

Compliance Today – February 2021 Meet Sonya Fair Lawrence: Helping your community to do the right thing

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This interview with Sonya Fair Lawrence (sonya.lawrence@jefferson.edu) was conducted late in the fourth quarter of 2020 by Adam Turteltaub (adam.turteltaub@corporatecompliance.org), CHC, CCEP, Chief Engagement & Strategy Officer, Society of Corporate Compliance and Ethics & Health Care Compliance Association.

AT: You began your career as a trial attorney in the U.S. Department of Justice (DOJ). I imagine that your time with DOJ gave you a unique perspective of healthcare and the relationship between healthcare entities and regulators. There were companies that were outright fraudulent enterprises, but I imagine you prosecuted many legitimate healthcare entities with billing and other practices that were at best questionable, if not outright illegal. Where did you see otherwise good companies go wrong?

SFL: I started my legal career as a federal law clerk to the Honorable Judge Clifford Scott Green in the U.S. District Court for the Eastern District of Pennsylvania. One of the most important skills I honed in the two years I worked with Judge Green is that of discernment. Judge Green handled a variety of civil matters during my time with him, and every matter received highly skilled legal analysis and a very close evaluation of the legal controversies he adjudicated.

I took Judge Green's commitment to understanding the factors that caused companies to find themselves involved in litigation before the federal courts with me to the DOJ. I began my work as an honors attorney in the Health Care Task Force of the Antitrust Division. I arrived during a time of change and restructuring in the healthcare industry. Payers, providers, and healthcare-focused corporations were attempting to adapt to competitive pressures while navigating regulatory requirements that continued to evolve. I was involved in antitrust enforcement actions that were designed to protect consumers and discourage anticompetitive behavior; however, I cannot say that every action involved companies or individuals who set out to violate federal laws.

The tension between the implementation of business objectives and prevention of conduct that harms consumers, violates laws, and frustrates regulatory requirements sometimes leads to the initiation of prosecutorial action directed toward entities that perhaps never intended to violate laws. When I had the privilege to serve as an assistant United States attorney in Philadelphia, I learned from some of the most skilled healthcare fraud prosecutors and members of the False Claims Act bar. One of the things I most respect about the colleagues and mentors with whom I worked when serving in the U.S. Attorney's Office for the Eastern District of Pennsylvania is the vigor with which they analyzed the factors that influenced the actions of individuals and organizations prior to taking official action.

I cannot identify a single cause for an organization's compliance missteps, but I am a true believer in the effectiveness of compliance programs that are designed to live and grow with the organization. I take the DOJ's recent effectiveness standards seriously. I am especially convinced that a program that "works in practice" is likely to help individuals in an organization recognize when their behaviors or planned activities do not align with the organization's stated values and standards. I suspect that "otherwise good companies" go wrong when

members of the organization are not aware of or committed to aligning their behaviors with standards that prevent questionable or illegal behavior. I could talk about this forever, but I also think that organizations increase the risk of running into compliance trouble when they assume that everyone can recognize “the right thing.” Frequent exposure to what right and wrong look like in the context of an employee’s day-to-day work will likely enhance their ability to align their conduct with recommended standards of behavior.

Organizations have a great opportunity to support the behavior they seek through direct and frequent engagement with leaders, employees, and consumers. If everyone learns how to recognize the right thing and a variety of options exist for members of the organization and the community it serves to report or otherwise highlight activities that do not appear to align with those right standards, the organization can regularly assess itself and course correct before things go wrong.

AT: What do you think are the main reasons organizations veer from the lawful and ethical into questionable grounds?

SFL: I do not know if the issues I will identify are the main reasons that organizations veer into higher risk territory, but over time I believe there are a few areas within an organization that serve to support a commitment to good corporate citizenship and compliance with applicable laws and regulations:

Leadership: An organization’s leaders set the tone for whether employees, vendors, trustees, students, and members of the community believe the organization’s stated position on compliance. I think leaders that demonstrate the commitment are the most effective. I am not saying that issuing statements, creating videos, and widely distributing communications about the organization’s commitment to compliance are not effective activities, but if the organization’s leaders demonstrate their commitment to doing the right thing publicly and regularly, I believe that they are providing a foundation upon which all others in the organization will build their conduct.

