

Compliance Today – September 2021 Meet Matt Tormey: Compliance investigations advice from a former FBI agent

Matt Tormey, JD, CHC, Chief Compliance Officer, Ensemble Health Partners

This interview with Matt Tormey (matthew.tormey@ensemblehp.com) was conducted in May 2021 by SCCE & HCCA CEO Gerry Zack (gerry.zack@corporatecompliance.org). Matt had just recently copresented a session with HCCA board member Gabe Imperato on reports of noncompliant activity, internal investigations, resolution, and self-disclosure at the 25th Annual Compliance Institute.^[1]

GZ: Since earning your doctor of jurisprudence degree, you've held positions both in law enforcement as well as in compliance. When did you first think that you wanted to become an investigator and why?

MT: My interest in law enforcement and becoming an investigator started during law school, where I particularly enjoyed my criminal law and criminal procedure classes. I also had a good friend who was a former Federal Bureau of Investigation (FBI) agent, and we frequently spoke about a career in the bureau. As I started to think more seriously about applying, he introduced me to two current agents who had been in more than 20 years. While their stories were very intriguing, what convinced me that being an FBI agent was the right career for me was the fact that after 20-plus years, both of these agents told me that they loved their jobs.

GZ: Each of your compliance positions has been in healthcare. Tell us about how you chose to focus on the healthcare sector.

MT: When I first considered an opportunity as a compliance officer in 1999, compliance programs in the healthcare industry were fairly new as the Office of Inspector General had only recently released its Compliance Program Guidance for Hospitals in 1998.^[2] I chose to focus on the healthcare industry as the opportunity presented to me was to become the organization's first full-time compliance officer and to develop a compliance program and a team based upon this recent guidance and tailored to our business.

GZ: You spent nearly nine years early in your career as an FBI special agent. The FBI has been and continues to be the gold standard in training of investigators. Most of our readers will never have such an opportunity, and some are just getting investigative responsibilities for the first time in their careers. What do you suggest a compliance professional with little prior investigative experience do to improve their skills?

MT: Wow, tough question to thoroughly answer in this setting without making it sound overly simplistic, but I will give it a shot. I will start with a qualifier by saying that successful investigators may have different approaches, and what is effective for me may not be effective for others. That being said, in my experience, being an effective investigator starts with understanding the core purpose of doing an investigation, which is to learn the four W's and the H: **W**hat happened, **W**ho was involved and who has information, **W**hen it happened, **W**hy it happened, and **H**ow it happened. I believe that this is accomplished, particularly in the corporate environment, through the development of two fundamental skills: (1) being a great listener and (2) knowing how to elicit information while making it feel more like a conversation than an interrogation. These are skills that can be improved by working on them daily, even outside the context of conducting an investigation. Being a great listener starts with not interrupting the person that you are speaking with. Being a great listener also means

listening to what the person is telling you so you can ask meaningful follow-up questions. Mistakes that some inexperienced investigators make is that they vigorously try and write down every word; they are not paying attention to what is being said; and rather than seizing the opportunity to ask a good follow-up question, they continue with their script of questions. Knowing how to elicit information while making it feel more like a conversation than an interrogation may take a lot more practice, but my best advice for practicing this is to try and get away from scripted questions and, if you must use something, use more of an interview outline. This will force you to listen better and create a conversation based upon what the other person has said, which should make it feel more conversational.

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