

**CREATING A COMPLIANCE AND ETHICS PROGRAM AND A CULTURE OF DIVERSITY**

*Removing Bias and Discrimination from the Workplace*

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**Learning Objectives**

Upon completion of this program, the participant will be able to:

- ❖ Explain the meaning and impact of unconscious bias
- ❖ List 4 types of unconscious bias that can impact others
- ❖ Provide an example of what not to say to a person that could be considered bias or discrimination
- ❖ Discuss ways to ensure that all people feel valued and safe at work
- ❖ Identify recommended practices for avoiding discrimination in the hiring and termination process



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**History of Healthcare Compliance and Ethics Programs**

- ❖ In the late 1990s, the Office of Inspector General (OIG) began a major initiative to support healthcare professions in voluntarily establishing a compliance program for their offices, organizations, and practices.
- ❖ The Affordable Care Act of 2010 made compliance programs mandatory for all skilled nursing facilities (SNFs) and other healthcare providers, with oversight and enforcement by the Office of Inspector General (OIG).
- ❖ In March 2013, compliance programs became a SNF condition of participation.
- ❖ The Centers for Medicare & Medicaid Services (CMS) began oversight of F895 Compliance and Ethics Programs to ensure that each facility had a compliance officer and committee effective November 28, 2019.
- ❖ CMS published surveyor guidance for F895 on June 29, 2022, and surveyors began measuring compliance during surveys effective October 24, 2022.

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### Why is it important to have an effective Compliance and Ethics Program in Healthcare?

Required as set forth by the Affordable Care Act.

Promotes the rights of patients and provides quality care and patient safety.

Detect Fraud, Waste, and Abuse of government funds.

Assess for risks that make the organization vulnerable.

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### Understanding the Difference Between the Compliance and Ethics Program and QAPI Program

Compliance and Ethics Program	Quality Assurance Performance Improvement Program
<ul style="list-style-type: none"> <li>❖ <b>Purpose:</b> Focus on Fraud, Waste, and Abuse prevention and detection</li> <li>❖ Compliance Officer responsible for day-to-day oversight</li> <li>❖ Regular meetings of a Compliance and Ethics Committee</li> <li>❖ Provides reports to the Governing Body</li> <li>❖ Ensures QAPI Committee identified exposures that impact operations are addressed</li> </ul>	<ul style="list-style-type: none"> <li>❖ <b>Purpose:</b> Focus on developing, implementing, and maintaining an effective, comprehensive, data-driven program dedicated to systems and outcomes of care and quality of life</li> <li>❖ QAPI champion leads in conjunction with top management</li> <li>❖ Requires regular meetings of QAA/QAPI Committee</li> <li>❖ Provides reports to the Governing Body</li> <li>❖ Reports identified operations exposures/risks to the Compliance Committee</li> </ul>

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### CMS-Identified Common Healthcare Risk Areas

Common risk areas are mostly associated with the delivery of health care to nursing facility residents, to include

- ✓ Sufficient staffing
- ✓ Comprehensive care plans
- ✓ Medication management
- ✓ Infection prevention
- ✓ Appropriate use of psychotropic medications
- ✓ Resident abuse, neglect and safety.

Additional risk areas include:

- ✓ Resident rights
- ✓ Fraud prevention
- ✓ Billing and cost reporting
- ✓ Employee screening
- ✓ Resident assessment accuracy
- ✓ Creation and retention of records
- ✓ Falsification and modification of documentation
- ✓ Conflicts of interest
- ✓ Kickbacks, inducements and self-referrals.

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**DEFINITIONS**

- ❖ **Conscious (explicit) Bias:** a personal and sometimes unreasoned judgment, prejudice.
- ❖ **Unconscious (implicit) bias:** social stereotypes about certain groups of people that individuals form outside their own conscious awareness.
- ❖ **Diversity:** inclusion of employees from a variety of national origins, colors, religions, financial levels, sexual orientation, etc., in the workplace.
- ❖ **Racism:** the belief that a particular race is superior or inferior to another, that a person's social and moral traits are predetermined by their inborn biological characteristics.
- ❖ **Stereotypes:** judgments or characteristics attributed to specific groups of people – races, genders, age groups, etc. – that may or may not be true for any one specific individual within that group.

