



2021

ANNUAL

COMPLIANCE REPORT

ATSU | A.T. Still
University
FIRST IN WHOLE PERSON HEALTHCARE



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The 2021 Annual Compliance Report, presented by the Office of Vice President & General Counsel (VPGC), highlights compliance achievements in 2021, describes a key initiative for 2022, and provides context through the A.T. Still University Compliance Strategic Plan.

The ATSU compliance program is one of continuous improvement – moving toward maturity in each of the elements of an effective compliance and ethics program, including:

- Implementing written policies, procedures, and standards of conduct.
- Designating a compliance officer and compliance committee.
- Conducting effective training and education.
- Developing effective lines of communication.
- Conducting internal monitoring and auditing.
- Enforcing standards through well-publicized disciplinary guidelines.
- Responding promptly to detected offenses and undertaking corrective actions.

As you read this report, it will be clear compliance is everyone’s role and everyone’s responsibility. The Office of VPGC commends all who contributed to compliance achievements in 2021, some of whom are recognized in this report.

If this report brings questions or suggestions to mind, we’d love to hear from you. Please contact Matthew Heeren, vice president & general counsel, or Dawn Shaffer, compliance manager.

Contents

p. 2-4.....	2021 highlights
p. 5.....	Key 2022 initiative
p. 6-7.....	The larger picture
p. 8.....	Culture of compliance



2021 highlights

Clery Act

The Clery Act is a federal regulation related to higher education campus safety processes and reporting requirements. ATSU's unique structure with multiple locations and community health center partners creates Clery Act challenges and opportunities. There is a broad range of employee roles with Clery responsibilities, and effective lines of communication are crucial.

Achieved: The Office of VPGC and Clery Act Compliance Committee members collaborated in the following Clery Act compliance initiatives. Particular thanks are due to the director of safety & security, A.T. Still University-School of Osteopathic Medicine in Arizona associate dean for clinical education, and Information Technology Services (ITS) senior web developer.

- An improved Crime Report Form to more effectively alert ATSU senior leaders of crimes on campus.
- The addition of Clery Act contract language for contracted (non-ATSU) security personnel.
- New education videos and fact sheets created and distributed to ATSU's designated campus security authorities (CSAs). ATSU has designated over 200 CSAs to whom crimes on campus may be reported.
- National Clery Act Compliance Awareness Week emails educated ATSU employees and students on the importance and relevance of key Clery Act requirements.
- Improved processes for emergency notifications and timely warnings, with particular focus on ATSU-SOMA community health centers.

In 2022: Responsibility for Clery Act compliance will transfer from the Office of VPGC to the new ATSU director of security. It is best practice for a compliance program to not be ultimately responsible for any particular compliance area. This transfer of responsibility will allow the Office of VPGC to be a "second set of eyes" for Clery Act compliance.

I-9 audit

The U.S. Citizenship & Immigration Services (USCIS), Department of Homeland Security, requires all new employees to undergo an employment eligibility verification using the USCIS I-9 form.

Achieved: The Office of VPGC and Human Resources conducted an internal audit of ATSU's I-9 forms. A scope of audit was developed by the Office of VPGC and a document request presented to Human Resources. Fifty sample I-9s were inspected, using a checklist. Mistakes and/or trends were noted. Mitigation strategies were recommended in an audit report generated by the Office of VPGC and are being implemented. The assistant vice president for human resources and director of human resources were essential to this process.

In 2022: Other audits are anticipated according to an audit calendar.

2021 highlights

HIPAA

To comply with the Health Insurance Portability and Accountability Act of 1996 (HIPAA), ATSU conducts a biennial HIPAA risk assessment. Recommendations from the risk assessment are incorporated into a prioritized action plan and assigned to responsible parties. Implementation of the plan is supported and monitored by the Office of VPGC.

Achieved: Following are examples of HIPAA action plan items achieved in 2021. The information security architect, deans, directors, and others with responsibility for ATSU patient care centers were pivotal contributors.

