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Former OIG Chief Counsel: Noncompliance in Complex Environment at Times Is 'Inevitable'

By Nina Youngstrom

Although health care organizations have shown “a major commitment to voluntary compliance efforts in trying to do the right thing in a complex regulatory environment,” there’s room for improvement, especially from leaders, according to the former chief counsel to the HHS Office of Inspector General (OIG).

“I’m not sure if they fully appreciate the importance of developing that culture and bringing compliance into the fabric of the organization and making sure the actions of the organization reflect that,” said Gregory Demske, who left OIG in November after 30 years there, a decade as chief counsel and a stint as acting principal deputy inspector general. Compliance is about more than having the right compliance officer, policies and procedures, training and the rest of the compliance-program infrastructure, said Demske, now with Goodwin in Washington, D.C. “How do they create an atmosphere where people can bring forward suggestions and concerns and they are handled appropriately?” Similarly, is the organization conducting audits and correcting errors? That’s the kind of evidence you’d expect with a “strong culture and commitment to compliance,” he said in an interview with RMC.

Because OIG recognizes there will be noncompliance at organizations, it won’t automatically result in a scarlet letter. “People make mistakes in a complex regulatory environment and noncompliance of all types is inevitable,” Demske said. “Given the size and types of health care organizations and the complexity of delivering health care, I don’t see it as a black and white world where either you’re in total compliance and you’re good or a problem happened and you’re bad.” OIG doesn’t look at things in that binary way and he brings the same perspective in his job at the law firm. Now that he’s in private practice, Demske said he hopes to apply the same principles he brought to the government: “to act with integrity” with the overarching goal of “helping health care entities that are benefiting the health and well-being of people.”

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