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**LET'S TALK ABOUT BIAS**

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**UNCONSCIOUS BIAS CASE STUDY**

“There are so many ethnic patients who look alike.”

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- ❖ Unconscious biases are prejudices we have, but for which we may be unaware. They can be based on a variety of factors:
  - Weight
  - Height
  - Skin color
  - Gender
  - Shyness versus outgoing
  - Marital and/or parental status
  - Disability
  - Accent/language issues
  - Education level
- ❖ If you can name it, there is probably an unconscious bias for it.

## Unconscious Bias



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### Types of Unconscious Bias

- ❖ **Transgender or same-sex lifestyles** – alternate lifestyles may result in negative behaviors by some
- ❖ **Different cultures** – some individuals are biased against specific groups of people
- ❖ **Male vs female** – disputes may occur over performing equal work or over pregnancy and parenting needs
- ❖ **Generation gaps** – multiple age groups working together can result in some individuals being excluded or targeted
- ❖ **Disabilities** – those with mental or physical disabilities may be targeted by insensitive coworkers
- ❖ **Speaking little or no English** – language barriers create separation from the total group and clustering of those who do not speak much English



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### Unconscious Bias Is Rooted in the Brain

- ❖ Scientists tell us that unconscious bias is found in the region of the brain associated with fear and threat.
- ❖ We mentally group and categorize things to help make sense of the world. Unconscious bias occurs when those categories are tagged with labels like "good" and "bad" and applied to entire groups.





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**Unconscious Bias in the Workplace**

- ❖ **Affinity bias:** tendency to like people who are like ourselves.
- ❖ **Confirmation bias:** tendency for people to seek information that confirms preexisting beliefs or assumptions
- ❖ **Attribution bias:** phenomenon where you try to make sense of or judge a person's behavior based on prior observations and interactions you've had with that individual
- ❖ **Conformity bias:** tendency people have to act similar to the people around them regardless of their own personal beliefs or idiosyncrasies—also known as peer pressure.
- ❖ **Halo effect:** The tendency to think everything about a person is good because you like that person.

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**Unconscious Bias in the Workplace (2)**

- ❖ **Horns effect:** tendency people have to view another person negatively after learning something unpleasant or negative about them.
- ❖ **Contrast effect:** when you compare two or more things that you have come into contact with—either simultaneously or one-after-another—causing you to exaggerate the performance of one in contrast to the other.
- ❖ **Gender bias:** tendency to prefer one gender over another gender.
- ❖ **Ageism bias:** tendency in the workplace to have negative feelings about another person based on their age.

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**Unconscious Bias in the Workplace (3)**

- ❖ **Name bias:** tendency people have to judge and prefer people with certain types of names—typically names that are of Anglo origin.
- ❖ **Beauty bias:** social behavior where people believe that attractive people are more successful, competent, and qualified.
- ❖ **Height bias or heightism bias:** tendency to judge a person who is significantly shorter or taller than the socially-accepted human height.

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### Unconscious Bias in the Workplace (4)

- ❖ Gender bias
  - Women self-promote less than men
  - New study on self-evaluations shows gender bias

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### Actions that Demonstrate Unconscious Bias

Unwilling	Unwilling to help certain races of individuals when they request something
Refusing	Refusing to accommodate those of different lifestyles
Ignoring	Ignoring some individuals when they speak to you
Speaking	Speaking rudely to some people based on their differences
Disparaging	Disparaging body language, tone of voice, or remarks made toward those who are of different races, lifestyle choices, religions, and more

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### Microaggression

**Examples of Microaggression Statements to Avoid**

- ❖ When are you going to have children? You're not getting any younger.
- ❖ At least you don't look old.
- ❖ I'm surprised you speak English so well!
- ❖ Where are you really from?
- ❖ I'm not even going to try to pronounce your name.
- ❖ At least we know you're not a terrorist!
- ❖ How's the weather up there?
- ❖ If that's what you people want, then I guess we can work with you.

