

COMPLIANCE TODAY

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NIURKA ADORNO

REGIONAL COMPLIANCE OFFICER
MOLINA HEALTHCARE OF SOUTH CAROLINA &
MOLINA HEALTHCARE OF PUERTO RICO

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FROM
**IN-HOUSE
COUNSEL** TO
COMPLIANCE

**Meet
Niurka Adorno**

Regional Compliance Officer
Molina Healthcare of South Carolina &
Molina Healthcare of Puerto Rico

an interview by Gerry Zack

This interview with Niurka Adorno (niurka.adorno@molinahealthcare.com) was conducted by SCCE & HCCA CEO Gerry Zack in the last quarter of 2018.

GZ: Thanks for taking the time to be interviewed for *Compliance Today*. You have a diverse background in your career, starting with your work for a law firm. When did you first get interested in law as a career?

NA: Thank you, Gerry, for the invitation. As you mentioned, I have a diverse background personally and professionally. I was born and raised in Puerto Rico, where I lived until a year-and-a-half ago. For my undergraduate degree, I attended the University of Puerto Rico, Mayagüez Campus. My major, industrial management, required a course called Commercial Law. During that course, I became fascinated with the legal world and how attorneys provide guidance to corporations. And that became my goal, to work as a corporate attorney.

GZ: After that, you took a position as in-house legal counsel with a health plan. Was this your first exposure to healthcare? What drew you to an internal position?

NA: Yes, it was indeed my first exposure to healthcare. What first drew me to an in-house position was learning about two new areas: health and insurance law. Managing many aspects of only one client was another side of the position that made it challenging and appealing. Although the position was of a corporate attorney, in practice it was much more than that. I had to be ready to deal with a much bigger group of coworkers, including senior leadership and, although I reported to the general counsel, I needed to determine the appropriate course of action and strategy for each situation. It helped me develop the ability to communicate with

different areas within the company in order to get the right response for the specific issue(s) in a more efficient manner. I also gained experience dealing with external audits and regulatory requirements. Bottom line, the excitement of a high learning curve, an environment that is always changing and evolving, and the fact that one has to be prepared and aware that one decision can impact different departments drove me to dive into the position with a lot of energy and enthusiasm.

GZ: Since 2009, you've been in compliance roles. What prompted you to change from legal counsel to compliance?

NA: At the time when the opportunity to enter the compliance field came, I had been practicing law for seven years, and of those, three-and-a-half as in-house counsel. During those years in an in-house position, I had the opportunity to deal with many compliance-related tasks that gave me an inside look at what a compliance officer does. I performed risk analysis of legal cases and presented them to the board of directors in order to get approval to reach settlements in cases, investigated employees' misconduct and dealt with regulators, amongst others. The experience fascinated me and ultimately exposed me to a whole new side of the legal world that I found challenging and interesting. For me, it was an easy progression, since I already possessed the foundation for the new role.

GZ: How would you compare and contrast your in-house legal counsel role with the role of a compliance officer?

NA: Both roles are complementary, but not the same. They have similarities in regards to reviewing laws, regulations, managing risks and their impact to the company. As an in-house attorney, you provide advice to comply with those laws and regulations and look to legally protect it based on the company's interest. Whereas, as a compliance officer, we make sure the requirements of those laws and regulations are properly implemented to prevent noncompliance and possible sanctions. As a compliance officer, our role is broader. We are tasked with developing and implementing an effective compliance program, which oversees, monitors, and serves as a resource for compliance-related issues. Compliance is more a management function and has a closer working relationship with the business units and employees, whereas legal is seen as a protector of the company.

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GZ: For readers who aren't aware of your organization, can you explain a little about the nature of Molina Healthcare's operations, its scope, and so forth?

NA: Molina Healthcare Inc. is a Fortune 500 company that provides managed healthcare services under the Medicaid and Medicare programs and through the state insurance marketplaces. Through its locally operated health plans, Molina Healthcare serves approximately 4 million members. For more than 35 years, Molina has been dedicated to making quality healthcare accessible and affordable. The company has presence in 14 states and Puerto Rico.

To transition effectively into the compliance field, an attorney needs to possess an important trait — be a problem solver.

GZ: What has been your biggest surprise since making the switch to compliance?

