

Scarcity Of Compliance Officers May Be A COVID Side Effect

Richard P. Kusserow | January 6, 2022

Key Points:

- **Experienced compliance officers may be hard to find at present.**
- **Few organizations can afford risking lengthy compliance officer “gaps.”**
- **Engaging an Interim Compliance Officer to fill the gap may be a short-term solution.**
- **There may be some underlying benefits of engaging an expert until a permanent hire is made.**

A side effect of the COVID-19 pandemic over the past two years appears to be a growing number of compliance officer vacancies. Organizations may experience delays while seeking to fill the gap when their compliance officer leaves. The amount of time it will take to fill this gap depends on, among other things, the type of organization, location, and compensation, but for most organizations this gap can last four to six months or longer. Few organizations can comfortably leave their compliance program on hold for this length of time. A gap in having compliance officer oversight can easily lead to rapid degeneration of the compliance program, resulting in potential noncompliant behavior and exposing the organization to potential liabilities.

Many organizations have tried to tack on compliance as a secondary duty to another employee while seeking a permanent replacement and have learned that hard way that this is not necessarily a good solution nor a best practice. To begin, the employee for whom compliance would be a secondary duty may not have the requisite knowledge and experience to identify compliance risks and act upon them. In addition, the employee would have competing priorities as they continue to perform the duties of their position while filling the compliance officer “gap.” This can be especially risky when there is a long delay in finding a replacement.

An alternative solution used by a growing number of health care organizations is to have an Interim Compliance Officer (ICO) temporarily fill the gap. ICOs are generally experts in compliance who have a broad range of compliance officer experience and can confidently take

on the responsibilities of the office, keep operations running smoothly, and implement improvements while helping the organization find the right permanent candidate. An ICO can:

1. Limit the organization's exposure to potential compliance risks during a "gap";
2. Be engaged quickly while a search is conducted for a permanent replacement;
3. Objectively evaluate and report on the current status of the compliance program, noting strengths, weaknesses, opportunities, and threats;
4. Respond to new and emerging compliance risks in a timely manner;
5. Address work backlogs left by the departing compliance officer;
6. Provide strategies to address difficult issues; and
7. Assist in identifying necessary qualifications for the next permanent hire.

Care should be taken when seeking a properly qualified expert to fill the gap. While there may be many candidates available to do the short-term work, the challenge is identifying the right person. As such, it is critical to check the prospective ICO's references and job history and require them to have liability insurance coverage. As a contract ICO, it is also critical that they sign a Business Associate Agreement.

For more on this subject, contact Richard Kusserow at rkusserow@strategicm.com. You can also read similar articles [here](#).