

## Addressing Crippling Compliance Staff Shortages

[Richard P. Kusserow](#) | September 2022

Registration is now open for a free CEU credited webinar, "[Building Blocks for Effective Compliance Programs \(sai360.com\)](#)," that will be held on November 10, 2022, at 2 PM Eastern.

### Key Points:

- **The COVID pandemic has disrupted the labor force leaving gaps in positions;**
- **Healthcare Compliance Offices hit hard;**
- **The demand for compliance professionals is exceeding the supply;**
- **Seven ideas to address the staffing shortage**

One of the consequences for the healthcare sector from the last three-year pandemic has been a major disruption of the labor force. The [U.S. Chamber of Commerce reported](#) that in 2021 more than 47 million workers left their jobs for a variety of reasons. No sector has been harder hit than health care. The unprecedented loss of health care staff was not only limited to front line care givers but also Compliance Offices. Major causes of gaps in compliance leadership include many Compliance Officers taking early retirement or seeking a better opportunity at another organization. The added burden and strain on remaining staff trying to cope with complying with the ever-increasing laws and regulations has resulted in large numbers of workers leaving for better work conditions or viewing their current jobs as not meeting career expectations. Other factors resulting from the Pandemic include changes in attitude and expectations about working conditions, whereby many have been working remotely. A recent Gallop [poll](#) found nine out of ten workers hoped they could continue working some of their hours from home. Three out of ten indicated they would seek new employment if they were recalled to the workplace.

Regardless of the reasons, the staffing shortage in the compliance workspace has created added challenges in meeting regulatory and legal standards. Replacing experienced compliance staff has led to competition among healthcare organizations for hiring qualified and competent compliance staff.

The problems with both supply and demand have meant that many Compliance Offices and healthcare organization leadership are having to consider different options to meet their staffing needs. The following outlines some of these.

1. **Broadening the search.** Frustration in hiring the right persons has led to compromising on qualifications and experience. This includes looking at individuals in allied fields or focusing on an individual's education rather than experience, with the thought of providing training on compliance. Also, consideration is given to individuals who have evidenced competency in related areas.
2. **Looking internally.** As an alternative to hiring from the outside, many instead look at people working in other roles, those who may have the skills and qualities necessary to do the job to a high standard. There might be individuals whom it might be worth investing in retraining and education in the various roles of the Compliance Office. This has the advantage of knowing the capabilities of individuals but carries the burden of training and education that may take time when time is a luxury.
3. **Increasing salary and benefits.** When the demand for qualified staff exceeds, the pool of qualified applicants, certain consequences can be expected, including increasing salary and benefits to attract qualified candidates.
4. **Engaging staff to work remotely.** One of the consequences of the pandemic has been forced reliance on many employees to work remotely. From the Gallop Poll results noted above, this is turning into a major factor in employment. For compliance offices that are expected to be "hands on" and available, having staff operating remotely is not an easy decision. Many organizations have been compromising on this with "hybrid" work models of flexible schedules and permitting employees to work part time on site and the balance remotely.
5. **Limited "On-Call" Support Contracts.** There is value in contracting for specified services, even if it is not a full-time engagement. For many, engaging a contractor to be available to perform specified tasks to address needed actions when in house resources are unable to address them has proven to be an effective way to address gaps. Often, an expert can perform tasks quickly and more efficiently than someone on staff. The most common type of engagement would be an "On-Call" agreement with hourly rates established for addressing defined tasks. Taking this approach requires ensuring the parties engaged have the right experience, expertise, credibility, and reputation.
6. **Temporary or Interim Staffing.** On average, filling a gap in the compliance office with a properly qualified person may take six months or longer. As a result, there has been an

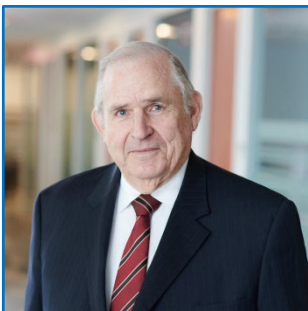
increasing trend in the last few years for temporary or interim compliance staffing to provide services while the search for a full-time person is in process. Temporary staffing can be for the Compliance Officer ([Interim Compliance Officer](#)) or for a staff position, however, care must be taken to verify the experience and qualifications of outside parties being introduced into the compliance program.

7. **Outsourcing the Compliance Program.** A major trend in the last decade for all business sectors has been for organizations to outsource work that is not part of the core business. This has moved to the healthcare sector and specifically to compliance. It is recognized in the OIG Compliance Program Guidance documents that engaging a part-time expert to be the [Designated Compliance Officer \(DCO\)](#) to develop and managed the program is an acceptable alternative to using employees. However, this option is limited to smaller organizations where supporting a full-time Compliance Officer is not cost efficient. Entrusting someone for these very important responsibilities necessitates close examination of credentials and experience. It is also advisable to require the party to have liability insurance coverage.

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*For more information on this or other compliance-related topics, contact Richard Kusserow ([rkusserow@strategicm.com](mailto:rkusserow@strategicm.com))*

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## **About the Author**

Richard P. Kusserow established Strategic Management Services, LLC, after retiring from being the DHHS Inspector General, and has assisted over 2,000 health care organizations and entities in developing, implementing and assessing compliance programs.