



Why Do I Need a Compliance Program?

Who can argue the value and benefit of written policies and procedures which ensure that everyone understands the rules of your business and the expectations of each individual as a contributor to its success? Can you imagine a football game without rules? Having written rules ensures that everyone can learn them to prevent penalties to an individual and the entire organization, and that they are applied uniformly. How can a coach teach the offense to run a play without a playbook that clearly explains each player's role? Have you ever seen a quarterback throw the ball to a spot on the field where there was no receiver, because the receiver didn't know where he was supposed to be on that play? It wasn't easy developing that playbook. It took considerable time and resources, but the offense is more effective and efficient because someone invested the time to develop a playbook.

A compliance program will

- Make sure your employees understand the law and the consequences of violating it.
- Cultivate a culture of compliance within your O&P facility.
- Educate your practitioners and office staff on what to do when a compliance issue arises.

How do I create a Compliance Program?

The U.S. Department of Health & Human Services Office of Inspector General (OIG) has developed resources to help you create your own compliance program and establish internal controls which are believed to help reduce fraud, abuse and waste. While the OIG recognizes that implementing compliance programs by itself will not eliminate fraud and abuse, it believes that establishing a compliance program helps the provider fulfill its "legal duty to ensure that it is not submitting false or improper claims" and "significantly reduces the risk of unlawful or improper conduct". The OIG has identified 7 fundamental elements when creating an effective compliance program. They are the following:

1. Implementing written policies, procedures and standards of conduct;
2. Designating a compliance officer and compliance committee;
3. Conducting effective training and education;
4. Developing effective lines of communication;
5. Enforcing standards through well publicized disciplinary guidelines;
6. Conducting internal monitoring and auditing; and
7. Responding promptly to detected offenses

Still Not Convinced?

There is another benefit to implementing and maintaining a compliance program, although nobody wants to think about needing it. The Federal Sentencing Guidelines provide relief for any entity convicted of a crime that has an effective compliance program in place. In determining the amount of any fine, the Guidelines require a court to determine a "culpability score" by calculating aggravating and mitigating factors. Having a compliance program doesn't excuse the crime, but demonstrates that the organization took reasonable efforts to prevent, detect and correct any improper conduct. It may lower the organization's starting "culpability score" by 60%. Not having a compliance program is actually considered an aggravating factor which increases the culpability score!