



## News

### Michael Dowell Authors "New Federal Sentencing Guidelines Requirements for an Effective Compliance Program" in Compliance Today

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Health care organizations face a daunting array of statutes and regulations, including the False Claims Act, federal and state anti-kickback statutes, self-referral prohibition, fraud and abuse laws, federal and state privacy and security laws including the Health Insurance Portability and Accountability Act (HIPAA) Privacy and Security requirements, corporate practice of medicine prohibitions, and licensing laws. In order to comply with these laws, most health care organizations have adopted compliance programs designed in accordance with the standards for an "effective" compliance program under the Federal Sentencing Guidelines (FSG).

The United States Sentencing Commission's (USSC's) recent amendments to its FSG Manual will have significant implications for health care organizations that are seeking to obtain leniency based on the maintenance of effective compliance programs. The amendments make important changes to the construct of an "effective" compliance program, focusing on: (1) board reporting relationships of the compliance officer; and (2) actions health care organizations should take following detection of criminal conduct. Unless overturned by Congress, the new amendments take effect on November 1, 2010.

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