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by Walter E. Johnson, MSA, CHC, CCEP-I, CRCMP

Certification pressure: Assess, release, and advance calmly

- » Conducting a self-assessment helps with identifying subject-matter strengths and weaknesses.
- » Numerous resources are available to help certification candidates achieve successful results.
- » Studying for a certification exam may overlap with research and work-related responsibilities.
- » Establishing a schedule is essential to accomplishing objectives.
- » Evaluate progress before scheduling the certification exam.

Compliance 2.0 is here!¹ This means progress continues as our profession achieves more independence and well-deserved recognition. According to casual conversations and personal observations, more organizations are requiring compliance certification. Some organizations are demonstrating their commitment by requiring hired candidates to become members of and be certified with the Society of Corporate Compliance & Ethics.



Johnson

For many, there is pressure associated with pursuing compliance certification. Some are able to pursue a compliance certification at their own pace. For others, there are required timeframes, varying among organizations from 3 months, to 6 months, to one year.

Many candidates prepare for the certification exam privately. In his column, Art Weiss shared that he didn't tell his boss that he was going to take the certification exam, in case he didn't pass.² I remember not sharing my certification pursuit with my boss, also.

Months later, I was interviewing for a compliance position outside of my

organization. The hiring manager asked, "Would you consider sitting for the compliance exam?" After this interview, I scheduled the exam. There is pressure learning a new role, a new organization, and a new industry while studying for an examination. I decided to take the exam early to complete one item on my future To Do list. For certification candidates experiencing pressure to achieve certification outside of their preferred timeframe, here are a few recommendations.

Conduct a self-assessment

Compliance needs vary among organizations. As a result, compliance and ethics roles vary. This includes reporting structures, working relationships, and exposure limitations to the entire compliance and ethics program. Conducting a self-assessment is a great approach to preparing for the certification exam. The Compliance Certification Board (CCB) recommends using the Detailed Content Outline for the applicable certification exam.³ This is helpful for identifying strengths and weaknesses in the subject areas. Certification candidates who identify strengths and

weaknesses are one step closer to reducing pressure.

Initially, certification candidates should begin by evaluating their experience in the Compliance profession. Whether it is several months or several years, having experience is a strength. Next, evaluate the extent that their compliance role has exposure to all elements of a compliance and ethics program (CEP). For example, many compliance roles have exposure to an entire CEP, but others have access to only a few elements. If the certification candidate's role focuses on policy and training activities, then areas requiring improvement are the remaining elements (i.e., investigation, auditing, monitoring enforcement and discipline, reporting and prevention).⁴ Then, certification candidates should evaluate their knowledge and application of common regulations associated with the certification that they are pursuing.

At the end of the self-assessment, certification candidates should have two lists. The first list identifies strengths and another list that identifies topics requiring attention. This process is necessary and meant to be enlightening.

Evaluate resources

Success and longevity in the Compliance profession requires many resources. Whether it is written material, electronic media, or human resources, compliance professionals may relieve pressure and unnecessary stress by appropriately relying on these resources.

Achieving successful results for the certification exam requires many resources, also. Depending on the certification candidate, their experience and exposure to an effective compliance program determines whether or not they will require more or fewer resources than another certification candidate.⁵ When preparing for the exam, candidates need to determine whether they are reviewing

information to be successful in the compliance role or preparing for the exam. In many cases, the certification candidate must achieve both.

Certification candidates should identify the resources that they plan to use for focusing on the exam. Before studying, they should identify primary resources and secondary resources. Conducting a self-assessment will assist with determining which resources are primary and secondary. By comparing identified resources to the exam's Detailed Content Outline, they can confirm they have the necessary resources to pursue their studies.

Flexibility and confidence are important. Some certification candidates tend to doubt they have secured the appropriate resources midway through their schedule. Second-guessing resources midway should be avoided. Adding another resource is acceptable, but several resources may question the integrity of the self-assessment.

By diversifying resources, certification candidates may experience an engaging learning experience. Traditionally, textbooks are a primary resource for learning. For compliance, federal regulations are a primary resource, also. Both resources are appropriate for certification studies, but there are others worth considering.

Professional journals and association-related publications are valuable resources. Our peers contribute to these publications to promote awareness and establish best practices. According to Scher, "*Compliance & Ethics Professional* magazine contains impressive answers that he doesn't recall learning in law school or a law firm practice".⁶

Compliance quizzes are available in written or electronic format. These are great for getting immediate feedback. Additionally, they can improve reading and response times when taken repeatedly. Professional associations create some quizzes and individuals create the others.

Social media is a great tool for quick feedback, also. Certification candidates requiring clarity on topic can post a question using social media to obtain insight from their peers. Additionally, they can review previous discussions. Many times, a discussion is available in the archives with several responses.

Networking is useful, also. When necessary, certification candidates should contact their peers. Roy Snell, CEO of HCCA/SCCE, says, don't hesitate to call him about anything any time.⁷ Many compliance professionals demonstrate the same sentiment. A brief conversation may provide clarity and alleviate unnecessary pressure.

