

Compliance Surveys 101: Surveying the Health Care Industry

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Overview

Under the watchful eye of federal and state enforcement agencies, health care compliance programs are scrutinized for evidence of effectiveness and reliability, particularly in response to corporate integrity agreements and government audits. Leaders of health care organizations are also facing pressure to ensure their organizations are effective in maintaining compliance with laws, regulations and federal and state health care program rules. Given these two factors, Compliance Officers often take on the responsibility of demonstrating that the organization's compliance program is effective and operating as it should. One way many Compliance Officers measure, assess and evidence the effectiveness of the compliance program is through a compliance survey that provides quantitative and qualitative results to help Compliance Officers, executives and Board members better understand the organization's overall compliance posture.

Compliance surveys provide an accurate snapshot of how the compliance program is viewed and operates within the organization, and can be used to compare operations across the health care industry. Compliance Officers can measure the workforce's knowledge and understanding of the compliance program, or assess their perceptions and attitudes relating to the existing operations. Compliance surveys can also be used to measure progress of the compliance program over time, leading to an improved work environment and more efficient operations.

Compliance surveys yield practical results in a short amount of time. When conducted and completed correctly, these surveys are an efficient way for organizations to gauge where the compliance program is successful and where the workforce may not be fully engaged with the program, indicating opportunities for improvement. Deploying a compliance survey also illustrates to workforce members that executive leadership values their feedback and is serious about addressing concerns regarding compliance program effectiveness and operational success.

Types of Compliance Surveys

Depending on the organization's objective for the survey, Compliance Officers can implement two types of surveys— Compliance Culture or Compliance Knowledge. Both surveys produce an assessment that helps Compliance Officers identify specific gaps in the program, such as insufficient trainings or unclear policies and procedures, while also providing results on its strengths. Although both surveys measure compliance program effectiveness, each type of survey examines effectiveness through a specific lens and yields results through a different survey process.

Compliance Culture Surveys

The Compliance Culture Survey examines the workforce's perceptions and attitudes about the organization's culture of compliance and overall work environment. The Survey uses a Likert-based question process that covers multiple dimensions relating to the workforce's emotional responses to compliance operations in the organization. Workforce members choose their response on a scale from strongly disagree to strongly agree, including the option for a neutral response. The six work-related dimensions included in this Survey are:



The results of the Compliance Culture Survey help the Compliance Officer gain a better sense of how workforce members feel about their own roles and the roles of their peers as it relates to compliance with rules, regulations, policies and the organization's Code of Conduct. The Survey results also reveal strengths that help advance the compliance culture and areas warranting additional attention. Organizations should conduct this Survey every three to five years since compliance cultures are generally slow to change and evolve.

Compliance Knowledge Survey

The Compliance Knowledge Survey assesses the effectiveness, strengths and areas for improvement through a set of dichotomous questions that measure the workforce’s knowledge, awareness and understanding of the existing compliance program. The questions are designed to examine the seven standard elements of an effective compliance program, which include:



After the Survey has been administered, the Compliance Officer can use the results to develop or enhance policies and procedures, workforce training and education and/or communication methods with the workforce to address areas of identified weakness. It is a recommended practice to conduct a Compliance Knowledge Survey at least every two years or after the annual compliance program training.

Benchmarking Survey Results

After completing the survey that best meets the organization's objective, Compliance Officers will often benchmark the survey results against other organizations who have conducted the same survey. By using graphs, comparative analysis and detailed findings, Compliance Officers can compare the results of the survey with the universe of results in order to gauge where the compliance program stands against others in the health care industry. Benchmarking is particularly helpful to identify compliance program areas that are below average compared to the industry. These areas signal immediate attention from the Compliance Officer and are



compliance risk identifiers. Conversely, above average areas demonstrate to the Board of Directors, executive management and outside agencies areas of the compliance program that are already operating effectively. Organizations should share both positive and negative benchmarked results with the Board of Directors and executive management to evidence a proactive effort to measure and address the effectiveness of the compliance program.

Benchmarking survey results can also help Compliance Officers track the progress of the compliance program internally when they conduct each compliance survey at the recommended frequency. Results that show a positive change from previous years usually indicate that the organization's efforts in strengthening the compliance program had an effective impact on the workforce. Whereas results that show a decline or negative progress from year to year may highlight areas that the Compliance Officer should spend additional attention, training and time on to improve. Declining results can also show the Compliance Officer where to focus when developing the budget, work plan or audit plan for the coming year.

The best way for Compliance Officers to accurately benchmark the results of the survey is to engage an experienced consulting firm or compliance survey vendor that specializes in health care compliance to analyze the findings of the survey against the universe of benchmarking data. In most cases, the consulting firm can also provide recommendations on how to implement appropriate improvements to the compliance program based on the survey results.

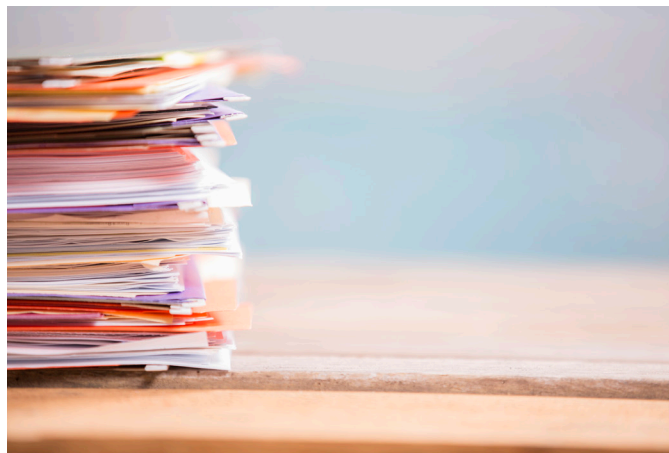
The consulting firm must have a reliable survey process, and the right expertise to analyze the results and provide findings and recommendations. Most importantly, the consulting firm must use the same compliance survey for all organizations with whom it works with. The details of the survey including the question set, the order of the questions and how each question is worded must be the same across all surveys to ensure consistency in the results data. If the consulting firm does not utilize the same survey, then the way the workforce understands, interprets or even answers a question may change, which can skew the universe of results. In addition to using the same survey, the consulting firm must also ensure that the compliance survey has been professionally developed, validated and tested to yield the most reliable results.

