



How Ethical Are You? (Be Honest)

INCORPORATING ETHICS INTO A COMPLIANCE PROGRAM

By Karen L. Collier, Esq.

"Ethics: moral principles that govern a person's or group's behavior" —The New Oxford American Dictionary

As healthcare compliance programs evolve and mature, the issue of integrating ethics into compliance receives more attention. That may seem like a no-brainer, but think about it: traditional compliance programs effectively communicate the "thou shall nots" of healthcare regulations and give people avenues for asking questions and reporting concerns. They help practices and entities to manage the risk of regulatory violation. However, they don't necessarily give people all the tools needed to make the best decision in any given situation.

Without a basic ethical framework in which to view it, compliance can simply be reduced to a set of rules—rules that often leave some gray area for interpretation. Cultivating an ethical mindset within your business culture will not only enhance your compliance program, but set the tone for all your business practices.

Basic ethical behavior seems to be on the decline in our society. A recent round of academic studies in this country shows that approximately 75% of college students reported that they had cheated in school. Cheating was defined in terms of those behaviors that most would agree is wrong: copying someone else's work or answers, stealing answers or a copy of a test, plagiarizing a paper and turning it in as original, etc.

This appalling statistic has exploded in the last few years—there was an 115% increase in reported academic dishonesty between 1995 and 2000, and the numbers continue to increase. At work, 76% of business employees surveyed said they had observed a high level of illegal or unethical conduct in the past 12 months and 65% said they would not report it. What has happened to our individual sense of right and wrong?

The good news is: academics who study ethics and ethical behavior say that contrary to common wisdom, we can learn ethical decision-making skills even in adulthood. Unethical behavior is a train that can be turned around through education and awareness.

Making Ethical Decisions

Ethics ideally should guide our ordinary daily decisions and can be integrated into healthcare compliance programs to help with those one-of-a-kind quandaries that just don't seem to fit the rules. In fact, having a basic ethical standard—a litmus test, if you will—can make all sorts of decisions easier.

Businesses that incorporate ethics education into

compliance training will find that they have a better-grounded approach in conforming to regulations in today's environment.

Some fairly simple examples and case studies may go a long way to equip your colleagues and staff with the tools to make sound, ethical decisions. First, the values and standards of your company must be well thought out and communicated from leadership down to the lowliest employee. Your company's policies and code of conduct should clearly lay out the core of what you will and won't do in your environment. And while new employees will obviously be given such information, it should be reviewed frequently for all employees. Even a simple "line in the sand we won't cross" or "we won't lie, cheat, or steal" type of philosophy can work in this context.

Once your core ethical value has been communicated to everyone, train your staff to keep that value (or other applicable standard) uppermost in their minds when making decisions, even little ones. If "we won't lie, cheat or steal" is always emblazoned at the top of the decision tree, then several options for action automatically may be ruled in or out based solely upon that statement. When the options can be narrowed down by eliminating anything that conflicts with the core values, the best decision may shine through.

Case studies and real-life examples are the best way to communicate such decision-making to your staff. Play a game of "what if" and explore ethical and unethical choices in a variety of situations. The more specific the examples, the more employees will understand exactly what is expected of them and what "crosses the line."

Incorporating ethics into your annual compliance training or coding meetings can help the compliance program stay fresh, responsive, and relevant long after any individual regulations come or go. In fact, because individual regulations do come and go is a further reason to give your employees an ethical base from which to work.

In all aspects of work and life, ethical behavior has been shown to be a contributor to long-term success and happiness.▲

Source: Prof. Marianne M. Jennings (Arizona State University) – "Incorporating Ethics into Your Compliance Program," HCCA Annual Institute, Chicago, IL, 4/26/04

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