How to Develop a Speak Up Compliance Culture

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Agenda

5 W’s of a Speak Up Culture

Two Case Studies:
- Sinai: Building the first skyscraper
- Tri-City: A new day…a new way

Lessons Learned

Roundtable/Open Floor
Garrett Reisman: Last Year’s CI Key Note

“Spaceflight is fun…. But risky”

What lessons can a compliance officer learn from the tragedies of the Space Program (Apollo I, Columbia, Challenger):

1. What did these tragedies have in common?
2. What organizational issues create barriers to effective communication?
3. How do our biases lead to bad risk management?
WHY would I do that?

- Healthy organizations encourage dissent.
- Just because you get away with something over and over, doesn’t mean it isn’t a danger or risk.
- Free and open communication can prevent harm or even tragedies.
- Critical information is often available but it doesn’t reach decision-makers until it is too late.

Before you think about what your Speak Up culture looks like or how to start it, think:

WHO needs to hear about it?

- Should you direct your message:
  - to the speakers…
  - to the listeners…. Or to both?
WHERE

do we find these Speak Up cultures?

All industries (astronauts)
Health Care
Health Care Compliance
Sinai and Tri-City and you!

WHEN

do I start?

Is it too late? We have no hope!

I already have a speak up culture, do I even need to be here?

Life Span of a Speak-Up Culture
Wait, **WHY** again?

**General Motors Model of Change:**

**“Speak Up for Safety” Program**

- Launched by CEO Mary Barra

- Its aim is to encourage the entire organization to embrace a culture in which employees can raise concerns quickly and forcefully

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**But really, WHY?**

- If you are still not convinced, think, do I care about:
  - Quality?
  - Turnover?
  - An effective compliance program?
  - Reputation?
  - the False Claims Act?
  - Innovation?

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“The GM culture was stifling because people didn’t talk to each other. They kept silent…They didn’t transmit bad news because they understood what the reception was going to be to the bad news.”

-Maryann Keller (auto industry analyst)
Case Study #1

Sinai Health System: Building the First Skyscraper

Be Stronger
Care Harder
Love Deeper

- Serving Chicago’s south and southwest side
- Safety Net
- 3 hospitals, 695 beds, 300 physicians, 1 Level I trauma center, 1 community institute, 1 urban health institute, 4,000 Caregivers
Almost 100 years and yet we haven’t aged a day

- History of compliance
- Culture of TRYING to create cultures (of compliance, of confidentiality, of excellence, of speaking up, etc.).
- Old system, new structure: or how you build a skyscraper around the people already sitting in it?

Blueprints

- Infrastructure
- Relationships (with EVERYONE)
- Communication and marketing
- Program effectiveness
Speak Up: Big Challenges and Small Victories
or the Sinai Speak Up Culture Journey

When I first asked people to speak up, this happened:

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When I first asked people to speak up, this happened:
Then this happened:
“I am not sure this is a compliance issue but…” *

* All actual things people have said to me.

Then this:
“So and so spoke up and now they are gone”

Then I got to the bottom of it. This was the fear.
The fear was real. The fear was justified.
Gut check: Bridges’ Transition Model

- “People are often quite uncomfortable with change, for all sorts of understandable reasons. This can lead them to resist it and oppose it.”

- Transition v. change

- What are people thinking? Feeling?

Three Stages of Transition:

1. Ending, Losing, and Letting Go
2. The Neutral Zone
3. The New Beginning
Case Study #2
Tri-City: A New Day…A New Way

Tri-city: A public hospital district

- Opened in 1961; Located in Oceanside, CA
  - Community owned and operated
    - Serves the communities of Vista, Carlsbad and Public agency of the State of California
  - Affiliated with UC San Diego
  - Safety net
- Hospital (388 Beds); Two advanced clinical institutes for cardiovascular and orthopedic care; 700 physicians practicing in 60 specialties
- Challenges
  - Reduction in patient volumes
  - Tightening of margins
  - Loss of DSH $
Tri-city: A public hospital district

- History of compliance:
  - Lack of trust in leadership
  - Lack of communication
  - Fear of the compliance process

