New Perspectives in Compliance Awareness and Training

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Today's Presentation

1. Traditional views on compliance training requirements and sources of authority

2. Awareness vs. Training- a risk based approach: addressing the challenges of attendance, engagement, and relevance

3. The benefits of a tailored and matrixed approach

Importance of Training

- 83% of compliance professionals surveyed reported that their program had prevented one or more incidents in the last two years. Compliance officers from larger organizations were more likely to indicate awareness that an incident had been avoided.

- Compliance training drives inquiries or reports of wrongdoing over time.

- Overall 82% of compliance professionals surveyed said that training led to some increase in inquiries and reports about the topic. In addition, 76% report that training has resulted in an employee report that led to action that prevented or stopped wrongdoing.

- Especially true of larger organization (30,001+ employees), where 89% of respondents said there had been a report of wrongdoing as a result of training.

SCCE and HCCA 2016 Compliance Effectiveness Survey

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I. Traditional Views of Training

Traditional Training

Types

1. Instruction Based

2. Information Based

3. Rules Based

Attributes

- Classroom/lecture

- Often lengthy in duration

Sources of Authority

- Regulations or other guidance (e.g. Dear Colleague Letters, circulars, etc.)

- Resolution agreements

- Typically outline:

    - Who must be trained

    - When and how frequently training is required

    - What topics or risk areas should be covered

Examples

- OIG Compliance Program Guidance for Pharmaceutical Manufacturers

- Resolution Agreement Fresenius Medical Care North America

OIG Compliance Program Guidance for Pharmaceutical Manufacturers

C. Designation of a Compliance Officer
The compliance officer's primary responsibilities should include:
– Developing, coordinating, and participating in a multifaceted educational and training program that focuses on the elements of the compliance program, and seeking to ensure that all affected employees and management understand and comply with pertinent federal and state standards;

D.   Conducting effective training and education
The proper education and training of officers, directors, employees, contractors, and agents, and periodic retraining of personnel at all levels are critical elements of an effective compliance program.

OIG Compliance Program Guidance for Pharmaceutical Manufacturers

– All employees and, where feasible and appropriate, contractors should receive the general training.

– More specific training on issues, such as (i) the anti-kickback statute and how it applies to pharmaceutical sales and marketing practices and (ii) the calculation and reporting of pricing information and payment of rebates in connection with federal health care programs, should be targeted at those employees and contractors whose job requirements make the information relevant.

– The specific training should be tailored to make it as meaningful as possible for each group of participants.

Fresenius Medical Care North America Resolution Agreement

G.   Develop an Enhanced Privacy and Security Awareness Training Program

▪ The FMCNA Covered Entities shall augment their existing mandatory Health Information Privacy and Security Awareness Training Program ("Training Program") for all the FMCNA Covered Entities' workforce members who have access to PHI, including ePHI.

▪ The Training Program shall include general instruction on workforce members' obligation to comply with the FMCNA Covered Entities' policies and procedures related to the HIPAA Rules.

▪ The Training Program shall also include training on the new or revised Evaluation Process and all of the new or revised Device and Media Controls Policies and Procedures and Physical Access Policies and Procedures (collectively, the "Policies and Procedures"), to the extent such new or revised Policies and Procedures are developed and existing policies and procedures are revised.

▪ The FMCNA Covered Entities shall provide training on the policies and procedures related to the HIPAA Rules to active workforce members of the FMCNA Covered Entities, as necessary and appropriate for such workforce members to carry out their functions, annually.

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II. Awareness vs. Training

General Definitions

1. Training: organized activity aiming at imparting instructions and information that will improve the recipient's performance or to reach a level of skill or knowledge   Black's Law Dictionary

2. Awareness: knowledge that something exists, or understanding of a situation or subject at the present time based on information or experience Cambridge Dictionary

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NIST Security

1. Awareness: to focus attention on security

2. Training: to produce relevant needed security skills and competency

3. Education: to integrate all security skills and competencies into a common body of knowledge, adding a multidisciplinary study of concepts, issues, and principles

https://csrc.nist.gov/Projects/Awareness-Training-Education

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Key Challenges

- Attendance

- Engagement

- Relevance

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You Now Have a Shorter Attention Span Than a Goldfish

- The Goldfish Myth?

