

After Two Years of COVID-19 Crisis Management, Why Will 2022 Be the Right Time for a Compliance Program Evaluation?

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Key Points:

- As health care organizations emerge from crisis management, leadership should consider refocusing on compliance.
- It is time to catch up on compliance-related activities and reenergize your program.
- External reviews can illustrate the need for additional resources to prevent staff from becoming further overwhelmed.
- A compliance program effectiveness evaluation can provide a foundation for a 2022 workplan and operational improvement.
- The DOJ and OIG call for independent evaluations of compliance program effectiveness.

After all the distractions caused by the COVID-19 pandemic, compliance professionals should keep in mind that the Department of Health and Human Services Office of the Inspector General (OIG) and the Department of Justice (DOJ) continue to stress the importance of evidencing compliance program effectiveness. The DOJ's 2020 [Evaluation of Corporate Compliance Programs](#) guidance emphasizes the importance of determining whether a compliance program is a "paper program" or one that is fully "implemented, reviewed, and revised, as appropriate, in an effective manner." Prosecutors are instructed to consider whether "the company evaluate[s] periodically the effectiveness of the organization's compliance program[.]" The OIG has also repeatedly recommended independent audits of compliance programs to evidence continuous improvement.

Health care organizations should consider whether this is the right time to implement an independent compliance program effectiveness evaluation. For nearly two years, board members and executive leaders have been focused on managing the challenges brought on by the pandemic. Compliance officers have simultaneously faced unexpected gaps in staffing and other resource limitations. These circumstances have forced organizations to set aside planned compliance-related initiatives.

2022 may be an optimal time to bring compliance back into focus as organizations emerge from concentrating primarily on responding to the pandemic. Furthermore, most compliance officers can benefit from an evaluation to bring tasks that may have been put on a back burner into the forefront and identify areas for improvement in their compliance programs. An [effectiveness evaluation](#) conducted by recognized experts can validate how well the program functioned under trying circumstances and provide actionable recommendations for heightening effectiveness. The resulting report can be used to develop a roadmap for the coming year's compliance work

plan. It can also provide objective information about the resource levels necessary to achieve the organization's compliance goals. This information can be leveraged during discussions with executive leadership and the board.

If an organization decides to move forward with an evaluation, it should also consider requesting an executive summary that highlights the status of the program and is appropriate for presentation to executive leadership and the board. The summary should describe how the pandemic impacted the compliance program and outline actions to move forward as the entity further emerges from an operational model based on a public health emergency.

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