

## Compliance Today - June 2024



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### Consequences for noncompliance

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by Betsy Wade

Compliance programs cannot be effective unless their organizations have implemented consequences and disciplinary action for noncompliance. The U.S. Department of Health and Human Services Office of Inspector General's (OIG) recently updated *General Compliance Program Guidance* reinforces that need.<sup>[1]</sup>

#### Types of consequences

Consequences can include a range of actions, from nonpunitive to punitive. Some noncompliance may require both. Nonpunitive or remedial consequences may include, but are not limited to: education, retraining, and remediation. Punitive consequences, for example, may include disciplinary action such as written warnings, suspension, and termination.

Consequences are appropriate not only when an individual's conduct is intentionally noncompliant but also when they fail to identify a compliance violation because they are ignorant or uneducated. It is important that any disciplinary action matches the severity of the offense. Federal enforcement authorities have stated that individuals who engage in intentional noncompliance should receive disciplinary action that is more substantial.

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