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## Speaking Up About Microaggression

- ❖ One of the reasons people don't speak up when they experience microaggressions is because *they are afraid*.
- ❖ They might ask themselves:
  - Will my supervisor think I'm being overly sensitive?
  - Will I be taken seriously?
  - Will there be retaliation for speaking up?
  - Will coworkers still like me?

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## Addressing Microaggression

- ❖ Everyone makes mistakes and can say things that shouldn't have been said. In these situations, it is important to **apologize** to the offended party.
  - Construct your apology, and approach the offended individual, but realize that they may not accept it.
  - Be prepared to move forward rather than continually addressing it.
- ❖ **Take responsibility** by acknowledging that the words you said had an impact that was separate from your intent.
- ❖ **Don't get defensive.** It is not about you, but about the impact your words had on the other person.
- ❖ **Mentorship** is helpful. Find someone you can converse with to increase your knowledge, challenge yourself, and check your bias.

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## Take Action to Overcome Unconscious Bias

- ❖ An important step to address unconscious biases in the workplace is to acknowledge that everyone has them. Identify your own biases so you can attempt to overcome them.
- ❖ Another way to help prevent discrimination and harassment is to communicate with respect.
  - **No one** should feel belittled by supervisors or coworkers.
  - **No one** has the right to belittle or demean others.
  - **No one** should be discriminated against by others.

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## Legal Workplace Requirements

- ❖ Federal Laws Prohibiting Job Discrimination
  - Title VII of the Civil Rights Act of 1964 (Title VII)
  - The Equal Pay Act of 1963 (EPA)
  - The Lilly Ledbetter Fair Pay Act of 2009
  - The Age Discrimination in Employment Act of 1967 (ADEA)
  - Title I and Title V of the Americans with Disabilities Act of 1990 (ADA)
  - Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
  - The Civil Rights Act of 1991
  - State and local anti-discrimination laws
  - State disability discrimination laws
  - Americans with Disabilities Act of 1990



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## EEOC Websites

- ❖ <https://www.eeoc.gov/fact-sheet/federal-laws-prohibiting-job-discrimination-questions-and-answers>
- ❖ <https://www.eeoc.gov/prohibited-employment-policiespractices>
- ❖ <https://www.eeoc.gov/connect-us>

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**Avoiding Discrimination in the Hiring Process**

- ❖ Implicit bias can affect the hiring process.
- ❖ Steps to take to avoid implicit bias in the hiring process:
  - Use the application as a screening tool
  - Understand what questions you can ask
  - Know what questions you cannot ask

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**Topics to Completely Avoid – Never Ask**

- ❖ Race or ethnic origin
- ❖ Religion
- ❖ Sex or sexual preference
- ❖ Marital status
- ❖ Children/Personal obligations
- ❖ Health/age
- ❖ Residence
- ❖ Past criminal behavior
- ❖ Citizenship
- ❖ Military discharge

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**Avoiding Discrimination in the Termination Process**

- Reductions in Force**
  - Adverse impact analysis
- Terminations**
  - Examine the reasons
  - Clear documentation

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**EMBRACING DIVERSITY, EQUITY, AND INCLUSION AS A COMPONENT OF THE COMPLIANCE AND ETHICS PROGRAM**

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**What is Diversity?**

- ❖ Diversity is the sum of social, cultural, and identity-based human attributes represented within a group.



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**Create a Culture of Diversity**

- ❖ Strive to remove BIAS from the workplace
- ❖ Treat everyone with dignity and respect
- ❖ Ensure that all staff feel safe and valued at work




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**What is Inclusion?**

- ❖ Inclusion is the act of creating environments in which all members of a group are welcomed, respected, supported, and valued.



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**WHAT IS EQUITY?**

Equity is access to opportunity and advancement for all members of a group.