Time management

For some, their perception of insufficient study time leads to certification pressure. As discussed, a successful self-assessment identifies strengths and weaknesses. Conducting a resource review identifies primary and secondary resources. The next step is to develop a schedule. The schedule can be separated into three categories to assist with accomplishing objectives. The categories are weekday, weeknights, and weekends. Certification candidates can determine when to study topics by separating weaknesses (and strengths) into the following categories: most attention, some attention, and least attention.

Setting a schedule is important, but certification candidates are encouraged to be reasonably flexible. Personal and professional events occur that may require undivided attention. By having a set schedule, certification candidates have

leverage in proposing meeting times around their schedule.

Assuming the workweek is Monday through Friday, lunch break is a great time for reviewing information quickly. When reading, the common attention span is 20 minutes before a break is necessary.⁸ Because

many organizations designate 30 minutes for lunch, this is a great opportunity for certification candidates to review study resources and enjoy a meal.

Here is a schedule for certification candidates to consider:

Weekdays. Read during the 30-minute

lunch break. When I was a certification candidate, I read either a compliance article or a chapter from a compliance book. On Friday, schedule an hour meeting and dedicate this to exam preparation. When I was a certification candidate, I participated in a conference call with other certification candidates. Sometimes, I discussed content with a fellow member of the Compliance department.

Weeknights. Dedicate this time reviewing resources that require some attention. There is more time during a weeknight to review information than lunchtime. At the same time, de-stressing from the workday and sufficient rest are important. Certification candidates should use this time wisely by maintaining a work-life balance to reserve energy for the next day.

Weekends. Dedicate this time to reviewing resources that will transition subject-matter weaknesses into strengths. For certification candidates who have a short time to achieve certification, reducing or eliminating social activities to ensure

By having a set schedule, certification candidates have leverage in proposing meeting times around their schedule.

long-term success is worth consideration. Weekends provide numerous hours to cover multiple topics and test comprehension. No television, turning off the ringer to house phones, and placing my cell phone on another floor was one approach to eliminating distractions.

Re-assess and advance calmly

After completing studying objectives, certification candidates should conduct another self-assessment. The second self-assessment can be less intense. At this stage, certification candidates are assessing their understanding of the reviewed materials. A recommended strategy is to review a compliance topic and be able state the background, purpose, risks, and best practices for mitigating those risks. Here are a few questions worth asking:

- ▶ Why was a regulation established?
- ▶ When was it established?
- ▶ What was happening at the time the regulation was established?
- ▶ Have there been revisions since its inception?
- ▶ What are common risks associated with this regulation?
- ▶ What are best practices for mitigating risks?

Certification candidates should ask these questions for each compliance topic that they review during their final assessment.

Here's how to ask these questions while assessing your understanding of the Foreign Corrupt Practices Act.

- ▶ Why was Foreign Corrupt Practices Act established?
- ▶ When was Foreign Corrupt Practices Act established?
- ▶ What were some of the concerns (both business and society) at the time the

Foreign Corrupt Practices Act was established?

- ▶ Have there been revisions since its inception?
- ▶ What are common risks associated Foreign Corrupt Practices Act?
- ▶ What are best practices for mitigating risks?

The ability to recite an entire regulation is impossible for many. Also, it is unnecessary for certification. Knowing the purpose of a regulation, where to research it for more details, and best practices for mitigating risks are more important.

Certification candidates who are capable of successfully answering all the self-assessment questions for most of their study topics should consider themselves ready to schedule the certification exam. It is common for certification candidates to be uncertain about exam readiness. There are a few factors contributing to this uncertainty, such as not knowing what to expect on test day, second-guessing materials, and doubting retention of reviewed materials. After completing the self-assessment, certification candidates should be confident that this process has prepared them for the certification exam. This is the moment for certification candidates to relax and advance calmly to scheduling the exam. *

1. Donna Boehme: "The Rise of Compliance 2.0!" *Compliance & Ethics Professional*; June 2015, p. 13
2. Art Weiss: "What a difference eight years makes" *Compliance & Ethics Professional*; September/October 2013.
3. "Feedback on the CHC exam." HCCA.net, Health Care Compliance Association. May 12, 2015. See www.hcca-info.org/HCCAnet
4. Debbie Troklus and Sheryl Vacca: "International Compliance 101" Society of Corporate Compliance & Ethics, 2011.
5. Walter E. Johnson: "Certification: Motivation for the encore certification candidate" *Compliance Today*; April 2015, p.82-85
6. Michael Scher: "Why would Mike Scher do such a thing?" March 16, 2015. Available at <http://bit.ly/mike-scher>
7. Roy Snell: "Compliance certification by the profession, for the profession, and of the profession" *Compliance Today*, Letter from the CEO. August 2012, p. 4
8. Andy Arnott: *Speed Reading for Beginners: Simple Strategies and a Step-by-Step Guide Teaching You How To Read 300% Faster in Less Than 24 Hours*. 2014. Available on Amazon.

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