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CCO: Shift from Retributive to Restorative Justice in Compliance Helps Speak-Up Culture

By Nina Youngstrom

When employees make mistakes—for example, they click on a corrupted link and invite a security breach or cause a medical error—they may not come forward because they fear losing their job or another form of punishment. The same holds true if they observe a co-worker's blunder. Minimizing that fear is one reason why some organizations may want to consider a shift from “retributive” to “restorative” justice in their compliance programs, a compliance officer says.

“I don’t want the compliance office to be perceived as a system of retribution. I want it to be perceived as a fair and just component of the health care delivery system,” said Marla Berkow, corporate compliance and privacy officer at Gateway Foundation, a national drug and alcohol treatment provider. “Your angle is not to find out who did it and punish them. It is to improve your process.”

A restorative justice approach helps promote a speak-up culture and focuses on healing. “A non-punitive model is critical to create an atmosphere where people will be more cooperative,” she explained at an Aug. 15 webinar sponsored by the Health Care Compliance Association.^[1] There are still consequences for misconduct, “but you want to approach mistakes and errors” as if they can be “corrected with a restorative approach.”

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