

# Compliance Career Portfolio

## *Compliance Experience*

This portfolio has been drafted to provide a supplemental background of the depth and breadth of Mr. Asbury's professional compliance experience beyond that which a traditional *resume* or *LinkedIn profile* can convey.

## Overall

I am a *problem solver* with a specialized ability to find “opportunities for improvement” (*i.e.*, system flaws) and identify the talents of others to maximize positive outcomes. In addition, I have an acute eye for detail, which makes the analysis of contracts and other documents somewhat second nature. For example, before joining WellCare, I had not worked for a Fortune 500 company, a managed care organization (“MCO”), or a formal Compliance Department. Despite this, my work ethic and initiatives paved the way for an unsolicited promotion within six months to oversee WellCare’s most crucial government contract, the Corporate Integrity Agreement (“CIA”).

I have embraced challenges and adversity throughout my life, and I am proud to consider myself an overachiever. As such, my activities have provided many unique perspectives that individually are not uncommon, but in conjunction with one another would generally be considered atypical, nonetheless. In addition, I am motivated by my family to ensure they are well cared for and through opportunities to work for a corporation whose purpose, ethics, and values I share.

My role as Regulatory Counsel allowed me to function independently within a broad scope of established departmental policies and practices. Further, I provided analysis of (and resolution to) a diverse range of complex compliance-related legal and regulatory matters. Accordingly, my core responsibilities included direct oversight of state and federal regulatory requirements, including drafting the Corporate Integrity Agreement Annual Report for WellCare, a publicly-traded MCO—providing legal advice and analysis regarding the CIA, regulatory reports, government programs (Medicare/Medicaid), compliance issues relating to fraud, waste, and abuse (“FWA”), and investigations. I also served as the regulatory compliance resource for the company to ensure compliance with regulatory/contractual requirements and educate the Compliance Department leadership team on corporate compliance matters.

My oversight of WellCare’s CIA included coordination and administration of the CIA itself, cross-functional project management of preparation of the CIA Annual Report, the FWA Investigation Disclosure Log (Disclosure Log), and drafting and data validation of the CIA Annual Report. Additional responsibilities included a legal/advisory role on WellCare’s Policies & Procedures Committee, strategic alignment of related enterprise-wide initiatives, policy drafting, technological/software integration relating thereto, and outside counsel management. I also reported directly to the Chief Compliance Officer, which required substantive ongoing collaboration with the Vice President, Regulatory Compliance Counsel, and Chief Privacy Officer.

## Government Contracts

I have nearly five years of experience working with government contracts, starting in 2009 during my tenure with a government regulator, the [Florida Agency for Health Care Administration](#) (“AHCA”). This involvement included:

### Snapshot

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After nearly three years as a government prosecutor, WellCare recruited me for the role of Compliance Liaison in December 2011. Within six months, I was promoted to Regulatory Compliance Counsel.

I have extensive professional experience in the business and legal sector, including the development/implementation of corporate operations, policies, procedures, and practices, legal compliance accreditation standards, and oversight and monitoring of internal/external personnel and stakeholders.

- ✓ **Government Bidding Process:** At WellCare, I was the project leader of a comprehensive assessment, in collaboration with the Internal Audit Department, of the Florida market's Florida Healthy Kids line of business in preparation for full re-procurement;
- ✓ **Bid Protest Litigation Strategy:** My experience as a government prosecutor representing a regulatory agency allowed me to acquire valuable internal, first-hand knowledge and expertise regarding bid protest litigation strategy;
- ✓ **Mandatory Disclosure Rule / Criminal or Civil Fraud Allegations:** I have substantive experience with mandatory disclosure requirements and fraud allegations, especially as it relates to my oversight of WellCare's CIA Annual Report and Disclosure Log; and
- ✓ **Organizational Conflicts of Interest:** Inherent in my various government and compliance roles, I have come across and been directly involved with organizational conflict of interest matters and played integral roles in attaining an equitable resolution of such disputes.

### *Building and administering a compliance function in healthcare industries*

My experience building and managing compliance functions in the healthcare industry began as the Executive Director of Teen Challenge. In this residential healthcare facility, I evaluated all aspects of the program and led research initiatives to implement best practices, change management protocols, associated staffing modifications, overall programmatic restructuring, drafted revisions to policies/procedures to effectuate a more compliant and patient-focused modality within all operational areas. This role included ultimate responsibility and oversight of performance operations improvements, profitability, and outcomes; rebuilding, administration, and (change) management of policy and procedure, program goals, objectives, and criteria. I also managed a budget exceeding \$1 million, created vision statements, oversaw strategic plans, and all administrative, employment, marketing, advertising, and legal/compliance requirements—including drafting more legally binding corporate-level.

## Healthcare Sector

*(including matters involving HIPAA, the Privacy Act & FWA under Medicare/Medicaid)*

Although my tenure with WellCare formed the basis of my professional experience with an MCO, and indeed the most substantive and valuable direct experience with matters involving HIPAA, the Privacy Act, or FWA issues under Medicare and Medicaid, my experience in the healthcare sector began in 2002. While in private practice, I represented medical entities and physicians' groups in various capacities. Such representation included emergency physician practices, cardiovascular clinics, a clinical laboratory, an ER, and neurosurgery.