The leadership about which I speak has to be genuine. Winking and nodding about the importance of aligning the organization’s conduct with standards of ethics and integrity will likely lead to compliance missteps. When leaders openly demonstrate that they are committed to upholding the organization’s standards for conduct and they are transparent about their own efforts to align their behaviors and decisions with the organization’s standards, then it is likely that others will believe that they should demonstrate the same commitments.

Accountability and transparency: I said earlier that leaders must openly take responsibility for the ethics and integrity of the organization. An organization’s highest-ranking leader (CEO) should openly proclaim and demonstrate their commitment to compliance and then communicate to every member of the organization their expectations with respect to their personal commitment to the same standards. The organization’s adoption of a community approach to doing the right thing will not only enhance personal liability, but it will empower every individual—no matter where their role falls within the organization—to hold everyone accountable.

Organizations committed to ethics and integrity should weigh the benefits of incentivizing them. Rewarding employees and members of the organization’s community for aligning with and living the organization’s values helps build a coalition of compliance champions who can own and connect the compliance function with the organization’s broader strategic goals and objectives.

I realize that I am not covering all of the benefits of accountability and transparency, but I want to underscore the importance of being real about compliance challenges. Misconduct may occur in an organization that is highly committed to ethics and compliance. If it does, members of the community can learn valuable lessons from the identified infraction. Organizations that characterize episodes of misconduct as issues involving a few rogue employees may be missing an opportunity to help members of their community learn from the mistakes of

others. Transforming compliance missteps into opportunities for education helps personalize issues so that individuals understand that similar mistakes could affect them if they do not make the effort to avoid them. The end game is not to shame the individuals who engaged in the conduct but to share lessons learned from mistakes made within the organization.

It may be prudent to consider how the compliance issues are communicated and the extent to which the conduct can be separated from individuals involved, but using real-life scenarios to demonstrate that certain issues may directly affect the daily activities in which members of the community engage will help the organization's compliance program work in practice.

AT: What led you to leave the U.S. attorney's office and take an in-house compliance role at Thomas Jefferson University?

SFL: I lost my father in 2006. Instead of taking time to grieve, I rushed back to work because I thought staying busy would help take the focus off of this monumental loss. My husband and I welcomed our son into the world five months after my father's death. After the birth of our son, I realized that it was necessary to step back from the U.S. attorney's office to focus on myself and my family. No one recommended this decision, and I did not consult with my mentors and colleagues who were willing to offer wise counsel. I simply thought it was the right thing to do for me and for my family, so I did it. Spending time away from the fast pace of the legal profession afforded me the opportunity to self-reflect and assess.

When I decided to return to work full time, I weighed a number of options that were presented to me by some of the most respected members of the healthcare fraud bar. Working for the DOJ in Philadelphia and Washington, DC, enabled me to develop lasting professional relationships with some of the country's most talented professionals. My work with attorneys, economists, investigators, federal agents, compliance officers, and others helped establish a professional network that I continue to use in my professional and personal life. A friend and mentor, who still serves as one of my wise counselors on professional and other matters, asked me a question the answer to which ultimately formed the basis for my departure from government service.

The question centered upon what I wanted to accomplish and the experiences that could enhance successful entry into the next phase of my career. I was fortunate to have options, but my heart belonged to healthcare. When I entered law school, while working as a registered nurse in a Philadelphia academic medical center, I intended to return to a hospital to address all of the things I thought could change for patients and the healthcare professionals who served them. So, when Jefferson offered an intriguing opportunity to join their legal team, I accepted the challenge.

AT: From a personal perspective, what about the job was different than you thought it would be?

SFL: I joined Jefferson's legal team as associate counsel for compliance and enterprise risk. When I arrived, I understood how the government viewed healthcare compliance programs and the expectations associated with their effectiveness. What I did not understand more than a decade ago keeps me learning new and interesting things every day. For me, one of the most exciting things about healthcare compliance is a healthcare organization's ability to reinvent its compliance programs in anticipation of or in response to changing industry trends. Rather than branding the compliance program as a mysterious rule-setting mechanism, organizations have opportunities to expand ownership to every member of the community through innovation and creativity.

