

## Effective Compliance Officers

### Characteristics and Tips

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Industry guidance frequently calls for compliance officers to be effective. In the original [Compliance Program Guidance for Hospitals](#), the Department of Health and Human Services Office of the Inspector General (OIG) uses the word “effective” 22 times. The 2020 Department of Justice (DOJ) [Evaluation of Compliance Programs](#) includes more than a dozen questions specific to evidencing program effectiveness for prosecutors to consider.

**There is no question that the job of a compliance officer is not for the faint of heart. It is a difficult role that requires knowledge, experience, and many other characteristics, such as:**

- Genuine enthusiasm for the concept and benefits of compliance;
- High motivation to ensure organizational compliance;
- Belief in the mission of compliance and ethics;
- The ability to sell the benefits of compliance at all levels of the organization;
- Natural curiosity about compliance with laws, regulations, and standards;
- Leadership skills;
- Strong communication skills demonstrated by listening more and speaking less;
- Capacity for influence, persuasion, and communication;
- The ability to develop and implement compliance-related policies that work;
- Fortitude to endure a variety of pressures; and
- The ability to deliver tough messages.

The question for anyone serving as a compliance officer is how to apply these characteristics to create and maintain an effective compliance program. The following tips may prove useful:

- Compliance officers should consistently maintain a “selling mode” to executive leadership and board members by zealously communicating the benefits of a successful compliance program as well as the consequences of lacking one. Doing so also entails providing ongoing education on the expectations that enforcement and regulatory agencies have for leadership and the personal risks of ignoring fiduciary compliance oversight responsibilities. Great resources for information on making this case include white papers issued by the OIG and [American Health Law Association](#) on leadership fiduciary duties and obligations.
- Top-down support is critical, and ultimate success depends on the first-line managers carrying the compliance message to their subordinates by word and example. The best indication of program strength is when first-line managers have supported and carried the compliance message directly to their staff. Their endorsement and support are more powerful than pronouncements from the compliance officer or even executive leadership. This means compliance officers must continue engaging in compliance advocacy through ongoing meetings with first-line supervisors and managers about their obligations to the compliance program.
- Every effort must be made to cultivate sound working relationships with operational functions that overlap with compliance, including human resources, HIPAA privacy and security, legal counsel, and internal audit. If these functions operate at cross-purposes, they can overshadow the good work of the compliance office and diminish the perception of the compliance officer’s effectiveness. The starting point for developing cooperative relationships is establishing protocols through [written policies](#) that define these relationships and methods to coordinate efforts.
- It is important to promote various compliance communication channels, particularly the [hotline](#), to ensure that complaints and allegations are [investigated and](#)

resolved promptly and professionally. If members of the workforce do not believe that the organization is receptive to their concerns and nothing happens in response to their input, they may lose interest and trust in the compliance officer and program and instead report their concerns directly to government enforcers.

- The compliance officer needs to have visibility. This includes being present during new employee orientation and compliance training to “show the flag” and answer questions. It is also advisable to walk around the organization’s offices and speak with employees about their roles, thoughts, concerns, etc. to reenforce the message that the compliance officer is approachable.
- It is also important to track metrics to monitor progress of the compliance program and reassure executive leadership and the Board that the compliance officer is effectively protecting the organization from undesirable events or acts that could lead to liability exposure. One of the most useful means of accomplishing this is to employ professionally developed and independently administered compliance knowledge and culture surveys that evidence employee understanding of and attitudes toward the compliance program. The best surveys are anchored in large databases that permit comparison to other health care entities. If used periodically, they also can benchmark progress in the program and provide further evidence of compliance officer effectiveness.

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