

Alliance for Health Care Integrity

A Health Care Industry Initiative to
Integrate Compliance, Ethics, and Corporate Responsibility

May 15, 2002

Office of Public Affairs
U.S. Sentencing Commission
Suite 2-500 South Lobby
One Columbus Circle
Washington DC 20002

ATTN: The Advisory Group on Organizational Guidelines

We commend the Advisory Group on taking this first step in updating and enhancing the Organizational Guidelines. They have served industry, government, and the public well, but, as experience and research will attest, they can be further strengthened to achieve their goal of preventing corporate crime.

I'll limit my comments to three since I have already submitted more extensive remarks (see our letters dated February 21, 2001 and November 1, 2001), as well as met with Sentencing Commission staff in April 2001.


First, we recommend that the Guidelines be revised to integrate compliance and organizational ethics. Compliance represents a minimum standard of business practice, whereas ethics represents an optimal one. If compliance focuses on the tip of the iceberg, ethics focuses on the rest of it. By integrating compliance and ethics, one gains access to the core values—some would say the heart—of the organization and the individuals who comprise it.

Second, we recommend that the revised Guidelines strongly emphasize integrated compliance-ethics performance measures that have been designed by—and are verified by—all major stakeholders, *not just* corporate representatives, their advocates, and their professional and trade associations. These measures would surpass the typical nose-counting that occurs today by addressing changes in knowledge, attitudes/beliefs/values, and behaviors at individual and organizational levels over time—and relate them to the outcomes expected by the corporation and, more broadly, the industry.

Third, we recommend that Advisory Group consider the value of an independent, multi-stakeholder body that can certify the results of our first and second recommendations. At present, industry does not trust the regulatory and enforcement authority of government; government does not trust the self-assessment measures of industry; and the public doesn't trust either industry or government very much. It is our belief that a certifying body could build—and sustain—trust among all three groups, thereby delivering the best strategy for preventing corporate crime.

Thank you for this opportunity to share our recommendations with you.

Sincerely,


Robert Olson, PhD, MPH
Executive Director

Board of Directors

Mark Aulisio, PhD
*Center for Biomedical Ethics
Case Western Reserve University*

Louis Feuerstein
Ernst & Young LLP

Robert Olson, PhD, MPH, Chair

Andy Thurman, JD
West Penn Allegheny Health System

Patricia Werhane, PhD
*The Darden School of Business
University of Virginia*

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*Joint Commission on
Accreditation of Healthcare Organizations*

David C. Smith, PhD
Council for Ethics in Economics

Affiliations listed for identification purposes

Staff

Robert Olson, PhD, MPH
Executive Director