



NEWS & VIEWS

A Complimentary Newsletter from Med-Net Concepts, LLC

A Network of Healthcare Compliance & Consulting Companies

The Importance of Communication, Education, and Training in a Compliance and Ethics Program

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“If a tree falls in the woods and nobody is around to hear it, does it make a sound?” That statement which has its roots in Japanese philosophy has been around for many years as a conversation starter.

From a scientific perspective, whenever a tree falls in the woods it does create a sound. According to physics, “sound is a mechanical wave of pressure and displacement through a medium such as air or water.” Consequently, this would support the idea that it isn’t necessary that someone perceive a sound to know the laws of physics are in play. Conversely, some would argue that it depends upon whether you define sound as the reception of a sound wave. If that is the position taken, then sound does not occur unless there is someone within range to receive it.

Rhetorically speaking, does a facility’s Compliance and Ethics Program (CEP) even exist without communication, education, and training? The answer is “not really.” A CEP may be written down with careful attention to the specifics that regulations require, printed and bound in readily identifiable binders, and appropriately placed in locations throughout a facility. However, if no one reads it, understands it, and communicates the essential meanings of it through education and training methods to the individuals responsible for carrying out the policies and procedures, what good is it?

Element 4 of the Office of Inspector General (OIG) requirements for a Compliance and Ethics Program involves Communication, Education, and Training on Compliance Issues. Element 4 is an essential ingredient for ensuring that an organization’s CEP does not exist in the vacuum that occurs if staff are not aware of the compliance issues and their role in maintaining compliance. The 12 components of Element 4 are:

1. Communicating compliance information throughout the organization.
2. Ensuring that compliance training occurs.
3. Distilling complex laws and regulations into a format that employees can understand.
4. Ensuring that workforce staff members are educated on compliance policies.
5. Ensuring the existence of a mechanism for evaluating employee understanding of their compliance responsibilities.
6. Promoting a culture of compliance throughout the organization.
7. Encouraging employees to seek guidance and clarification when in doubt.
8. Requiring employees to participate in continuing education to maintain professional competency (e.g., Med-Net Academy).
9. Verifying that participation in ongoing compliance training programs is tracked.

10. Ensuring that general compliance training is conducted for all employees, physicians, vendors, and other agents.
11. Ensuring that risk-specific training is conducted for targeted employees.
12. Providing human resource and management personnel with training to recognize compliance risks associated with employee misconduct.

Promoting a Culture of Compliance is Key to Having an Excellent CEP

Promoting a culture of compliance that functions throughout an organization is key to having an excellent CEP. Good communication, education, and training involve a “top-down, bottom-up” commitment to compliance throughout the organization.

The *Cambridge Dictionary* defines compliance from a legal perspective as “the fact of obeying a particular law or rule, or of acting according to an agreement.” Considering the complexity and frequent changes to the laws governing Medicare and Medicaid, this definition, while seemingly straightforward, is not simplistic.

Compliance to the Centers for Medicare & Medicaid Services (CMS) requirements for participation is not optional if healthcare providers like long-term care facilities want to receive reimbursement from state and federal programs for services provided. It is mandatory, and the responsibility of every person in the organization. In fact, without the ability to participate, many long-term care facilities would be forced to close.

According to the *Merriam-Webster* dictionary, the term “culture” for this perspective is defined as “the set of shared attitudes, values, goals, and practices that characterize an institution or organization.” An example would be a healthcare organization’s “culture” focused on the avoiding citations and fines for non-compliance with CMS regulations.

What Culture Is and Is Not

There are things to consider about what a culture is and is not. Number one, culture is a mindset and a powerful form of behavioral and social control. When culture is embedded, it becomes the instrument people use to operate in their environment. Culture in an organization is the narrative that an employee creates based upon what he or she perceives. Culture cannot be managed directly. It is affected indirectly by directing the things that shape behavior.

Culture can nudge people to do the right thing. For example, why does a firefighter enter a burning building? It is what he/she is trained to do. It is what is expected. Culture is always moving and, for employees in long-term care facilities, it is a like an ongoing competition with constant pressures needing a right response. Creating a culture of compliance helps to prevent drifting that results in incidents that violate the rules. Creating a culture of compliance involves gaining employees’ trust.

There is a paradox that exists between trust and control and requires having a balance. Optimal trust is the place in between that is administered in the right spot with the right manner. Within any organization, there is a social, behavioral (monitoring), and reporting control. While social control tends to produce trust, behavioral and reporting control can cause employees to distrust management. However, if controls are rational, just, and enabling, they enhance trust.

Six areas to focus on when embarking on a plan to develop a culture of compliance are:

- **Awareness** – Understanding requirements, deadlines, and new additions and changes as they develop.
- **Communication** – Displaying transparency and understanding about what is expected, e.g., moral principles, attitudes, and values.
- **Education** – Providing ongoing regulatory training.
- **Effective Technology** – Using technology to support training and education to direct compliant approaches (exploring available tools for reducing regulatory breaches).
- **Incentives** – Approaches of pay and reward can reinforce the desired behavior of a compliance culture.
- **Incident Reporting and Case Management** – Have clear and well-communicated processes for reporting any transgressions or errors along with a strong record-keeping process. Awareness of a breach is the first step to mitigating risk and

correcting shortfalls.

There are six additional things to consider that complement the previous ones:

- Providing open and frequent communication.
- Demonstrating the caring commitment of the organization.
- Showing how the organization's interests align with employees' interests.
- Communicating comparable values and commitments.
- Demonstrating integrity and predictability.
- Displaying the capability and competence of the organization to carry out its responsibility to residents and employees.

While conveying the importance of complying with Medicare regulations is a necessary aspect in creating a culture of compliance within an organization, there is more to it than simply obeying rules. Compliance must be woven into the very fabric of an organization by incorporating it into the core values, standards, and mission. Creating a compliant culture changes everything.

Continuous repetitive communication, education, and training is the process that keeps a culture of compliance fueled and functioning. Med-Net Academy's training resources, daily Compliance Alerts, and personnel's compliance proficiency can be invaluable treasures to use in creating a culture of compliance that integrates the content of the Compliance and Ethics Program into all activities.

New Compliance Officer-Qualified Certificate Program Now Available

Med-Net Compliance, LLC has introduced its Compliance Officer-Qualified Certificate Program to assist in preparing candidates to lead an effective Compliance and Ethics Program according to Centers for Medicare and Medicaid Services (CMS) Phase 3 compliance and ethics requirements.

Upon successful completion of the program's curriculum and examination, Med-Net Compliance will award the Compliance Officer-Qualified (CO-Q) designation to participants.

Candidates who successfully complete the NAB approved seven element program, will earn a total of 8.75 CEs.

Candidates for the CO-Q designation are those who include compliance practices as an integral component of current or future professional responsibilities including compliance officers, quality and risk management professionals, healthcare executives and healthcare professionals with the requisite background.

Candidates must possess academic and professional experience by having a Baccalaureate degree or related education and experience in a healthcare setting or with a provider of services to the healthcare sector.

For more information on the Compliance Officer-Qualified (CO-Q) Program, please go to the Med-Net Compliance website at:

<https://www.mednetcompliance.com/co-q-program/co-q-handbook/>.

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