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SECOND EDUCATIONAL RESOURCE FOR HEALTH CARE BOARD MEMBERS RELEASED

(WASHINGTON, DC) The Department of Health and Human Services' Office of the Inspector General (OIG) and the American Health Lawyers Association (Health Lawyers) today released a second jointly developed educational resource to assist health care organizations' boards of directors in carrying out their compliance oversight responsibility. *An Integrated Approach to Corporate Compliance: A Resource for Health Care Boards of Directors* is a supplement to *Corporate Responsibility and Corporate Compliance: A Resource for Health Care Boards of Directors*, issued in April 2003. Both documents are available on Health Lawyers' Web site at <http://www.healthlawyers.org/oigahla/index2.cfm> and <http://www.healthlawyers.org/oigahla/index.cfm> and on the OIG's Web site at <http://oig.hhs.gov/fraud/complianceguidance.html#2>.

The new document addresses the roles of in-house counsel and chief compliance officers in supporting the compliance oversight function of health care organization governing boards. The resource addresses issues raised by recent developments in the law with respect to corporate responsibility and lawyers' professional ethics as well as the modifications to the Federal Sentencing Guidelines for Organizations, and the recommendations of the American Bar Association Task Force on Corporate Responsibility. The document describes the potential tensions that can arise between a general counsel's role to protect an entity legally and the compliance function, and includes a series of questions Boards can ask to understand that tension. A "Summary Considerations" section offers administrative processes that health care boards may wish to consider to enhance a system's internal "checks and balances" in three situations: (1) where the general counsel serves as the compliance officer; (2) where the chief compliance officer is separate from the general counsel but reports to the general counsel; and (3) where the compliance officer is separate from and does not report to the general counsel.

Today's document also includes the results of a survey designed to explore the relationship between the general counsel and compliance officer in different health

care organizations. The responses to the survey will provide Board members with insights into the different structures that health care organizations use to manage their compliance activities.

“Health Lawyers and the OIG have once again teamed up to produce a practical document that will assist Boards of Directors in understanding their organizations’ compliance activities,” said Almeta Cooper, Health Lawyers’ 2003-2004 President. Co-author and Chief Counsel to the HHS Inspector General, Lewis Morris, stressed, “Different organizations have different personnel handling compliance issues. A Board should educate itself on the issues that can arise when different types of professionals handle the organization’s compliance obligations.” Health Lawyers’ CEO, Peter Leibold, stated that “Boards should understand that their questions of management may differ depending on whether the general counsel serves as the compliance officer or has no supervisory control over the compliance officer.”

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About Health Lawyers

The American Health Lawyers Association (Health Lawyers) is the nation’s largest nonpartisan 501(c)(3) educational organization devoted to legal issues in the healthcare field. The Association’s 9,500 active members practice in law firms, government, in-house settings, and academia. They represent the entire spectrum of the healthcare community: physicians, hospitals and health systems, health maintenance organizations, health insurers, managed care companies, nursing facilities, home care providers, and consumers. Health Lawyers provides in-person and “distance learning” educational programs; an annual conference; an award-winning Web site; public interest colloquiums, briefings, and teleconferences; and books, practice guides, monographs, the monthly publications *Health Law Digest* and *Health Lawyers News*, the quarterly *Journal of Health Law*, and the online news and analysis service *Health Lawyers Weekly*, as well as fourteen Practice Groups that focus on specific areas of health law or special employment settings. For additional information on Health Lawyers, visit our Web site at www.healthlawyers.org.