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**Let's Discuss DEI in the Workplace**

A DEI program can be a stand-alone program

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Training staff allows every to thrive personally and professionally

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The program must have defined policy implications including:

Anti-discrimination / EEO policy	Recruitment and Selection policies	Promotions, salaries, Transfers	Time Off / JAT policies	Disc code policy	Benefit policies and offerings	Diversity and inclusion initiatives
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**Key Benefits of a DEI Program**

- Helps employees feel safe, respected, and connected
- Drives improved business outcomes
- Employees will feel a sense of belonging
- Creates systemic change

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**WHY**

The compliance and ethics program must connect with DEI

Ensure each employee is included in all compliance and ethics efforts

DEI must protect all employees

DEI applies to resident care

The connection of compliance and ethics program with DEI impacts both employee rights and resident rights

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**KEY RESULTS**

- ◆ Leverage data driven results that underscore the impact and outcomes of DEI when applied to compliance and ethics programs
  - More cohesive work environment
  - More productive teams and an engaged workforce
  - Better survey outcomes
  - Higher levels of innovation and accessibility in products and services
  - Better financial performance
  - Positive family involvement
  - Less employee turnover
  - Enhanced recruitment from a larger talent pool
  - Positive marketing; attract expanding audience and consumers
  - Enhanced reputation
  - Nurture a positive culture
  - Fewer EEOC complaints

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**CONCLUSION**

- ◆ Reduce bias from the workplace
- ◆ Public promises
- ◆ Integral to a facility's operations
  - DEI is not a "soft" endeavor
  - Not optional
  - Part of Enterprise Risk Management (ERM)
    - Align with the compliance and ethics program's mission to detect and prevent risk exposures and mitigate loss.
    - Align with companywide objectives and key results
    - The right thing to do from a moral perspective, social obligation, and business perspective.
  - Design and maintain environments where everyone can thrive

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**Resources**

"S. 1409 (88th): An Act to Prohibit Discrimination on Account of Sex in the Payment of Wages by Employers Engaged in Commerce or in the Production of Goods for Commerce and to Provide for the Restoration of Wages Lost by Employees by Reason of Any Such Discrimination." <https://www.govtrack.us/congress/bills/88/1409>. Govtrack, [www.govtrack.us/congress/bills/88/1409](https://www.govtrack.us/congress/bills/88/1409).

"Title VII of the Civil Rights Act of 1964." EEOC, [www.eeoc.gov/statutes/title-vii-civil-rights-act-1964](http://www.eeoc.gov/statutes/title-vii-civil-rights-act-1964).

"Racism." Anti-Defamation League, Anti-Defamation League, July 2020, [www.adl.org/racism](http://www.adl.org/racism).

Reiners, Bailey. "12 TYPES OF UNCONSCIOUS BIAS IN THE WORKPLACE." *Built In*, 12 Aug. 2019, [builtin.com/diversity-inclusion/unconscious-bias-examples](http://builtin.com/diversity-inclusion/unconscious-bias-examples).

"E. H. Butler Library: Black Lives Matter: Home." *Introduction to Black Lives Matter*, 18 Nov. 2020, [library.buffalostate.edu/BLM](http://library.buffalostate.edu/BLM).

"When and How to Respond to Microaggressions." *Harvard Business Review*, 3 July 2020, [hbr.org/2020/07/when-and-how-to-respond-to-microaggressions](https://hbr.org/2020/07/when-and-how-to-respond-to-microaggressions).

Amp, Culture. "This Is the Right Way to Respond to Microaggressions at Work." *The Muse*, 19 June 2020, [www.themuse.com/advice/how-to-respond-microaggressions-at-work](http://www.themuse.com/advice/how-to-respond-microaggressions-at-work).

Heneman, T. (09 February 2014). You, biased? No, it's your brain. *Workforce*. Retrieved from <http://www.workforce.com/articles/2014-2-you-biased-no-its-your-brain>.

Venosa, A. (23 July 2015). Prejudice in the brain—How evolutionarily valuable brain processes have turned problematic. *Medical Daily*. Retrieved from <http://www.medicaldaily.com/prejudice-brain-how-evolutionarily-valuable-brain-processes-have-turned-problematic-144268>.

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**QUESTIONS?**

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