- Electronic medical record standards and practices improved to make patient data more secure.
- Spot audits of ATSU patient care center practices.
 - » Process for checking the Office of Inspector General “exclusions” database to ensure patient care center employees and vendors are not excluded by Medicare/Medicaid.
 - » Individuals must have easy access to their electronic health information, and fees for records may not exceed allowable amounts.
 - » Notice of Privacy Practice accurate and accessible to patients.
- Improved security practices implemented, including multi-factor authentication and encryption.
- Cybersecurity awareness education and reminders provided to employees with access to protected health information.

In 2022: A new HIPAA risk assessment will occur.

Consumer information

Under the Higher Education Act, ATSU is required to disclose specific information to prospective and current students. Many of these disclosures are included on the [ATSU Student Consumer Information webpage](#). The information is accessed by links to the controlling source webpage to guard against inconsistencies.

Achieved: Lists of textbooks (required and recommended) for each program and class year, including retail prices, must be readily available and current. When the previous method for disclosing textbook lists became obsolete, a new Textbooks webpage was developed by Communication & Marketing. A team representing all ATSU programs collaborated to develop the best format for the information and a process for maintaining the information. The spirit of cooperation among the team members and the end result were equally rewarding.

In 2022: The content for the Student Consumer Information webpage is reviewed annually by responsible owners.

2021 highlights

Data privacy

To move toward compliance with new and emerging regulations and best practices, and in anticipation of growing data privacy expectations of all stakeholders, including students, ATSU seeks to responsibly manage and protect data as a valuable asset by collecting, using, processing, storing, and sharing confidential information in an ethical, transparent manner.

Achieved: A comprehensive list of information privacy and security compliance obligations under existing ATSU policy was produced by the Office of VPGC. In addition, a team consisting of the Office of VPGC, vice president for information technology, and architect of information security worked with a data privacy consultant to better position ATSU for compliance with the General Data Protection Regulation (GDPR). The following advances were made:

- Updated ATSU institutional privacy policy to more fully describe internal privacy processes and more fully align with GDPR privacy notice requirements.
- Review of general ATSU privacy program metrics.
- Review of ATSU's security incident response processes for alignment with GDPR requirements.
- Identified steps to help prospective ATSU research projects involving protected data become more compliant with GDPR elements.
- Identified next steps to GDPR readiness.
- "Train the trainer" education for ATSU's chief information privacy officer.

In 2022: Continue to work with ATSU ITS to promote privacy and data protection best practices and reinforce use of the **National Institute of Standards and Technology (NIST) privacy framework**.

Hazard Communication Program

ATSU is required by the Occupational Safety and Health Administration (OSHA) to have a written Hazard Communication Program compliant with federal regulations. California OSHA has its own regulations impacting ATSU's Santa Maria, California, location.

Achieved: ATSU Policy No. 95-106 is the University's Hazard Communication Program. The policy was rewritten to reflect the new safety data sheet (SDS) management plan implemented in 2020 and in light of recommendations by a workplace safety consultant. Hazardous Materials Management Committee members were key to development of the policy. The Office of VPGC supported and shepherded the process, and ensured the resulting policy was compliant with federal and state of California regulations.

In 2022: Lab owners annually attest to compliant SDS management and appropriate disposal of hazardous waste. The Office of VPGC annually distributes to all employees a PowerPoint presentation about SDSs and how to access them. An SDS module is included in ATSU's annual Required Employee Education.

Key 2022 initiative

The Office of VPGC is pleased to announce a major step forward for the ATSU compliance program that will be implemented in 2022.

New governance, risk, and compliance (GRC) software will promote a comprehensive and inclusive approach to compliance requirements. Over time, it will become a complete repository of all compliance controls, provide automated reminders, monitor status, and store evidentiary documents.

The GRC platform will make those responsible for compliance tasks more accountable and charge them to:

- View a dashboard for their area(s) that can drill down to requirements, controls, and due dates.
- Enter the status of compliance tasks, including notes and completion dates.
- Upload supporting documentation.

The GRC platform will enable the Office of VPGC to:

- Track and monitor compliance tasks.
- Identify and remedy gaps.
- Perform audits and risk assessments.
- Analyze and present data to stakeholders.

This undertaking will be a heavy lift initially, but the Office of VPGC is eager to begin the work.