As I learned more about Jefferson, its business objectives, the community's commitment to its mission, and the extraordinary people who are invested in the organization's success, I knew that we could leverage these powerful attributes to transform the compliance team into a strategic partner for the business. I am sure the readers of *Compliance Today* can articulate hundreds of strategies for developing strategic partnerships with

organizational leaders and stakeholders. As I learned more about Jefferson, I figured out that there was plenty of room for creativity and experimentation.

So, to answer the question directly, when I arrived, I thought I had every skill I needed to lead Jefferson's enterprise compliance team and effectively support the organization's mission, vision, and values. I was wrong. My healthcare background and legal experiences were valuable, but when you are working in a rapidly changing industry and your organization continuously transforms itself and the market in which it operates, you need to bring some additional skills and abilities to the table. Over time, I learned that if I wanted to understand the science of organizational leadership and innovation, I needed to study it. As I complete my doctor of education in organizational leadership and innovation degree, I now know that leading an enterprise compliance program and the team of professionals who can successfully support a dynamic, innovative, and future-focused academic medical organization requires much more than legal acumen or years of compliance experience. It requires resilience, a commitment to learning, humility, passion, and courage.

AT: When you started the job, you were already familiar with compliance programs in healthcare, but I imagine there were quite a few surprises. Were there any things you wish you had known as a prosecutor?

SFL: My first legal employer, Judge Clifford Scott Green, told me that people with a thirst for learning are most effective in their careers. I think this principle rings true in my experience as a compliance professional. Although I had the great pleasure of serving as a member of the world's largest law office, where I worked on some of the most complex and exciting healthcare fraud matters, evaluating effectiveness of compliance programming as a prosecutor was very different than building an effective program. I was humbled and surprised by what I needed to learn when I arrived at Jefferson.

My career as a registered nurse helped me understand the healthcare matters upon which I worked as a trial attorney and assistant United States attorney, but understanding the business operations of an academic medical institution and establishing compliance programs that effectively address the specific needs of the organization requires careful evaluation and development of relationships that facilitate ongoing learning.

I think that compliance professionals must be willing to learn from everyone connected to the organization and the communities it serves. As the pace of change increases in the organization, its compliance professionals have to not only learn about the actual changes, but must also learn what those changes mean for the organization, the communities it serves, and the extent to which the organization can adapt to new regulatory and legal requirements as those changes occur.

I enjoy learning, but I underestimated the importance of balancing the time spent learning about the ever-changing healthcare landscape and the need to implement effective programming to support the healthcare entity's ongoing operations and strategic goals. In retrospect, I wish I would have taken more time to engage with representatives from the organizations that we investigated during my time at DOJ to understand how they attempted to align their operations with their understanding of applicable regulations and laws. Understanding and managing the practical challenges associated with balancing operational goals with regulatory requirements lies at the very heart of an effective compliance program.

It is not always easy to predict the numerous ways in which regulatory bodies will interpret statutes or other requirements. Organizations that are attempting to serve patients, educate students, enhance communities, and sustain their business operations may—even with the best of intentions—misinterpret regulations. Increased communication between regulators and the organizations they regulate might prevent some of the compliance failures that organizations experience in the healthcare industry. If I had an opportunity to return to government service, I would spend more time engaging with the organizations that are required to adhere to the laws and regulations we enforce to develop a better understanding of their point of view and the challenges they face.

AT: Your team is very diverse. We're at a time when there is increased focus on diversity and inclusion in our society. How do you foster a diverse and inclusive team?

SFL: Jefferson operates in a complex environment, serving communities in which people of all backgrounds, ethnicities, identities, ages, and beliefs live and work. We believe that our compliance program best serves the organization when it is led by members of the community it serves.

For us, the value of developing and sustaining a diverse team of compliance professionals is not about hiring the right number of individuals from specific races, genders, and ethnicities. Experience has taught us that diverse beliefs, experiences, cultures, educational and socioeconomic backgrounds, special abilities, and other factors help drive compliance programs that are uniquely tailored to meet the needs of the organization and the members of its communities. Bold and different thinking is enhanced by the varieties of experiences that inform our work.

