that employees, contractors, and vendors have been asking!

Step 3: Choose tools and tactics

What tools are readily available? How can you reach the internal audience? Flyers in the breakroom? Is there an e-newsletter for employees? How about creating a contest? Plasma screens can help reach external and internal audiences at the same time.

Start small and expand. Take the top compliance, privacy, and security questions idea. Begin by publishing the Q&A for the internal audience once every quarter. The next year, expand to every other month. Be consistent and persistent; the campaign will be noticed.

To stay organized, create an editorial calendar. It can be as simple as a spreadsheet where the user works backwards from the publish date. Add all the campaign steps with each due date. This will help you to remain on track and provides a sharable document. Once the campaign or communication is published, use the same editorial calendar to record the results.

Step 4: Drive evaluation from the beginning

It happens to the best of us — we've got a great idea and we are off and running before we think about how to measure the effort. Take some time and talk to the stakeholders about what to track and how it can be tracked. Does IT or the e-Learning department need to be involved? There may be methods already in place or things that need to be developed. When teaming with stakeholders, be clear about who is responsible for what, and when they should deliver their piece.

Step 5: Implement

Once everything is planned properly, implementation is exciting! Spreading awareness

internally and externally is yet another touch point in building the organization's brand.

Are you creating trust?

Figuring out what's important to patients and how much to share is sensitive work. Although the message is based on the mission statement, trust is first and foremost for every organization. How do we balance the messaging against trust? We must put ourselves in the patient's shoes. What are they worried about? What are their concerns and their needs? Patients want to feel confident and assured. Ultimately, they want to trust the organization that is caring for their health.

Training perspective

A legendary story in the modern training world is about a visit President Kennedy made to NASA during the early development of the US Space program. He felt the program was a critical move for US global stature, despite most of his staff believing it was neither a priority nor possible. During his visit, he stopped a janitor in a NASA building hallway, engaged him with his Kennedy charisma, and asked what his job was there at the Space Center. The janitor replied, "I'm helping to send a man to the moon, Mr. President."⁴

Someone did a great job of engaging all levels of the NASA team in the mission and followed that thread straight through to the training of all employees. When it came to sending a man to the moon, it was everyone's job to get him there. Engagement, consistency of brand or marketing theme, and fearless leadership demonstrating adoption of that theme are the elements of compliance training that can increase your successful implementation.

A flexible training template

In the training profession, we commonly use the acronym ADDIE to describe the steps to creating a training program: Analyze, Design, Develop, Implement, and Evaluate.⁵ It's a flexible blueprint that gives a training program a start. Here's an example of how trainers may use this template to develop a compliance training session that provides a strong return on investment.

Analyze

This step is like the game *Jeopardy!* You know the answer is compliance training; the right questions are where to focus energy now. Try resisting the natural tendency to focus on content and subject matter just yet, and shift instead to the audience. What will motivate your learners to engage and catalyze their behavior change? What can be done differently that may improve your outcomes from previous trainings? These are harder questions than those about content, because they gently pry open the topic of gaps in compliance adoption.

Organizations prefer to see things shift from feeling like rolling a boulder uphill to managing a downhill walk instead.

Go with the gravity of your group

rather than pushing against it by denying its presence. The win that comes from addressing the complex issues first is that the answers beg critical questions that lead you right into your next step. Speaking of outcomes, are all stakeholders in agreement on the goals of this training, exactly? Manage stakeholders' expectations right from the start, and move into developing content.

Organizations prefer to see things shift from feeling like rolling a boulder uphill to managing a downhill walk instead.

Design

While determining content, it can feel like everyone is an expert, right? The gift of engaging stakeholders from the start is obtaining their expertise and resources to engender their support throughout the organizational network. The liability is getting much more information—and worse, opinions—than are needed to execute. Because the topic is compliance training, the trainer will look towards the CO to provide direction. Engage thought leaders and any SMEs on development and then triage the material. There are topics that can wait and be delivered other ways at other times. Clarify that stakeholder contributions will not be used without the CO's consent.

Develop

The marketing team can be your best ally during this step. Consistent usage of the compliance theme is a critical underpinning of the training development. These are your colleagues who have skills that complement and streamline delivery. They invest in visual and verbal cues that get attention and make impressions. Consider delivery options (e.g., live, online, etc.) that suit the needs of learners as well as your budget. A note from trenches: If using technology, learner familiarity with an already available platform is helpful. There isn't a layer of learning how to access the training before actually doing it.

Use any shiny new tech tool for a topic that has more curb appeal than compliance—say, benefits, bonuses, a new cafeteria menu—because people are already curious and interested. The goal is to get them curious and

interested in the subject matter of compliance, not add to the obstacle course of driving adoption of behaviors they may already see with the disdainful, rolling eyes of a teenager.

Implement

Deliver that training! The trainer needs to model the behavior they look for in the learners. At a recent training on security and loss prevention, the trainer introduced the segment with a presumptive, "I know this is boring, but..." and this immediately quelled any mature adult response to engage. In the weeks following the training, attendees forgot or decided to overlook the procedures taught during that segment of the program. COs, stakeholders, leaders, and trainers have to find the courageous fine line between being a scolding school teacher and being a "cool kid" by preempting the naysayers about how dull this topic is to review. Training evokes our early learning experiences. The chal-

lenge to the training team is to avoid the old classroom stereotypes and convey the value of the training. There are reasons to engage in this fully as a member of a valuable work group that does its part to protect the interests of their organization. Starting with

"...because we are a great team and it's the right thing to do" is a surprisingly refreshing—and successful—motivator.