After spending two years as Executive Director of Teen Challenge, I served as a government healthcare prosecutor for nearly three years. I was the lead prosecutor in over 100 cases as a government attorney. In addition, I was selected as an integral member of the Emergency Suspension Order (ESO) & Moratorium Team, advising whether the State of Florida should pursue an ESO or moratorium. In December 2011, I assumed the *Compliance Liaison* position for WellCare, reporting directly to the Chief Compliance Officer (*and the Board Regulatory Compliance Committee*) before accepting an unsolicited promotion to Regulatory Counsel.

## Management Style

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I utilize a solutions-oriented approach when dealing with internal or external colleagues (*whether senior executives, managers, or direct reports*), especially when involving compliance matters.

This collaborative approach helps convey positive reinforcement and helps ensure everyone believes they are an essential and valuable part of the team.



Specifically, my roles at WellCare included, *inter alia*, providing HIPAA training to various business units, conducting HIPAA walkthroughs, providing legal, healthcare, and compliance advice regarding WellCare's CIA, oversight of the CIA Annual Report's Disclosure Log, and analysis of compliance issues relating to FWA, Medicare/Medicaid, investigations, and self-disclosures.

### Project Management

My experience managing large projects involving multiple team members began as the Executive Director of Teen Challenge. It was in this setting that I initiated several large-scale projects. Such initiatives included overall program evaluation, forming a new leadership team, leading research initiatives to implement best-practices, change management protocols, and associated staffing transitions; Overall programmatic restructuring, drafting revised policies and procedures to harmonize such endeavors, and coordinating related training associated therewith to effectuate a more compliant and patient-focused modality within our operational framework. More specifically, such cross-functional and collaborative activity included but was not limited to ultimate responsibility and oversight of performance operations improvements, profitability, and outcomes; Rebuilding, administration and (change) management of policies and procedures, program goals, corporate objectives, and criteria; Preparation and management of budgets exceeding \$1 million; Creating vision statements and overseeing strategic plans; Ownership of all administrative, employment, marketing, advertising, and legal/compliance requirements, including drafting more legally binding corporate-level documentation and upgrading the publication quality of work-product for distribution to the public domain.

My roles at WellCare allowed me to build effectively upon this foundational experience. As Compliance Liaison, my analysis of internal processes resulted in identifying specific process improvements relating to assessment and reporting activity. Such process improvements included recommendations to more effectively utilize software (*relating to policy and procedure*) to streamline resource allocations concerning associated assessment activity. I also developed and implemented a Compliance Liaison-specific dashboard (*a robust metrics environment with market-specific and corporate-wide metrics*) to enhance assessments and minimize manual efforts necessary to complete related (*reporting and remediation*) assignments. As Regulatory Counsel, my core responsibilities included administering the CIA Annual Report and Disclosure Log; Assessment and identification of remediation initiatives; Oversight of the Disclosure Log, including investigations related thereto; and facilitating increased compliance transparency. My Disclosure Log oversight allowed me to identify, draft, and design new internal investigations program criteria to ensure monitoring/documentation standards, including administration/monitoring of investigations sufficiency. Senior management embraced my leadership initiative, and I was credited with fostering continuity and consistency among the various investigatory units.

### Working with senior levels of management and with the Board of Directors

I have significant and broad experience working with senior levels of management and the Board of Directors. While in private practice, I served on various Boards and Advisory Boards. I also had enterprise-wide visibility with WellCare's executive leadership, reporting directly to the Chief Compliance Officer (*and the Board Regulatory Compliance Committee*), and consistently participated as an active member of Senior Management Team and Policy Team meetings.

### Working with non-managerial employees

I have extensive experience working with non-managerial employees in various capacities in private practice overseeing non-attorney personnel (*secretaries, paralegals, and lower-level attorneys*), as Executive Director of Teen Challenge managing over 20 employees (*counselors, program directors, and case managers*), as a government healthcare prosecutor (*regulatory analysts, secretaries, paralegals, lower-level attorneys, surveyors, and registered nurses*); and at WellCare, as project leader and under my oversight of the CIA Annual Report and Disclosure Log (*Sr. Systems and Reporting Analysts, Compliance Specialists, and investigators within the Legal Dept., HIPAA team, CIU, SIU, and SCIU*).

## Regulatory & Investigatory Initiatives

The initial activity associated with my oversight of the CIA Annual Report's Disclosure Log involved not only relationship-building with key associates (*team leaders*) but also significant *deep dives* into the core functionality of each business unit; the degree of interplay/communication between each Unit (*how they worked together*); identification of core investigator activity, investigations criteria including how cases were transferred or referred internally or externally, follow-up of such transferred or referred cases, and how final determinations were made. This included a comparative analysis of criteria/legal requirements, assessment of internal consistency, and the resultant identification, design, and development of process improvements for quality control of the Disclosure Log work product. I was also directly involved in investigating and remediating reported issues and creating data-driven reports for senior management regarding compliance program trends.

These efforts culminated with my design and implementation of a dashboard for the Disclosure Log to enable a proactive analysis of quality metrics and streamline and enhance my ability to manage the Disclosure Log. Residual downstream benefits included maximizing the work product quality, identifying gaps, and streamlining any identified remediation for timely deliverables within established benchmarks. As a result of this project, I detected several *improvement opportunities* and briefed senior compliance executives accordingly.