



## Roadmap to an effective compliance investigation

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Ready or not, your organization is likely to receive a compliance report in 2020. Once the report is logged, what's next? While the exact path that an investigation will take depends on individual facts and circumstances, there are a few key steps that every effective investigation have in common.

### Step 1 – Pre-investigation preparation

- Be prepared! Managing an effective compliance investigation starts before you even receive the report. Your written compliance program should specify how compliance concerns are reported, investigated, corrected and documented.
- Clearly define roles.
  - Establish your crisis management/investigation team.
  - Determine who will lead the investigation process.
    - Decide whether you want to protect the investigation under attorney-client privilege.
    - Consider whether you will engage outside counsel.
- Train personnel who will conduct investigations.

### Step 2 – Review the compliance report

- Who – The source of the report and who is potentially implicated
- What –The nature of the report
- When – The timeframe implicated by the report
- Other relevant information

#### Step 3 – Conduct the investigation

- Develop an investigation plan.
  - Create a list of facts, questions and documents.
  - Consider the need to gather documents, request reports and interview witnesses.
  - Document the investigative process thoroughly.
  - Move quickly! (If the reported compliance concern could have resulted in an overpayment, keep the 60-Day Overpayment Refund Rule in mind.)
- Preserve evidence.
- Maintain confidentiality.

#### Step 4 – Review evidence, answer questions and summarize findings

- Was the reported compliance concern verified?
- Were other issues identified?

#### Step 5 – Post-investigation

- Report findings back to the affected department, responsible executive, board and/or others, as applicable.
- Take corrective and/or remedial action.
- Document resolution/close-out.
- Maintain documentation.

In many ways, compliance investigations are very fact-specific. At each stage of the pre-investigation, investigation and post-investigation process, decisions will need to be made as to how to proceed, depending on the facts of your particular compliance issue. The key to managing an effective compliance investigation is to have a plan, follow through on the plan, gather all necessary information to evaluate the report and ensure that appropriate follow-up action is taken.

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