Evaluate

It is essential to keep metrics on training attendance and the active success or lack of adoption. When it comes to human behavior—compliance is a request for particular behaviors—collect meaningful data by

Training evokes our early learning experiences. The challenge to the training team is to avoid the old classroom stereotypes and convey the value of the training.

chatting with a random sample of trainees post-program. This might require a bit of thinking through or the help of a skilled facilitator to develop questions that gently, accurately uncover root causes of success, failure, or slow pace of adoption. The key element is the attitude of genuine curiosity when conducting the inquiry as to why people are or are not able to complete training and follow through on the instructions. Behavior can successfully be shifted when an honest, supportive, and objective (rather than punitive) force is leading the change and supporting it.

Finally, keep reminding yourself (and those who fund your activities) that in order to achieve a habitually compliant and ethical workforce, training is not an event, but an ongoing, dynamic investment in your organization.

Physician perspective

For most physicians, the initial exposure to compliance begins during medical training. There is no question of the importance; most modules are clear and we get it. For many, compliance training may be viewed as simply yet another task that infringes on a perpetually constrained timeframe. Building rapport early on and engaging the clinical team throughout the year can encourage a vested interest.

From a physician's perspective, what is most helpful is having clear, organized modules to complete. Many organizations are implementing creative programs, which may incorporate a maze or game that the user travels through, in order to get through the modules and then the assessments. The information is essentially the same; however, this format seems to appeal to the human visual sense or right brain. The incorporation of actual scenarios (similar to clinical vignettes) is essential to demonstrating the practical application of compliance.

Compliance training may not be prioritized towards the top of the To Do list for many docs, yet most physicians have the innate intention of meeting requirements. Performance and maintaining a good standing in all areas remain important in most cases.

Elements of a user-friendly compliance training program may include:

- ▶ Sessions that offer flexibility with timing
- ▶ Access via internet
- ▶ Incorporation of audio and video
- ▶ Practical examples/scenarios relevant to our daily activities.

As a result of increased work volume and time demands, many physicians are completing this training on their own time, outside of work hours. It becomes a challenge to move toward the other half of the To Do list with new items added daily. When it comes to training deadlines, several gentle reminders prior to the deadline (for example 30-day, 15-day, then 5-day notices) serve as a tickler to say, this must be moved up the To Do list now! Now that the physician team is familiar and rapport established, this is the opportunity to remain at the forefront by communicating before the deadline and at a time when it does not feel punitive.

Continued engagement and support may include providing relevant updates via e-mail or an occasional concise write-up in the organization's newsletter or announcement. Maintain a routine communication of information and topics of interest to the clinical team, from a compliance perspective. We tend to not think about compliance until there is a need or if an issue arises. However, compliance is a crucial aspect of all healthcare systems and training is vital. Providing the salient details, such as the reporting hotline, key departmental contacts, and examples of what should be reported, are the basic tools that every physician can keep and access when needed.

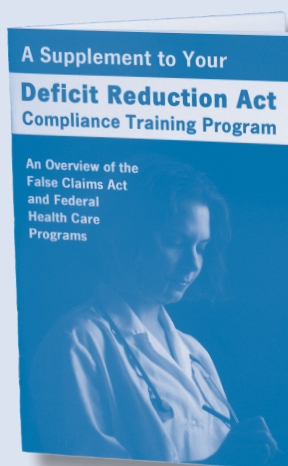
Summary

Compliance training is essential. What needs to happen and what actually happens may vary among participants, facilitators, and concept/content developers. To close the gap, COs should identify and include a representative from marketing, training, and physician teams during the early stages of development. This partnership generates invaluable input that improves the training experience for the participants, resulting in improved organizational performance. ☐

The authors would like to extend their appreciation to Latoya L. Edwards, MD, Family Practice Physician of North Potomac, Maryland for her contributions to this article. She was named one of the "2015 Top Doctors" by Washingtonian magazine.

1. Debbie Troklus and Greg Warner: *Compliance 101*, Third Edition. Health Care Compliance Association. September 1, 2011.
2. Adam K. Weinstein, Cindy Hart, and Walter E. Johnson: "Compliance 101: The seven essential elements, Part 3: Education" *Compliance Today*, January 2015, p.82-85
3. Marty Neumeier: *The Brand Gap: How to Bridge the Difference Between Business Strategy and Design*. Second Edition. New Riders. August 14, 2005.
4. Kevin Murray: *Communicate to Inspire: A Guide for Leaders*. Kogan Page; Ldg edition. February 28, 2014.
5. Saul Carliner: *Training Design Basics*. Alexandria, VA, ASTD Press, 2003.

False Claims Act Training Doesn't Have to be Hard



www.hcca-info.org/books
or 888-580-8373

**BULK PRICING AVAILABLE
FOR HCCA MEMBERS**

Join
us in
2016!



20th Annual Compliance Institute

APRIL 17-20, 2016 * ARIA

Las Vegas

10 Tracks

140 Sessions

200+ Speakers

Register NOW
to SAVE up to
\$575!



LEARN MORE AT
COMPLIANCE-INSTITUTE.ORG