NA: The biggest surprise for me was that compliance officers are often identified as “fixers” or the

“police” by company employees and some members of senior management. That is a misconception I have encountered in the companies I have worked for. It takes time and perseverance to change that preconception; it's a challenge, but it can be attained. In my recent role in Molina Healthcare, I have found that employees, senior leaders, and even the presidents of both of my health plans are more open to include compliance in their meetings and activities. Now, I see them reaching out to us more often to prevent rather than mitigate.

GZ: Staying on top of compliance-related developments and changing risks can be very difficult. How do you stay current on the numerous compliance developments that affect your organization?

NA: Our teams in Government Contracts, Regulatory Affairs, and Corporate Compliance are always looping us in on any compliance-related developments and any risks that may impact our company. Having these corporate partners in such a complex environment has been key. Also, monitoring our regulators' websites and subscribing to their newsletters is important to ensure recent laws or regulations do not go unnoticed. HCCA has been a great resource to identify these changes. Having access to this information is key to minimize risk, maximize response, educate, and quickly adapt to an evolving industry.

GZ: Privacy and security are one of the biggest and most rapidly changing categories of risk for a healthcare organization. How have recent developments in this risk area affected your department's work and the organization in general?

NA: As you have stated, privacy and security are constant risks that are monitored very closely in our organization. A recent development has been focused on cybersecurity. Since last May, South Carolina passed a new law to ensure that licensees of the South Carolina Department of Insurance (DOI) have an aggressive cybersecurity program to protect personal data. The South Carolina Insurance Data Security Act, which is modeled after the [National Association of Insurance Commissioners] NAIC Insurance Data Security Model Law, has similar requirements to the Health Insurance Portability and Accountability Act. Although the DOI has been releasing additional information, we have created a workgroup with our privacy and security officers, and Government Contracts and Legal teams, to analyze the requirements, impacts, and risks associated with this new requirement. We are getting ready, because we foresee the enactment of similar laws in other states in which Molina is present.

GZ: Compliance risks are constantly changing. We've already talked about privacy and security. What are some of the newer risk areas you deal with that weren't really on many healthcare organizations' radars a few years ago?

NA: In recent years, healthcare has become one of the fields that is seeing more growth, and with it comes risks. New and constantly changing healthcare laws are some of the challenges for healthcare organizations. The Affordable Care Act (ACA) has brought many changes that were not on my radar when I started in compliance. Other risk areas are cybersecurity attacks, since healthcare organizations have

been a constant target for these. To minimize emerging risks, we are regularly educating staff on the latest threats and implemented controls to prevent them.

GZ: As someone who has experienced all three, what advice would you have for a law student or early career lawyer regarding how to go about making the decision between career paths with law firms, in-house counsel, or in compliance?

NA: The legal world is in constant evolution, especially in healthcare. It's a field with an incredible amount of opportunity and demand. For a law student, internships are key to deciding the legal field in which he/she may want to practice. They provide students with experience, advantages, and contacts to enter the workforce. If you are interested in health law, you should take an introductory course and see which particular aspect of the field interests you the most. A career with a law firm is the most common path for recent graduates. It will provide them with the experience and knowledge needed to grow within the firm or in the profession. If you want to acquire experience and expertise on a variety of legal matters, an in-house position may be the right fit. I recommend that you get to know the business; the more you learn about it, the more effective you'll be at your job. Remember, you will be providing counsel to different areas within the organization. In recent years, I have seen more lawyers transitioning to compliance positions. To transition effectively into the compliance field, an attorney needs to possess an important trait — be a problem solver. We should not be perceived as the ones who

always say “no” to a proposed course of action. Hence, we need to think outside the box and look for creative ways and solutions to be compliant and address the needs of the organization.

GZ: What advice would you have for someone who is just entering the field of healthcare compliance?

NA: Now that you are entering the field, it is important that no matter the position that you hold, it is

imperative to build trusting relationships with employees and business owners. That is key to maintaining an effective compliance program. Also, get involved in a compliance organization such as HCCA. If you have the opportunity, attend as many trainings and conferences as you can to gain knowledge and learn best practices. And most importantly, network with your peers.

GZ: Niurka, thanks for sharing your experiences with our readers. CT

