



Compliance

TODAY

November 2017

A PUBLICATION OF THE HEALTH CARE COMPLIANCE ASSOCIATION

WWW.HCCA-INFO.ORG

A strong moral compass

an interview with Leslie Caldwell

Partner, Latham & Watkins, LLP
San Francisco, CA

Former Assistant Attorney General,
Criminal Division
U.S. Department of Justice

See page 16

23

Monitoring and auditing the quality reporting process

Eric Lowy and
Divya Moolchandani

32

Planning the unexpected: CMS emergency preparedness requirements

Tricia R. Owsley

36

Addressing medical transportation supplier audits and investigations through robust compliance

Raymond J. Lindholm
and Janice A. Anderson

44

Embracing patient payment preferences, Part 1: Understanding terms and regulations

Rozanne M. Andersen

by Niurka Adorno, JD, CHC; Kym Creekmore, CHC; and Walter E. Johnson, CHC, CCEP

The FBI Compliance Academy

- » The relationship between SCCE/HCCA and the Federal Bureau of Investigation (FBI) provides compliance and ethics professionals the opportunity to learn about the FBI program.
- » Presentations shared the FBI's perspective on many scenarios that compliance and ethics professionals encounter throughout routine activities.
- » Presentations were relevant to multiple industries and exhibited FBI's engaging approach to training.
- » The FBI Academy in Quantico, Virginia is a demonstration of the FBI's commitment to training agents to be ethical leaders who demonstrate integrity in their decisions.
- » Several networking opportunities were available throughout the event for compliance and ethics professionals from multiple industries including the FBI.

Niurka Adorno (niurka.adorno@molinahealthcare.com) is the Director of Compliance at Molina Healthcare in North Charleston, SC.

[in](https://www.linkedin.com/in/NiurkaAdorno) bit.ly/in-NiurkaAdorno [t](https://twitter.com/nadorno) @nadorno

Kym Creekmore (kymcreekmore@diatherix-eurofins.com) is the Chief Compliance and Privacy Officer at Diatherix Laboratories in Hunstville, AL.

[in](https://www.linkedin.com/in/kymcreekmore) bit.ly/in-KymCreekmore [t](https://twitter.com/kymmiej123) @kymmiej123 [f](https://www.facebook.com/kym.juliuscreekmore) /kym.juliuscreekmore

Walter E. Johnson (wjohnson@kforcegov.com) is the Director of Compliance and Ethics at Kforce Government Solutions, Inc. in Fairfax, VA.

[in](https://www.linkedin.com/in/Walter16) /in/Walter16 [t](https://twitter.com/Walter_Johnson1) @Walter_Johnson1

Annually, the Society of Corporate Compliance and Ethics/Health Care Compliance Association (SCCE/HCCA) partners with the Federal Bureau of Investigation (FBI) Office of Integrity and Compliance (OIC) to host the FBI Compliance Academy. This two-day event includes topics, tours, experiencing the life of a new agent, and networking opportunities. SCCE/HCCA members are welcome to attend this event.

FBI compliance boot camp

The first day was full of presentations that focused on topics relevant to the FBI and the compliance profession. The day started with an overview of the FBI and the Office

of Integrity and Compliance (OIC). This was presented by Assistant Director Patrick Kelly, the FBI's Chief Compliance Officer. The overview provided details on when the FBI launched the OIC program and the events prompting the decision. Since the implementation of the OIC, the compliance culture has been imbedded in the FBI and has become part of their core values. Other topics on the agenda included economic espionage, mission and goals of the Office of the Private Sector, export controls, emerging cyber threats and outreach, and a panel discussion on Foreign Corrupt Practices Act (FCPA). All presenters were FBI agents. Members of the OIC attended the academy and were receptive to answering questions from attendees.

We had an impromptu visit from the Acting FBI Director Andrew McCabe, who gave a brief, yet empowering, speech regarding the importance of the compliance profession. He also discussed the



Adorno



Creekmore



Johnson

importance of partnership with the compliance community. Partnering with the compliance community and the private sector contributes to the FBI's success in combating corruption at all levels. The FBI's motto is Fidelity, Bravery, and Integrity. This motto is the inspiration for every activity conducted by the agency and referenced in every decision.

