Compliance Program Certification: Why It Matters:

If your compliance program exceeds the minimum, you probably wish there was a mark of excellence that would distinguish your program from those that barely meet standards. There is. In 2008 the Health Ethics Trust established the Commission on Compliance Program Effectiveness to create and oversee a mark of excellence for compliance programs. This mark, Compliance Program Certification (CPC), is now the recognized certification for compliance programs.

Compliance Program Certification is also the approach many organizations take toward compliance program assessment. A Compliance Program Certification review is essentially a rigorous compliance program assessment. You get the same kind of detailed report at the end of the process along with objective data about where your program stands.

Certification is a peer review process conducted according to public standards. Peer reviewers are experienced compliance professionals who have been specially trained as compliance program assessors. The standards employed by the peer reviewers are published as *Best Practice Standards for Compliance Programs*. These standards are created and periodically updated by Working Groups of compliance professionals charged with establishing measures of excellence for compliance programs. When an organization achieves Compliance Program Certification, the standards employed in granting that certification are transparent.

Organizations find Compliance Program Certification useful in a several contexts. For example, some organizations have used Certification when bidding for work with CMS, while others have used it in negotiating rates with payors. But the most common use of Certification is as a tool for reputation management. The public mark of Compliance Program Certification is a signal to your stakeholders of your commitment to compliance.

One aspect of Compliance Program Certification has proven especially beneficial. Once an organization is designated as having a Certified Program, it is typically reluctant to lose this status. This, in turn, often helps compliance programs continue to receive the resources and support they need to maintain certification.

The Certification Process:

The Compliance Program Certification process has two parts. The first part is a desk audit of the documentary evidence of compliance program functioning. This encompasses organizational charts, charters, policies and procedures, the investigation protocol, samples of board reports, the corrective action protocol, compliance audit reports, and other records and documents pertinent to the compliance program. The second part of the Compliance Program Certification process consists of virtual or in-person interviews. The Review Panel interviews individuals in leadership positions, compliance-related personnel, compliance function staff, members of the board oversight committee and rank-and-file employees.

Once the review is complete, the Review Panel meets to determine the Certification status of the organization under review. The Panel can certify the program, conditionally certify the program or withhold certification. No matter what action the Panel takes, the Review Panel prepares a detailed Compliance Program Certification report. This report includes the Panel's observations, findings and detailed recommendations. Most organizations find the Panel's detailed observations and recommendations to be especially helpful.

Certification is normally for three years. In the intervening years between full reviews, organizations with Compliance Program Certification complete a brief questionnaire to ensure that the compliance program is functioning as it was at the time of Certification. This also allows the Review Panel to consider any significant changes in the organization and its compliance program.

The certification process is overseen by the Fellows of the Health Ethics Trust, the most distinguished group of compliance professionals in the country. Thirty individuals have been named Fellows of the Trust since the Annual Healthcare Compliance Forum began over 20 years ago.

Compliance Program Certification Key Facts:

In the years since the Health Ethics Trust introduced Compliance Program Certification, certain questions have arisen multiple times. The following points address the most common questions.

1. Compliance Program Certification began in 2008 through the Commission on Compliance Program Effectiveness, which is part of the Health Ethics Trust.

2. Compliance Program Certification is the only compliance *program* certification/accreditation in healthcare.

3. No organization having once achieved Compliance Program Certification has been subject to a CIA during their period of Certification.

4. Certification is intended to ensure an organization's publics that they are dealing with an ethical, honest organization. Certification is normally announced publicly by the Trust and by the organization achieving Certification. Organizations achieving Certification are entitled to so indicate in their public information.

5. Organizations having achieved Compliance Program Certification are about equally divided between providers and plans/contractors.

6. The Health Ethics Trust does not determine an organization's Certification status. Certification is decided by a panel of peer reviewers.

7. Organizations under review can veto any proposed peer reviewer if there is a potential conflict of interests.

8. The peer review process is overseen by the Fellows of the Health Ethics Trust, a group of 30 leading CEOs and CCOs nationwide.

9. There are two elements of the review — review of documentation constitutive of the compliance program and review of actual compliance processes.

10. The Certification Report is structured as a compliance program assessment report, except that it is written by the Review Panel. The Certification Report typically includes detailed, practical recommendation written by the Review Panel.

11. The standards used by the reviewers are public. See *Best Practice Standards for Compliance Programs: A Manual for Compliance Professionals*.

12. Certification is normally for a three-year period subject to a simple annual renewal. Specifically, the CCO is asked to complete a questionnaire annually to ensure that the program has not changed significantly during the certification period.

13. Even if a program does not satisfy the reviewers, there is a 90-day reconciliation period so that the organization can present additional facts and make other adjustments as necessary.

14. Only organizations with strong compliance programs typically seek Compliance Program Certification.

For Information:

The decision to seek Certification for your compliance program is an important one. The Health Ethics Trust is ready to answer any questions you may have and to make the process smooth, transparent, and valuable. Feel free to contact the Trust to learn more about having your organization's compliance program qualify as a Certified Compliance Program.

For Additional Information, Contact:

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