

## CEP Magazine – October 2020

### Meet Bob Borntrager: Compliance in the public sector

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Bob Borntrager, CCEP, CCEP-I, CHC, CHPC, former (retired) Chief Compliance and Privacy Officer for the County of San Diego in California, USA, and Instructor at San Diego State University Global Campus

Bob Borntrager ([bobborntrager@cox.net](mailto:bobborntrager@cox.net)) was interviewed by Adam Turteltaub ([adam.turteltaub@corporatecompliance.org](mailto:adam.turteltaub@corporatecompliance.org)), Vice President, Strategic Initiatives & International Programs at SCCE & HCCA.

**AT:** You've spent your compliance career in county government, which doesn't have a lot of compliance professionals. What led San Diego County to start a compliance program?

**BB:** Back in the late 1990s, a number of California counties got into trouble with the Centers for Medicare & Medicaid Services for inappropriately billing Medicare for mental health services being provided to county patients. Our Behavioral Health Services director at the time saw the writing on the wall and, in 2002, advocated for the creation of a compliance program to prevent the same type of problems in San Diego. Under our organizational structure, Behavioral Health was part of the Health and Human Services Agency, which also included Public Health Services, public assistance programs, aging programs, and child welfare programs, among others. Since all of those received significant amounts of federal funding, the decision was made to have the compliance program cover all of the programs in the Health and Human Services Agency and the approximately 5,500 employees at the time. The county's privacy program was also made part of the Health and Human Services Agency at this time.

This was the structure until 2009, when the county received federal grants under the American Recovery and Reinvestment Act (ARRA) totaling more than \$120,000,000 for a variety of projects from airport runway repaving to low-income housing solar energy retrofits to senior nutrition projects. Because of the expanded Conditions of Grant Award under the ARRA grants, the Health and Human Services compliance program assumed responsibility for ensuring the county met ARRA requirements, becoming the de facto county compliance program.

Finally, in 2012, the enterprise-wide portion of the compliance program (still organizationally a part of the Health and Human Services Agency) was merged with the Office of Internal Affairs to form the Office of Ethics and Compliance (OEC), with ethics, compliance, and privacy oversight responsibility for the enterprise.

For fiscal year 2019–2020, the county has more than 18,000 employees and an operating budget of more than \$6.2 billion.<sup>[1]</sup>

**AT:** How is the program structured?

**BB:** The OEC is a part of the county's Chief Administrative Office and reports directly to the chief administrative officer, the highest appointed county official. The chief administrative officer is responsible for the day-to-day operations of the county. The OEC currently consists of a staff of seven:

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