- People now generally lose concentration after eight seconds

- Our ability to multitask has drastically improved in the mobile age

- Those who use social media heavily had more "intermittent bursts of high attention"

Note: study was done by Microsoft Corporation related to advertising data

Time Magazine (2015) http://time.com/3858309/attention-spans-goldfish/

Attention Span
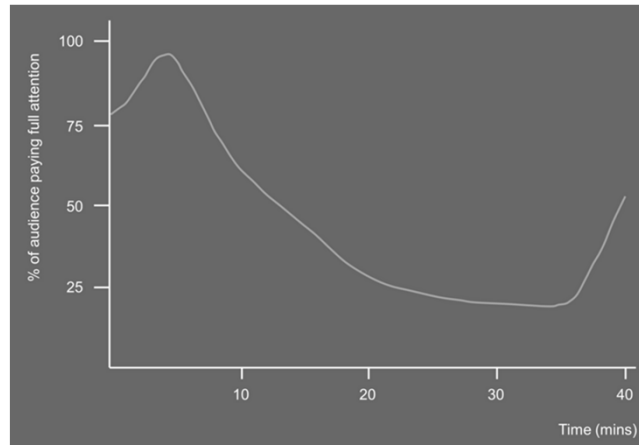
Mills, H.R. (1977) Techniques of Technical Training, 3rd Ed. Macmillan, London

Three Declines and Recoveries
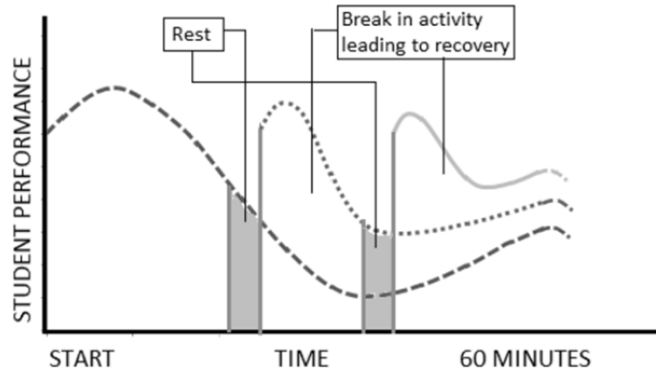
Learning curve in lecture (Bligh 1998)

Bligh (1998). What's the use of Lectures?

Training Challenge & Perspective
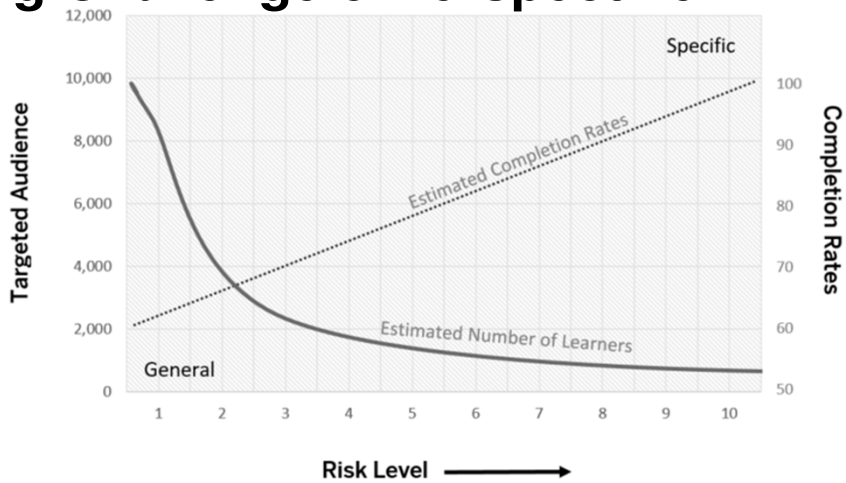
III. The Benefits of a Tailored and Matrixed Approach

Learning Capacity

"Grabbing attention to drive performance is one significant way to advance learning and make lectures effective."

- Engage in some activities before the start of the session (e.g. an "ice-breaking" activity or a quick game lasting for few seconds)

- Speak for 20 minutes, then interact regarding that section

- Every few minutes or seconds throw some attention captivating stimulus

- Use of breakout rooms to form small groups and to discuss on the specific topic

- Change the style of presentation

AYRUZ Data Marketing- How the learning capacity of human beings vary listening to long lectures
https://ayruz.com/functions/data-consulting/how-the-learning-capacity-of-human-beings-vary-listening-to-long-lectures/

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Attendance

- Determine who must receive training

- Provide in-person training at existing staff or faculty meetings

- Allow requirements to be met during existing required training sessions where possible (e.g. orientation)

- Use convenience to eliminate excuses

Engagement

- Mix up learning methods and media- don't assume everyone learns best in the same way

- Avoid information overload- focus on key takeaways

- Make it mobile-friendly

- Break it up and consider timing

Relevance

- Provide a wide range of examples

    - Simple every day occurrences with less risk

    - More exciting examples with greater impact

- Know your audience and tailor the presentation accordingly

Blended Learning

1. Blending learning: a way of learning that **combines traditional classroom** lessons **with lessons that use computer technology** and may be given over the internet Cambridge Dictionary