ATSU ITS will also benefit from this venture, as it will use the GRC platform to track ATSU's progress with the **NIST cybersecurity framework**.

The larger picture

Achievements and initiatives mature the ATSU compliance program within the context of its 2021-23 Compliance Strategic Plan, which includes:

Theme

Supporting ATSU's mission and vision by promoting compliant and ethical behavior by all stakeholders and by continually advancing adherence to local, state, and federal laws and regulatory requirements.

Goals and objectives

Development and continuous improvement of compliance practices University-wide.

- ATSU policies robust and compliant with laws and regulations.
- Potential compliance and ethics violations reported free from retaliation.
- Compliance and ethics practices monitored.
- Detected compliance offenses remediated in a timely manner.

ATSU stakeholders aware of and accountable for compliance roles and responsibilities.

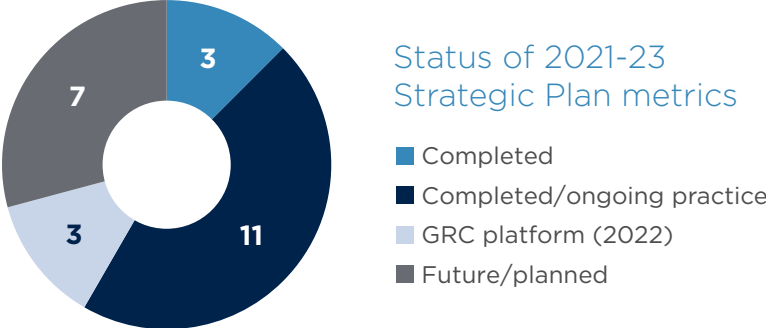
- Governing body knowledgeable about compliance program and exercises reasonable oversight.
- Leaders participate in and are accountable to advance compliance in their respective areas.
- Compliance partners (individuals responsible for date-to-day compliance operations) comply with applicable laws and regulations.
- Compliance and ethics training and resources available to new and current employees.

The larger picture

Goals and objectives

The Compliance Strategic Plan aligns with the elements of an effective compliance and ethics program listed on Page 1 of this report. See **Federal Sentencing Guidelines**.

Under the Compliance Strategic Plan, ATSU's compliance program is meeting its metrics. A copy of the complete Compliance Strategic Plan is available upon request to the Office of VPGC.



An effective compliance and ethics program mitigates risk, improves processes, and encourages communication, problem-solving, and best practices. This is an exciting time for the ATSU compliance program as it supports colleagues and departments in continuous compliance improvement and ultimately advances the mission and vision of the University.

Culture of compliance

An important feature of a culture of compliance is employees feel their observations and concerns are welcome and valued. New employees bring their unique background, experiences, and fresh eyes to ATSU processes and practices. Long-term employees, including those with day-to-day operational responsibilities, see what works well and where there may be inconsistencies or gaps. A culture of compliance means every member of the ATSU community, regardless of position or title, has a valued voice and a responsibility to bring forward any concerns.

Any employee who observes a potential compliance violation or is uneasy about the legality or propriety of any action is not only invited but also actually required under ATSU policy to bring their concern to the attention of appropriate individuals. Reports may be made to supervisors, Human Resources, or VPGC. All reports are taken seriously and will be investigated. Employees can feel safe to report without fear of retaliation or negative impact on their job or work environment. ATSU employees are protected by law and under ATSU policy from discrimination and retaliation when making a good faith report.

ATSU provides options for anonymous reporting, including a secure online reporting form at fraudhl.com and 24-hour telephone services at 1.855.FRAUDHL (reference company ID “ATSU”). While open, full-disclosure reports are preferred to facilitate investigation, ATSU wants to encourage reporting and so provides these anonymous options. The U.S. Department of Justice considers anonymous, confidential reporting mechanisms to be a “hallmark of a well-designed compliance program.”

See:

Policy No. **10-220**: ATSU Code of Ethical Standards

Policy No. **10-216**: Whistleblower Policy

Policy No. **90-210**: Prohibition of Discrimination, Harassment, and Retaliation

U.S. Department of Justice: **Evaluation of Corporate Compliance Programs**

Contact us

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