

Can Exit Interviews Provide Another Channel for Compliance Communication?

Common Reasons for Why Exit Interview Programs Are Not Always Effective



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The short answer to the question of whether exit interviews can provide another channel for compliance communication is definitely yes, the benefits can be significant; at the same time, however, it must be tempered with the difficulties of implementing something that is effective for both the compliance program and human resource management (HRM). There are many potential benefits with a properly designed program — *e.g.*, it can assist in avoiding costly litigation by “disgruntled” employees; provide early warnings to management of emerging issues; deter departing employees from becoming “whistleblowers” after they leave; permit a legitimate path for redress of grievance; and help create a defense to litigation. Optimally, an exit interview process should be done in time to permit possible remedial actions before an employee leaves employment; however, this is not as easy as it sounds.

The U.S. Department of Health and Human Services (HHS) Office of Inspector General (OIG) in its compliance guidance calls for the development of effective lines of communication with employees. The OIG notes that an open line of communication between the compliance officer and personnel is very important to the successful implementation of a compliance program and the reduction of any potential for fraud, abuse, and waste. High on the list of channels that organizations are encouraged to implement is the use of a process such as a hotline to report complaints. The OIG also stresses the importance of using other channels such as emails, written memoranda, newsletters, and other forms of information exchange to maintain these open lines of communication. (See oig.hhs.gov/authorities/

docs/cpghosp.pdf). Interviewing departing employees prior to their departure is another such channel.

The major purpose of these lines of communications is to learn about business practices and conditions in the workplace, particularly those that might result in wrongful acts. Many organizations conduct employee exit interviews (also called exit surveys) to gather data for improving working conditions and retaining employees. This has been common in HRM for generations, and this type of communication can be useful in taking actions to correct deficiencies, reduce turnover, identify potential compliance-related problems, and maintain a productive work environment.

Changes in the regulatory landscape have underscored other reasons for exit interview programs. Among the more significant factors bearing on this point have been the recent Supreme Court decisions regarding unlawful harassment that stated organizations will not be permitted to raise an affirmative defense unless they have taken certain affirmative steps to seek out potential development of a hostile work environment. Hotlines can be used for this purpose, but so can exit interviews in providing an employee with the means and opportunity to register a report on hostile work environment issues, such as sexual harassment, retaliation, abusive practices, discrimination, et cetera.

Another major factor influencing the advancement of exit interviews has been the rise in the number of “whistleblowers.” They have been encouraged by a variety of means, not the least of which has been the *qui tam* provision of the False Claims Act. At this time an average of one allegation a day relating to health care providers is being registered with the Department of Justice (DOJ). It is, therefore, doubly important to debrief those leaving and include in the process questioning about any fraudulent or wrongful activity they observed or suspected so that early intervention can address that risk.

DIFFICULTIES WITH EXIT INTERVIEW PROGRAMS

Although many organizations have exit interview programs, very few of them are effective because:

1. The program generally falls on HRM to implement and manage, and they have entirely different objectives for it. They also tend to be so overloaded with other requirements dealing with the exiting process that often they are unable or unwilling to expand this program to encompass the compliance-related concerns.
2. Those organizations with exit interviews have it take place on the last day when an individual gets his or her COBRA information, turns in organization property, et cetera. This is not a good time to ask someone for information about their experience in the workplace and winds up being a fairly perfunctory thing that generates limited information of limited value. The interview should take place as far in advance of departure as possible to permit management or the compliance officer the opportunity to act upon information while the person is still an employee.
3. Most with exit interview programs do not have it include addressing compliance-related issues concerning their workplace experience. To be useful, there should be questions about whether the individual has observed any violations of law, regulations, code of conduct, policies, or other wrongdoing.
4. To be effective requires debriefing interviews, but most programs rely upon handing out checklist forms for the employee to fill out during his or her exiting process. The result is very limited information of value, resulting in very little attention being given to this with the whole process being

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3. Conduct ongoing reviews to ensure that you are capturing and shadow billing all MA patients you treat through automation and tracking. If you are currently going through a system implementation or are planning to, keep in mind the benefit and requirement of shadow billing (not just for inpatient acute patients but also for other related patient settings, including Psych and Rehab units).
4. Based on the results of your reviews, you may need to tighten existing internal processes and controls and create new ones as needed based on the results of your review. Include team members that are familiar with the impact to reimbursement when it comes to patient days and what is captured on the cost report. Sometimes the reimbursement team members are anticipating the days, but if the back office is not shadow billing or working rejections or RTPs, it is like the claim never happened.

SUMMARY

As of October 2015, eligible hospitals have received over \$11.79 billion of Medicare Incentive Payments. Since this is the last year for Medicare Incentive Payments, providers should be aware of the steps needed to ensure they are receiving the highest incentive payment possible while remaining compliant. An active and involved compliance

department will help hospitals capture any and all reimbursement due and ensure that there are no problems down the road.

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- viewed as a waste of time, resources, and effort by both management and employees.
5. Frequently, if there are debriefings, the person conducting them may be a problem. If the person is leaving because of his or her relationship with a supervisor, it is not likely to have useful results if the interview is conducted by the supervisor. If HRM is responsible, they do not have time to give proper attention to the debriefing, and this limits the effectiveness of the results.
 6. Departing employees as a rule are reluctant to say or do anything that might prejudice their future opportunities with securing other employment. The result brings into question reliability and usefulness of what they relate.
 7. The quality of the information provided is a factor of the skills and demeanor of the person conducting the interview — and the degree to which the employee trusts the interviewer. Open-ended questions with the employee supplying the answer are more effective than having the employee select from answers given in a predetermined list. It takes skill and patience to overcome these barriers to obtain useful information.

Based on experience developing many exit interview programs, my advice to those considering such a program or adding compliance issues to an existing program is that moving in slow deliberate steps is the best method to finding out how well it might work for the organization. Through gradual movement and testing, a determination of the benefits derived from the program for both the compliance office and HRM can be measured against the level of effort needed to sustain the program.

A good start is by debriefing departing managers and supervisors and preparing a written summary of the interview. This is a common practice in most organizations. Compliance officers should ensure that a set of compliance-related questions be included

in the questioning process. After that, selecting other individuals based upon their position and circumstances surrounding their leaving. Again, it is important to include compliance-related questions. If all that goes well, the program can be expanded.

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