Mr. Kelley reiterated the FBI's desire to work with the private sector and remove barriers and concerns for compliance professionals. Additionally, Mr. Kelley shared that the partnership with the compliance community and its resources are a contributor to the structure of the FBI's compliance program. At the OIC's request, Roy Snell and Adam Turteltaub attended a discussion to assist with outlining the compliance program's structure. The training reflected the recommended compliance program delivery that many of us have learned through the Compliance Institute, Basic Compliance Academy, *Health Care Compliance Professional's Manual*, and/or *Compliance Today* magazine. The information was delivered using presentations, videos, simulations, and by touring FBI facilities. Some of their training videos were produced externally and others were produced internally. Each video was effective regardless of how it was produced. Some videos are available on YouTube for public and private sector use.

One video that we viewed was called, "The Company Man: Protecting America's Secrets." The video illustrated scenarios that organizations face when protecting their intellectual property. This video is based on a true story. To see the video, visit: https://youtu.be/Gy_6HwujAtU

Kym's two favorite presentations were on the FCPA and Cybersecurity. Agent Stacy Stevens gave a presentation on cybersecurity and it was delivered using a non-technical approach. This presentation was very relevant to compliance professionals and quite humorous at times. Walter's two favorite

presentations were Cybersecurity and Deadly Force Policy/Judgmental Shooting. Agents Carl and Todd have an effective approach that is supported by research on the FBI's perspective on handling interactions with suspects. Niurka's two favorite presentations were the Overview of the FBI & OIC and the Economic Espionage. The overview of the OIC provides insights on how the elements of the compliance program have been established along the functional business lines of the FBI.

Explore and tour

Influencing culture is a topic discussed often among compliance professionals and published in compliance magazines. Many believe that highlighting employees and celebrating organizational achievements are approaches to influencing culture. During our visit, we had the opportunity to view the Exhibit Hall, FBI Museum, and the FBI Academy in Quantico.

The Exhibit Hall was right outside of the conference room. The left, center, and right aisles of the hallway held exhibits in celebration of active and past agents. The exhibits were part of a theme entitled, "Off the Clock." The exhibit celebrated the agents' lives outside of the work environment. For each exhibit, there was an agent bio that included when the agent joined the agency, areas of specialty, their extra-curricular activities, and a display table accommodating that agent's artifacts. For example, there was an agent who makes stuffed animals. Displayed were three stuffed animals dressed in the attire of Special Agents. Additionally, there is an agent who was previously a car designer, and displayed were his concept vehicles drafts and a model of the car he designed, a Mercedes-Benz SLK. Then, there was the agent who took an interest in barns after viewing a documentary. After researching barn structures, this agent built his own barn. Displayed were

his initial sketches and pictures of him finalizing the barn.

The FBI Experience, an exhibit designed with the help of the Smithsonian Institute, opened the week prior to our visit, making us some of the first attendees to enjoy this incredible experience. Hidden cameras, FBI protective gear, and finger-printing exhibits provided us with further knowledge and visualizations of the tools used by the FBI. Seeing part of the fuselage from the plane used to attack the Pentagon on 9/11 and the boat involved in the Boston bombings reminded us of those horrific days and the vital involvement of the FBI. We stood in silence gazing upon these items as well as the Wall of Heroes listing the fallen FBI members, both human and canine.

The visit to the FBI Experience was the opportunity to take photos, and believe us, take as many photos as you would like, because this is the only place in the building that it is allowed. Other mentionable exhibits included a police car, displays on an investigation case study of a violent crime, a map of the U.S. and Caribbean with the location of the FBI field offices, information about John Gotti, Bernard Madoff, the Unabomber, Watergate, John Dillinger, Patty Hearst, BTK (serial killer), Mississippi Burning, and the desk of Edgar J. Hoover. We also had the opportunity to see agents qualify at the shooting range. Attending the FBI Compliance Academy is not a requirement for visiting The FBI Experience, just contact your Senator's Office to get tickets.

