

Being an Excellent Compliance Officer

Tried and True Techniques in this Tough Enforcement Environment

James Hearty, Chief Compliance Officer, DaVita Inc.
Frank Sheeder, Partner, Alston & Bird

What We Will Cover

- The 12 Compliance “Cs” that are key attributes of effective compliance professionals
- How to achieve compliance buy-in
- Compliance as a competitive advantage
- Encouraging internal reporting

Compliance Culture

- What does it mean?
- Why do we care?
- How do you achieve it?
- How do you know if you have it?



Compliance Officer Attributes: The 12 Compliance C's

- C-Level
- Calm
- Candid
- Careful
- Champion
- Change Agent
- Circumspect
- Collaborative
- Conscientious
- Consistent
- Credible
- Curious

Leadership & Management

- Leader in the organization
- Work never done
- Looking ahead vs. paranoid
- Strong manager
- Necessary skills evolve as program matures or organizational circumstances change



Change Agent

- Credible and flexible
- Prioritize – can't do it all
- Make the business case for compliance
- Take small steps
- Plan – don't shoot from the hip
- Capitalize on examples of non-compliance



Gaining Compliance Commitment

- Walk the walk
- Don't play favorites
- Front page of the newspaper test
- Nobody's looking test
- Avoid being known as Dr. No
- Provide a forum for open dialogue and questions



Maintaining Credibility

- Seek to understand; then seek to be understood
- Explain the "why"
- Don't cry wolf
- Don't shoot from the hip
- Focus on core competencies and know when
 - to seek internal or external expertise
- Be passionate, flexible, and open-minded
- Recognize stakeholder needs



Recipe for Success

- Build and develop relationships
- Serve as a trusted, thoughtful, insightful partner
- Celebrate small victories and showcase them
- Find compliance champions
- Be human and personal but don't take things personally
- Communicate clearly, simply, and often

Challenges We See

- Role Definition
- Burn Out
- Fire fighter
- Master of all, master of none
- Blame game
- Sheriff vs Mayor
- Desire to maintain the status quo in light of evolving risks

Maintaining a Strong Program

- Culture matters
- Annual work plan and assessment
- Stay current on external developments and risks
- Don't implement a "binder on the shelf" program
- Show the program's value to the Board and senior leaders
- Combine data and anecdotes



Whistleblowers

- Don't set the table for them
- Best practice is to ensure compliance concerns are heard
- Do the right thing – publicly if you can
- Safeguard employees from retaliation – either real or perceived
- Engage in cross-functional collaboration



Future

- Dynamic and evolving
- More critical than ever
- Role crystalized and professionalized
- Networking is essential/vital