Compliance Solutions Based on Survey Results

Once the organization has performed the survey and benchmarked the results, the next step is to determine which compliance solutions may be necessary to help maintain and/or improve areas of the compliance program to continue advancing operations in the right direction. However, it may not always be easy for Compliance Officers to identify which compliance solutions will be the most effective in further strengthening the compliance program. As general guidance, the following compliance solutions are a good place to start:

Policy & Procedure Documents

Written compliance policies and procedures are the guiding principles for the workforce and compliance operations. If a compliance survey indicates any weaknesses or deficiencies in the implemented policies and procedures, then the organization needs to engage an outside firm to conduct a formal audit of the documents. In many of these cases, the audit will reveal that the documents warrant further revisions and development.



If the organization finds that policies and procedures need to be updated as the result of an audit, there are two options that can help improve the functionality of the documents to strengthen the compliance program. The first option is to work with a health care compliance specialist that has the necessary expertise to update and revise the policies and procedures. A major benefit of working with a compliance specialist is that he/she is highly knowledgeable of health care laws, regulations and federal health care program rules with which the organization must comply. Further, the specialist knows how to interpret such laws, regulations and rules into practical policies and procedures that the workforce will understand.

The second option for improving policies and procedures is to purchase compliance policy and document templates from a health care compliance specialist or firm. Some organizations may find that hiring a compliance specialist to update the documents is cost prohibitive. A more

cost-effective alternative can be to work with a firm that specializes in health care compliance that provides a bundle of policy templates. The Compliance Department can then update and customize these templates internally. The firm should have health care expertise, maintain templates that are regularly updated with laws, regulations and rules and use a template format that is easy to follow and update, saving your organization time and money.

Effective Training & Education

Effective training and education for the workforce is essential for an effective compliance program. If the compliance survey results show deficiencies in this area, the organization should review the compliance training program to determine why the workforce is not responding to it and where it may lack sufficient detail. For example, the survey results may show that workforce members are not aware of the requirement to complete annual compliance training or that the training did not adequately explain the purpose and operations of the compliance program.

Although the Compliance Officer may discover that the training and education programs need to be updated through the survey results, he/she may not know where to start in order to improve them. The organization should work with an external training vendor that can provide detailed online training to the workforce. Online training is convenient and accessible for the workforce, and allows the vendor to easily develop training programs that are customized to the organization. Although each training program will have similar compliance areas such as HIPAA, False Claims Act, the seven standard elements of an effective compliance program etc., the training should also reflect relevant compliance concerns that are specific to the organization and its operations, such as high risk areas and company policies. The most ideal vendor is a health care compliance specialist who has the knowledge and expertise in health care compliance to effectively develop the training to cover all major compliance concerns across all levels of the workforce.

Employee Hotline Services

One of the seven elements of an effective compliance program is a compliance hotline and other lines of communication. Survey results that indicate a weak hotline program may show that workforce members do not know how to use the compliance hotline or that they are afraid to report suspected wrongdoing. If the survey results reveal that the organization's hotline program is weak, then the organization needs to update and/or implement effective lines of communication for the workforce to report unethical or non-compliant behaviors and actions in the workplace. A compliance hotline provides an anonymous, secure channel for the workforce to report compliance issues while protecting their identities.

The best option for implementing a robust hotline program to improve the compliance program is to utilize a third-party vendor. Because the vendor is outside of the organization, workforce members will truly feel that they can remain anonymous and that the call cannot be traced or linked back to them in the organization. Hotline vendors also usually provide 24/7 call coverage, making it easy for the workforce to report compliance concerns at any time of day, when it is most convenient for them. The hotline vendor should also have experience with health care compliance reports and have current clients in the health care industry to ensure they will understand any reported concerns coming from the organization.

What's Next?

Compliance surveys provide valuable insight on the state of the compliance program that can help Compliance Officers determine current program strengths, as well as weaknesses and ways that can remediate problem areas. By learning how the workforce understands compliance operations and how they perceive the compliance culture of the organization, Compliance Officers can gain a clear sense of the organization's relationship with compliance. Additionally, survey benchmarking provides further data that compares the compliance program to those of similar organizations, offering a universal look on compliance across the industry.

With the end goal of improving the compliance program, Compliance Officers can utilize the information from compliance surveys to implement compliance solutions that will continue advancing the program in the right direction. Whether developing or updating policies and procedures, improving workforce training programs or implementing a more efficient compliance hotline, organizations should turn to outside experts to help employ these practical solutions in current compliance operations.



Strategic Management Services empowers health care organizations to meet federal and state compliance requirements by providing specialized products and services developed by proven industry experts. Founded in 1992 by the former Inspector General of the U.S. Department of Health & Human Services, Richard Kusserow, Strategic Management was the first health care consulting firm to focus on corporate compliance and ethics initiatives. Since then, we have helped more than 3,000

health care organizations strengthen compliance operations through highly-specialized compliance services. If you would like to learn more about how Strategic Management Services can help support and enhance your compliance program, contact us by calling (800) 683-9601 or through our website at <https://compliance.com/contact-us/>.

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