The diversity of Jefferson's compliance team fosters innovation, creativity, and empathy through sharing different perspectives and approaches. I am not saying that magic happens when you bring people from different backgrounds and perspectives into a compliance team and charge them with engaging effectively. It takes careful planning and a commitment to creating an environment where opposing views can be shared and a willingness to learn more about another person's point of view is consistently supported. Respect, honesty, and empathy are key components of ongoing efforts to unleash the power of our diverse compliance team.

I think you have to be intentional and creative to build and sustain a diverse team. Remember, diversity attracts diversity. When I hire, I am looking for the best people I can find. People ask me how I find so many diverse candidates. Diverse candidates find us because we are transparent about who serves on our team and the principles upon which our program is built. We are looking for more than experience. We need people with skills and abilities that will add value and enhance our ability to effectively reach every member of the communities we serve.

The business of healthcare and education is diverse. Maintaining an understanding of the expanding universe of services we provide and the individuals we employ and educate helps build stature across the organization. Invitations to the strategic planning and implementation tables may be received as a result of the function, but return invites come when your team contributes meaningfully. Diversity of thought, experience, and approaches helps build a reputation for excellence that our team strives to accomplish and expand across all operational areas of the organization.

AT: Any advice to others in compliance about how they can do the same within their compliance team?

SFL: Successful recruitment is an important factor in developing a diverse team, but sustaining the team and building an environment in which individuals understand what respect means to their team members and how culture plays a role in effective collaboration are important aspects of diversity efforts. Identifying and removing personal bias to give people the benefit of the doubt when an interaction feels uncomfortable and having the courage to speak with someone about your concerns or things you do not understand are just two important means through which to ensure that teams leverage their differences to maximize effectiveness.

To lead a diverse team, I think you have to be courageous, compassionate, and self-aware. When you are developing a diverse team, finding ways to learn about the individual members of your team and celebrating their differences and emphasizing their similarities are key.

I do not know if this works in all environments, but we try to incorporate opportunities to explore, celebrate, and educate others about the unique skills, talents, and abilities possessed by every member of our team. We

celebrate Diwali, feast upon Armenian desserts, dance together in the middle of campus, volunteer with community organizations Jefferson partners with, and share opportunities to leverage our personal experiences to build comradery and inform compliance programming for the communities we serve. If you are open to learning as much as you can about your colleagues and the communities you serve, I think you can leverage that knowledge to develop trusting relationships among team members and the individuals with whom the team collaborates to deliver effective compliance programming.

Finally, I think you have to be intentional to build diversity within the ranks of an organization. Every activity has to be tethered not only to evaluating the personal attributes of team members, but also their merit. What every individual can contribute to the team can be evaluated through the lens of more than whether the person has worked in a compliance role for a long time.

AT: Looking to a post-pandemic future, are there any changes you made you anticipate holding onto?

SFL: Lessons learned from previous national crises suggest that overcommunicating with key stakeholders is necessary to ensure that compliant behaviors remain top of mind. Use of our existing communication tools, such as MyJeffHub and the Jefferson Alert line, helps us maintain constant communication with the Jefferson community. We recognize, however, that traditional methods of communication may be insufficient to reach all members of the community during this crisis. Town hall meetings, blogs, compliance briefings, FAQ documents, and other communication strategies have been deployed to enhance our compliance messaging capabilities. Delivery of highly sought-after content caused our compliance community engagement numbers to increase significantly.

We recognized the benefit of communicating effectively and frequently with the community. We will build future programming around developing more sophisticated communication channels and enhancing our relationships with our marketing, human resources, and organizational learning teams to ensure that the creative conversations we initiated with the community during the COVID-19 pandemic continue.

This period of disruption and uncertainty taught us that greater transparency, rapid and sustained communication with the community, and promotion of reporting mechanisms help our compliance team deliver an enhanced level of service and response during this crisis. By thoughtfully cultivating these discussions and implementing what is learned, we intend to guide our community members to a new era of bidirectional communication that is focused on honesty, respect, integrity, and accountability. Clearly articulating Jefferson's values and providing the community with opportunities to talk about what they mean will help us maintain a dialogue that will support the community's efforts to do the right thing.

AT: Thank you, Sonya!

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