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## In Updated Compliance Evaluation Guidance, DOJ Asks Three Questions

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The Department of Justice (DOJ) on April 30 released updated guidance for white-collar prosecutors who evaluate compliance programs when deciding whether to file fraud charges and what the charges should be. The *Evaluation of Corporate Compliance Programs*, first published by the criminal division in 2017, is also used by compliance officers to benchmark their organization's compliance programs ("DOJ Compliance Guidelines for Fraud Cases Double as Effectiveness Checklist," RMC 26, no. 8).

Like the 2017 version, the document has a series of detailed questions about compliance programs, but this time, DOJ organized them around three "fundamental questions" that prosecutors try to answer when evaluating their effectiveness:

1. "Is the corporation's compliance program well designed?"
2. "Is the program being applied earnestly and in good faith?" In other words, is the program being implemented effectively?
3. "Does the corporation's compliance program work" in practice?

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