

Benefits Of Using Professionally Developed And Implemented Surveys For Evidencing Compliance Program Effectiveness

There is still time to register for the complimentary SAI Global Webinar on [Evidencing Compliance Program Effectiveness](#) on August 16, 2022, at 2 PM, Eastern.

Key Points:

- **OIG Guidance calls for use of employee surveys in evaluating Compliance Programs**
- **HCCA/OIG Resource Guide cites the use of surveys to evidence compliance over 60 times**
- **Independently developed and implemented surveys results have high credibility**

From its earliest [compliance guidance](#) documents, the Department of Health and Human Services Office of Inspector General (OIG) has recommended surveying employees as one method for evidencing compliance program effectiveness. The OIG has called upon using “questionnaires developed to solicit impressions of a broad cross section” of the workforce. This was further reinforced by recommending that organizations evaluate all elements of its compliance program through [employee surveys](#). In 2017, the Health Care Compliance Association and the OIG jointly issued “Measuring Compliance Program Effectiveness: A Resource [Guide](#),” which outlined ways to measure the effectiveness of compliance programs. The Guide was offered not as a “checklist,” but rather to present ideas that compliance officers may wish to consider in looking at their compliance programs.

It is important to remember that program effectiveness is related to evidence of “outcome,” not “output.” For example, having compliance training for all covered employees is a process outcome metric. How well the participants learned the lessons and retained them is a factor in the outcome, or effectiveness, of the training.

Most of the items listed in the Guide relate to process or output, but one big exception is the reference to surveys. Surveys are cited over 60 times as ways to evidence effectiveness in all seven elements.

There are two [compliance survey](#) types: (1) Compliance Knowledge Surveys and (2) Compliance Culture Surveys. Both are useful in assessing how well the program is functioning. The Compliance Knowledge Survey is designed to evidence employee knowledge, awareness, and understanding of the compliance program. This method of gaining information about the Compliance Program is recommended by the OIG to solicit impressions of employees' understanding of compliance. It is often used when a program is in the earlier stages of development and the results can help define how the program is coming along.

The Compliance Culture Survey measures employee attitudes and perceptions relating to the compliance culture of their organization. It is best employed with more mature programs.

The Department of Justice's (DOJ's) 2020 "[Evaluation of Corporate Compliance Programs](#)" guidance focuses on the "company's culture of compliance" and notes that "Some companies survey employees to gauge the compliance culture." Among questions included in the guidance:

- "How often and how does the company measure its culture of compliance?"
- "What steps has the company taken in response to its measurement of compliance culture?"

These questions and others can be answered by survey results that provide important insights as to an organization's strengths on which to advance the compliance culture and areas warranting special attention.

There is great value in using a validated and tested survey that is administered independently. An independently administered survey can ensure the anonymity of respondents that otherwise might skew results. It also has a higher level of credibility with outside authorities, in that

internally developed and administered surveys are often suspected of being designed to provide biased results favorable to the organization.

The value of survey results can be magnified many times if the results can be benchmarked against a larger universe of those using an identical survey instrument. Survey results provide [powerful evidence](#) of compliance program effectiveness to executive leadership, the Board, and even outside authorities. Organizations can also [benchmark](#) results from one survey to another to show program improvements.

1. The following are some considerations when employing a [compliance survey](#):
2. Administrators should identify the goal of the survey and the type of survey that would best meet those goals, compliance knowledge or culture.
3. Administrators should also use the proper questions for each survey type – knowledge surveys normally use dichotomous questions, whereas culture surveys use a Likert scale.
4. Regardless of the survey used, employee responses should remain anonymous and untraceable.
5. To be credible, the survey deployed should be tested and validated for reliability and confidence levels.
6. Many employees distrust internally generated and administratively managed surveys.
7. Many employees view internally generated and administratively managed surveys as designed to be self-serving.
8. Internally developed and administered surveys lack credibility with enforcement agencies.
9. It is more costly to develop and test a survey internally than to use a validated vendor survey.
10. If using a vendor, the vendor should provide a detailed analysis of results with actions to address weaknesses.
11. Survey analysis should identify the significance of the results.
12. Surveys that only have statistical results are of limited value without knowing the significance.
13. Survey administrators should ensure there are means to determine the significance of the results.
14. Surveys should allow for result benchmarking against other organizations.
15. Survey results can be used as a benchmark for the organization if using the same instrument in the future.

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