A major highlight of our experience was visiting the FBI Academy in Quantico. First of all, Quantico is not like the TV show! It was so much better. Additional sessions were held by the FBI before touring the Quantico facility. Agents' determination of deadly force/judgmental shooting was discussed at length and demonstrated—not as simple as it sounds. Our own Walter

Johnson was chosen to play an FBI agent investigating an insurance fraud case with a durable medical equipment (DME) company. Walter gave his life so that we may learn. Thankfully and magically, the bad guy was only on a virtual reality screen. Of course, Walter argues that he shot the bad guy first, but agrees that he let his virtual partner get shot. (See "FBI Compliance Academy: My Blink Experience" in the December issue of *Compliance and Ethics Professional* magazine for details.)

The network

Similar to other HCCA and SCCE events, there were several opportunities for compliance professionals to network. There were breaks throughout the day and the networking dinner. As one would expect, multiple industries were represented. For example, compliance professionals were present from McDonald's, FedEx, NCAA, Under Armour, 3M, Medstar Health, and Nationwide Insurance. There were opportunities to meet up with old friends such as Tina Kassis (Medstar Health) who participates on *SCCE.net/HCCA.net*, and new friends, such as Terry Gainer (McDonald's Restaurants) and April Johnson (Freddie Mac). As we were walking to the networking dinner, Terry volunteered to be our navigator. He is a former resident of Washington DC, as well as Puerto Rico and Shanghai, China. With Terry's wide range of experiences, it was great having him at our dinner table.

We also had the pleasure of being joined by Assistant Director Patrick Kelley at our table. We discussed some of our opinions on the current political climate in the nation's capital, along with a lot of laughter.

It was a pleasure meeting and sharing with compliance professionals from other

organizations. We share many of the same concerns whether we are in healthcare or other industries.

Conclusion

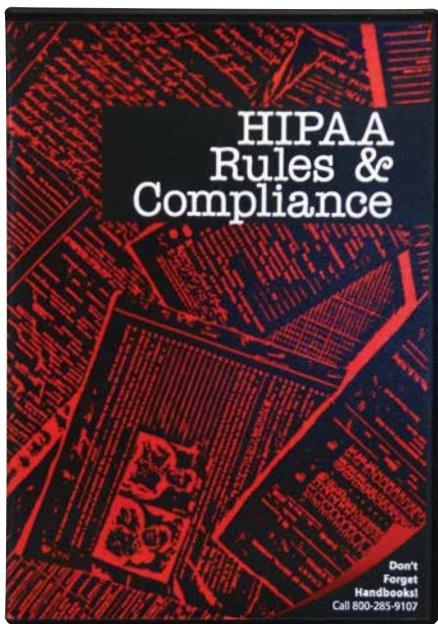
The FBI Compliance Academy provides many opportunities to learn and network with the FBI. Additionally, networking with fellow members of the compliance community always provides an opportunity to share and compare lessons learned from the

presentations. Seeing the Exhibit Hall, FBI Museum, and the FBI Academy in Quantico are incredible memories that each of us will incorporate into our compliance programs. Thank you, SCCE/HCCA for this FBI outreach experience. ©

Walter E. Johnson contributed to this article in his personal capacity. The views expressed are his own and do not necessarily represent the views of Kforce Government Solutions, Inc.

www.hcca-info.org/duphipaadvd

The Health Insurance Portability and Accountability Act (HIPAA) has undergone several modifications since its enactment in 1996, from the Genetic Information Nondiscrimination Act (2010) to the HITECH Act. Recently, the Department of Health and Human Services issued the HIPAA Omnibus Rule to revise, enhance, and strengthen HIPAA yet again.



With these layers of changes, how can employees know what has stayed constant, expanded, or altered altogether? And how does this new rule impact your compliance strategies?

HIPAA Rules & Compliance, a 15-minute DVD, reviews basic, unchanged requirements, qualified standards, and the latest critical changes. Its learning objectives:

- **Identify the requirements of the HIPAA Privacy rule**
- **Identify the requirements of the HIPAA Security rule**
- **Recognize the HIPAA Breach Notification requirements**
- **Understand how HIPAA is enforced and the penalties for non-compliance**

Includes electronic leader's guide

\$265 for HCCA members | \$295 for non-members