- New Leadership (a renewed commitment to compliance and ethics)
  - National recruitment for new Chief Compliance Officer
  - Renewed focus on compliance by C-Suite and Board of Directors

Build upon the foundation: Speak Up Culture Project Timeline

- Conduct “Meet and Greets” with Dept. Leaders
- Conduct Compliance Program Survey
- Provide Training to Leadership
- Initiate Staff Rounding
- Hold Town Halls and initiate monthly Compliance newsletter
- Speak up message trickles down to all staff.
Build upon the foundation

- Infrastructure
  - Recruitment of compliance team
  - Identification/implementation of compliance program tools
- Information Gathering
  - “Meet and Greets”
  - Town Halls/Staff Rounding
  - Program Survey
- Education, education, education
  - Revise Current Training
    - Increase focus on Speak Up culture concept
  - Add Training
    - Leadership
    - Medical staff
    - And the rest
- Relationship building and communication
  - Marketing program
- Communication from leadership to staff
  - Key: Consistency of message
    - Staff meetings
    - CEO to all staff
- Continued staff rounding by compliance team
  - Increased approachability of team
Tri-City’s Speak Up Journey:

“A journey of a thousand miles begins with a single step.”

Lao Tzu

“I am not sure if this is a compliance issue but…”

- Then I got ALL the complaints, but just the wrong ones
  - Hotline used as HR complaint line
    - “My boss is mean to me”
    - “I think my coworker is making more money than me”

- Education, education, education
  - What’s compliance? How does it apply to me?
“I am not sure if this is a compliance issue but…”

Education, education, education

- The 5 W's of Compliance
- What’s compliance?
- How does it apply to me?

“I am not changing”

- So many changes at the leadership level
  - This is the flavor of the month “it won’t stick”

- Education, education, education
  - This is the “new way”…This is a “new day”
  - Focus on the need for transparency
  - Focus on the Code of Conduct
"I am still not comfortable raising a concern"

- My boss has been here a long time
- I've seen people let go after raising a concern.

- Education, education, education
- Strong non-retaliation policy
- Compliance as independent and objective
  - Given independence by CEO/Board to create program free from operational influence
  - Given the freedom to ask the question "why?"

Culture is changing.... slowly

- Increase in compliance issues being raised
  - Hotline, in person, via email

- Increase in compliance-related questions
  - Consult requests have increased since onset of program

- A significant breakthrough is celebrated
The Case of the ICU

- Privacy issue: Investigation and corrective action
- Night Shift Culture
  - It’s “Us vs. Them”
  - “I’m not signing anything coming from the compliance office.”
  - “They’re trying to find a way to get rid of people.”
- Compliance meeting with nursing union leadership team
- Town hall held for nurses on unit
  - Tough questions asked
  - The “why?” explained
  - Routine rounding increased
- Breakthrough!

Lessons Learned
Top Down Approach

Everything starts at the top.

If leaders don’t understand why we need to hear our Caregivers out, nothing you do after this will work.

Tell them about the astronauts!

Transparency is golden

Not only do we have to hear people out, we have to allow them to understand the decisions coming from the top so they do not misinterpret them as decisions to squash a Speak Up culture.

- Example: outsourcing gone wrong
“It’s not always about you, Compliance Officer”

- You have to be willing to work with other departments and take on things that technically “aren’t compliance.”
- Think about the larger vision of a Speak Up culture in the system to see it through.

No man is an island

- This is the flip side to you as a compliance officer having to be willing to take on things that “aren’t compliance.”
- Your colleagues have to understand they have to do the same and understand the importance of the end goal.

(Again, tell them about the astronauts!)
How do you really change a culture?

- Understanding where you are at in your timeline of a Speak Up culture.
- Understanding the issues you can effectively tackle by creating that culture and making your case for it in that light.
- Sharing with colleagues and learning from those in similar (or not similar) boats.

Now it is your turn to Speak Up

BE FEARLESS AND SPEAK NOW

#SaySomething

Stand up. Speak out.
Tell us about your Speak Up victories.

Tell us about your Speak Up challenges.

Tell us how you have changed your culture (Speak Up-wise or otherwise).

Thank you!

KEEP CALM AND CALL COMPLIANCE

Questions?

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