

http://www

Compliance News

January/February
2015

BCG Research, 2600 72nd St., Ste. F, Urbandale, IA 50322
www.bcgresearch.net karen@bcgdata.net 515.778.4329

Federal Sentencing Guidelines on Education

Training and communication

The company must provide training for, and disseminate information about, the compliance program to the board, all of the company's employees and, as appropriate, the company's agents.

The training provided and information disseminated should be tailored to each individual's particular role and responsibility. **See 8b2.1(b)(4)**

(4) (A) The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the individuals referred to in subdivision

(B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and

Please see Federal Sentencing on page 2

Federal Sentencing Guidelines on Risk Assessments

The following are considerations outlined in the Federal Sentencing Guidelines when it comes to determining risk in an organization. I have made some graphs and charts to help you determine risks in your company. See pages 2, 3 and 4...call with questions.

Risk Assessment

- Consider potential criminal, illegal, and unethical conduct that represent risks to the company.
- Obtain risk information from key personnel inside and outside the company
- Consider past misconduct and other compliance program "near misses"
- Consider misconduct of other companies, particularly those in the same industry
- Develop hypothetical cases to get a sense of vulnerabilities

Please see Risk Assessment on page 3

INSIDE THIS ISSUE

- 1 Federal Sentencing Guidelines on Education
- 1 Federal Sentencing Guidelines on Risk Assessments
- 2 Compliance Education
- 3 CMS Update
- 4 Compliance Education Con't

Risk is like fire: If controlled it will help you; if uncontrolled it will rise up and destroy you.
Theodore Roosevelt

Is all this compliance education and training really necessary?

Deann M. Baker, CHC, CCEP, CHRC

There is a difference between education and training, although they are related. Education provides the knowledge of an area, whereas training provides the skills to apply it. Both are necessary and often go hand in hand. Regardless of what we call it, there are times many of us feel overwhelmed by all the compliance assignments, let alone other training assignments. So is it all really necessary, who decides, and how?

Contemplate how you would feel if you learned that the organization you were doing business with did not require their workforce to complete training, perhaps even training required to convey knowledge of current requirements that had to be maintained? What if that company provided you with the general contractor that oversaw the construction of your home? Would you worry about the quality of work or your safety? What would your response be as a customer?

Many of us maintain licenses or credentials, and with that comes the expectation for us to complete a certain amount of continuing education credits (CEUs) within a period of time. The reason behind that is to ensure we remain knowledgeable about our areas of expertise and to protect those we serve in our professional capacity. The consequence for not completing the correct number of CEUs on time is that we lose our license or credentials. When something is important, it typically has requirements that have to be met and consequences when they are not met. It's no different with compliance training. Many organizations have chosen to tie completion of compliance training to employee performance evaluations, because it's that important.

Compliance training is an element defined by the Federal Sentencing Guidelines (FSG) for Effective Compliance and Ethics Programs. Organizations are sometimes evaluated against these standards to

Please see *Education* on page 4

Federal Sentencing from page 1 responsibilities.

Put on your calendar and begin planning now for your yearly compliance education on the OIG 7 Elements of Compliance. I am setting up Compliance Education Workshops for the year, contact me with questions or if interested.

Corporate Compliance and Ethics Week is November 1-7, 2015...it is aligned with the Federal Sentencing Guidelines (November 1, 2004) in order to remember this regulation every year. This might be a great week to demonstrate the importance of an ethical workplace for all residents, families and staff.



CMS UPDATE

CMS Update

Dates & Times of Upcoming National Provider Calls *Registration is now open for the following CMS Calls:*

- o Tuesday, March 10, 1:30 PM - National Partnership to Improve Dementia Care in Nursing Homes and QAPI

To register- To receive call-in information, you must register for calls on the [CMS Upcoming National Provider Calls](#) registration website. Space may be limited, register early. Registration will close at 12pm on the day of the call or when available space has been filled; no exceptions will be made, so please register early.

The presentation for calls will be posted on the [FFS National Provider Calls](#) web page. A link to the slide presentation will be emailed to all registrants on the day of the call.