2. Blended learning is any formal education program in which a student learns at least in part through online learning, **with some element of student control** over time, place, path, and/or pace Blended Learning Universe

3. Providing high-value content in both settings – the **classroom** (rich, yet high cost) and **online** (efficient, yet low cost), **enhances learner performance**

    Journal of Behaviour & Information Technology "Playing 'catch up' with blended learning: performance impacts of augmenting classroom instruction with online learning." Timothy Hill, Laku Chidambaram, & Jana D. Summers. 02 Jun 2016

Blended Learning Framework and Strategies

1. The framework is concerned with the assumption that science learning activities should be **applicable and relevant to contemporary life and transferable to 'real-world' situations**. The design framework **aims at integrating learning in formal and informal contexts through blended learning scenarios** by using today's flexible, interactive and immersive technologies (e.g. mobile, augmented reality, virtual reality).

   The Journal of Open, Distance and e-Learning "Towards a pedagogical model for science education: bridging educational contexts through a blended learning approach" Jose Bidarra and Ellen Rusman. 21 Dec 2016

2. Several instructional strategies are deemed effective to promote more application of learning during blended or online instructions: (1) **making learning content applicable**, (2) utilizing **reflective activities** that assist learners to apply their learning to personal situations during instructions, and (3) embedding a **structured learning process**: instruction, guided practice, individual practice

   Journal of Asynchronous Learning Networks "Online vs. Blended Learning: Differences in Instructional Outcomes and Learner Satisfaction." Doo Hun Lim, Michael L. Morris, Virginia W. Kupritz. July 2007

Burst Learning

The ideal burst training can be defined as "ten minutes of training, within five minutes of its need, to an audience of one."
Learning Solutions Magazine

Navex Global (2014) cited the following 11 benefits:

– Address different learning styles

– Cover more risk topics

– Address secondary risks

– Raise awareness

– Reinforce foundational training with reminders

– Reduce seat time

– Emphasize key risk areas

– Respond quickly to incidents or emerging trends

– Train third parties and other nontraditional audiences

– Training on the go

– Train the rarely trained

Training Inventory

- Course

- Defined audience or role

- Forum

- Registration details if applicable

- When and how often
  - Upon employment
  - Every 1/2/3/5 years
  - Refresher as needed
  - When new systems or processes are implemented

Training Inventory

Training Inventory

Training Topics

TOPICS	Online	NECO	NEO	TOPICS	Online	NECO	NEO
Welcome Message from President McRobbie	X	X		Documentation	X	X	
University Resources	X	X		Fraud & Abuse		X	
Introduction to Ethics and Compliance	X	X	X	Conflicts of Interest		X	
The University Compliance Program	X	X	X	Research Ethics		X	
The Principles of Ethical Conduct	X	X	X	Signature Authority	X	X	
Individual Responsibilities for Compliance	X	X	X	What to do if Contacted by a Government Official, Auditor, or Regulator	X	X	
Reporting Concerns	X	X	X	Requests for Public Records	X	X	
Introduction to University Policies				Use of University Resources & Political Activity	X		
- Non-Discrimination/Equal Opportunity/Affirmative Action	X	*		Documentation	X	X	
- Firearms and Weapons	X	*		Privacy & Security Reminders	X		
- Tobacco Free and Substance-Free Workplace Policies	X	*		Privacy & Security (more in-depth)		X	
- Sexual Misconduct	X	*		Export Controls & Travel Restrictions		X	
- Policy on Programs Involving Children (PIC)	X	X		Emergency Procedures	X		

KEY	
Online	An Introduction to Compliance at IU
NECO	New Employee Compliance Orientation for the Health Sciences
NEO	New Employee Orientation
X	covered in presentation
*	mentioned in presentation, covered in handout

Increase Awareness

- Posters

- Notification cards

- Brief animated videos

- Infographics

- Reinforce with regular communications (e.g. Risky Academy, distribution lists to liaisons, campus news, etc.)

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University of Illinois Animated Video Series

1. Videos are less than five minutes

2. Intended to promote awareness so that someone will know when to seek additional guidance

3. Each video also includes a printable resource page that:

   - Reiterates key points from the video

   - Links to important info

   - Provides points of contact for questions

Looking Out for Fraud

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Ongoing Considerations

- Changes in roles and responsibilities

- Tracking

- Measuring effectiveness

- Refreshing content

- Changes in regulations and enforcement

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QUESTIONS?

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