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### OIG Lawyer: CCOs Need 'Unfettered' Board Access, Exec Sessions

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By Nina Youngstrom

Compliance officers should have “unfettered, anytime access” to the board of directors at their organizations, and “board members should have similar access to the compliance officer,” according to a senior lawyer at the HHS Office of Inspector General (OIG). Freer communication will improve the board’s role as overseers of the compliance program.

“The way you can make this real is by encouraging the compliance officer to call and by reaching out yourself as a board member to the compliance officer with questions,” said OIG Senior Counsel Laura Ellis March 30 at the Health Care Compliance Association’s virtual Compliance Institute.

Boards also should hold regular executive sessions with the compliance officer. The purpose of the executive sessions is to ensure compliance officers have “sufficient resources, sufficient access to different parts of the organization, and respect and visibility across the organization,” Ellis said. They shouldn’t be a remarkable event or include executives who serve on the board. “Regular executive sessions make people used to the fact that board members and compliance officers will speak on a regular basis,” Ellis said. “It gives the compliance officer the ability to come to the board or audit and compliance committee with a problem they might be having without signaling to others in the organization, particularly in leadership, they’re having a problem they want to discuss in an executive session.”

As part of their oversight of compliance programs, Ellis recommends that boards ask compliance questions of the chief financial officer, chief information officer, chief data officer, director of human resources and other key people and listen to the answers “with a critical and skeptical ear,” she said. For example, ask whether compliance officers are considered in new initiatives. How important do other officers and employees think compliance is? Is compliance an afterthought, or is it factored in?

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