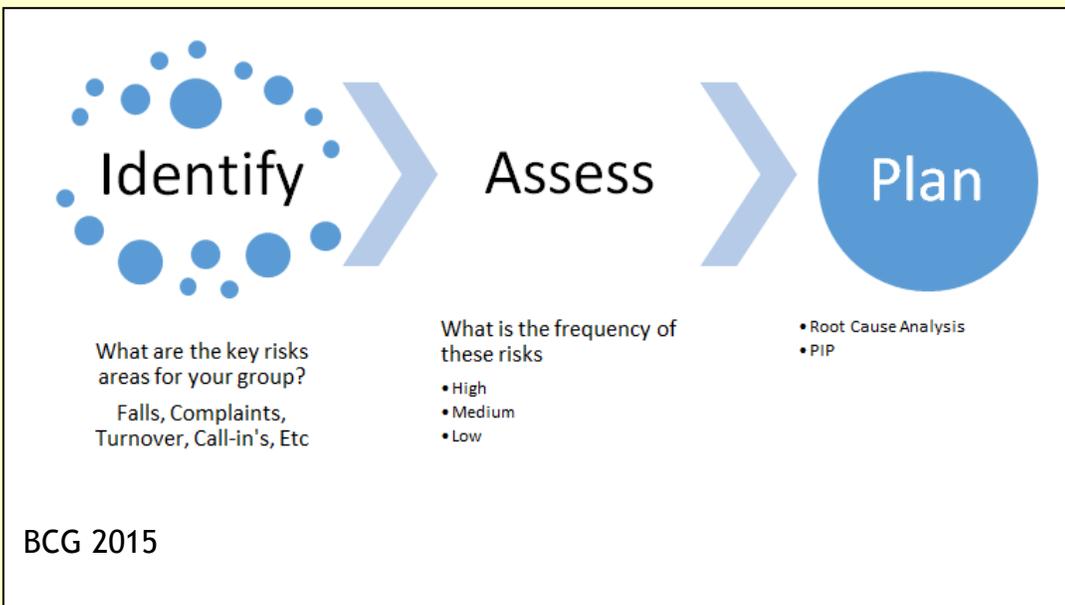
Visit the [Continuing Education Credit Notification](#) web page for continuing education information

Risk comes from not knowing what you are doing.
Warren Buffet

Risk Assessment from page 1

- Consider specific known risks: financial controls, fraud, hiring and promotion practices, compensation arrangements
- Prioritize risks according to likelihood and potential impact

Assessing your risk areas now, will help develop action plans for 2015 and PIP's. Lower the risk, the safer you are!



Education from page 2

determine whether or not they have an effective compliance program. Each element, including compliance training, has culpability scores that define how well or how poorly an organization met criteria. The FSG states in Section (4) (A) & (B): “The organization shall take reasonable steps to communicate periodically and in a practical manner its standards and procedures, and other aspects of the compliance and ethics program, to the individuals referred to in subparagraph (B) by conducting effective training programs and otherwise disseminating information appropriate to such individuals' respective roles and responsibilities.”

If an enforcement agency were to evaluate the effectiveness of your organization’s compliance training program, they would assess the percentage of workforce participation and completion of compliance training. This is why compliance training is often tied to workforce members’ performance; it’s intended to incentivize completion of training. What percentage of participation do you think would be deemed an effective training program by an enforcement agency?

Organizations develop training because they value their workforce and recognize the benefits. A great deal of time and effort goes into identifying, developing, and disseminating education and training to ensure the workforce remains aware of the organization’s requirements that have to be met. Some industries are more regulated than others, and thus require more training. Most organizations develop education and training that is role based and for new and existing workforce. Sometimes training may be assigned to address compliance findings. Compliance training helps us be more successful in our roles, because we are able to provide higher quality services in alignment with standards, and this assists our organization in fulfilling its mission. Essentially, everyone benefits from completing compliance training.

Our Risk is _____ If _____ Happens	Catastrophic	Critical	Marginal	Negligible
Frequently	High	High	Serious	Medium
Likely to Happen	High	High	Serious	Medium
Occasionally	High	Serious	Medium	
Sometimes	Serious	Medium	Medium	
Hardly Ever	Medium	Medium	Medium	
Eliminated	Eliminated			

BCG 2015

Here is a Risk Assessment Chart you can use with anything in your organization. Ask the question, “If _____ happens _____, the our chances of risk are _____.” Example, if we turn over our DON every 6 months, then our chances are high we will have a catastrophic or critical situation happen in our organization.

BCG Research

2600 72nd St
Ste. F

Urbandale, IA. 50322 Phone:515-778-4329 Fax:515-252-1528 E-mail:kmsteggerda@msn.com