

MHCM 6320 Corporate Compliance and Legal Issues in Healthcare

Chapter 2: The Compliance Officer

Week 2 Lecture Notes

It is necessary that all members of the organizations' health information management department are fully informed of the requirements for legal and ethical standards, and this creates the requirement for a full-time compliance activity and, according to the size of the provider organization, may determine the need for a full-time position to meet this need. A look at the primary responsibilities of compliance will help determine the size of the job and whether or not it is a full-time one or may be assigned to a person with additional responsibilities.

The Primary Responsibilities of a compliance officer include:

- Creation and implementation of a detailed compliance program
- Maintenance of the program and its effectiveness, revising where necessary
- Coordination of professional qualifications compliance for each appropriate staff member
- Education and training of all appropriate staff members
- Confirmation of compliance from outside vendors, as necessary
- Supervision of activities under the auspices of the program
- Development of internal reporting systems which encourage staff to report suspected violations without fear of retribution
- Performance of regular internal audits to assure compliance
- Investigation of reported violations
- Endorsement of penalties for non-compliance
- Taking corrective action where fraud and/or abuse is discovered
- Reporting to the organization's governing committee on a regular basis

It should be obvious that the compliance officer must be empowered with all necessary authority to enforce his directives based upon his assigned responsibilities. With responsibility comes authority, and without authority there can be no expectation of responsibilities being carried out. Actually, only authority can be delegated, and responsibility is a result of that delegation.

Compliance officers have need of specific and highly developed character qualities, first among which is personal integrity. This requirement is so basic that the Health Care Compliance Association in 2008 adopted and published a "Code of Ethics for Health Care Compliance Professionals". The American Health Information Management Association also adopted and published ethical principals in 2008, and the American

Academy of Professional Coders had previously adopted and published a set of requirements in 2004.

Integrity has been variously described as “walking the walk as well as talking the talk” – an idiom for the quality of transparency in dealings. The American culture has always placed a very high value on this quality of honesty, and it is usually listed at the very top of any definition of ethics.

The compliance officer must also have excellent organizational and coordination skills along with skills in leadership and analysis and implementation. Planning and communication skills are also vital components of the compliance officer’s tools of trade.

Finally, there must be an established Compliance Committee to effect the compliance program throughout every aspect of the organization and its operations. This committee has six key functions as set out in the Federal Register, but its authority and supervision is not limited to only these six elements. Rather, the list (found in your text) should simply form the outline for inclusion in the committee’s assigned activities.