

**Policy 300.001 – Corporate Compliance Plan
ALCOHOL & DRUG COUNCIL OF TOMPKINS COUNTY, INC.**

I. Policy

It has been and continues to be the policy of the Alcohol & Drug Council of Tompkins County, Inc. (ADC) to comply with all applicable federal, state, and local laws and regulations, and payer requirements regarding documentation and billing for services provided.

II. Commitment

ADC is committed to our responsibility to conduct our business affairs with integrity based on sound ethical and moral standards. We will hold our employees, non-employee agents, Board members, and volunteers to these same standards. ADC is committed to maintaining and measuring the effectiveness of our Compliance Plan (CP) and related standards through monitoring and auditing systems reasonably designed to detect noncompliance by its employees and agents. We shall require the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in federal and state health care statutes, regulations, and health care program requirements.

III. Responsibility

All employees and agents will acknowledge that it is their responsibility to report any suspected instances of suspected or known noncompliance to their immediate supervisor or the Director of Corporate Compliance (DCC). Reports may be made anonymously without fear of retaliation or retribution. Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination

IV. Policies and Procedures

ADC will communicate its compliance standards and policies through required training for all employees and agents. Failure to abide by the CP and applicable policies and procedures as specified in the ADC's Policy and Procedure Manual will result in disciplinary action, up to and including termination of employment. Termination requires Compliance Committee (CC) approval.

V. Enforcement

ADC will consistently enforce the CP through appropriate disciplinary action including, if appropriate, discipline for failure to report noncompliance. Discipline may include termination of employment, but in all such cases termination requires CC approval.

VI. Agency Response

Detected and/or suspected noncompliance will be responded to in an expedient time period. ADC is committed to the resolution of such matters and will take all reasonable steps to prevent further violations, including any necessary modifications to the Plan.

VII. Due Diligence

ADC will, at all times, exercise due diligence with regard to professional licensure requirements and CMS prohibited participant pronouncements for all prospective employees and agents. ADC will exercise due diligence with regard to training and education for all new and continuing employees.

VIII. Whistleblower Provisions and Protections

The False Claims Act provides protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the False Claims Act. ADC will not take any retaliatory action against any employee if the employee discloses certain information about ADC's policies, procedures, or activities to a regulatory, law enforcement, payer compliance agency, or public official. Protected disclosures are those that assert that ADC is in violation of laws, regulations, or standards that create a substantial and specific danger to the public health or which constitute health care fraud under the law or that assert that, in good faith, the employee believes constitute improper quality of patient care.

THE ROLE OF THE COMPLIANCE OFFICER

I. Compliance Officer

The Board of Directors appoints and authorizes a Director of Corporate Compliance (DCC). The DCC reports directly to the Board of Directors and Executive Director and is authorized to communicate directly with corporate legal counsel. The DCC is committed to the highest standards of ethical business and compliance behavior. Failure to adequately implement and maintain the Compliance Plan or portions thereof subject the DCC to disciplinary action, up to and including termination of employment with ADC.

II. Job Duties

The DCC is directly obligated to serve the best interests of our agency, consumers and employees. Responsibilities of the DCC include but are not limited to:

- Developing and implementing compliance policies and procedures (P&P).
- Overseeing and monitoring the implementation of the compliance program.
- Directing internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical/clinical program personnel, and individual departments regarding P&P and applicable laws, rules, and regulations.
- Updating, periodically, the Plan as changes occur within ADC, with the law and regulations, or governmental and third party payers.
- Coordinating, developing, and participating in the educational and training program.
- Actively seeking up-to-date material and releases regarding regulatory compliance.
- Maintain a reporting system and responding to complaints and questions regarding compliance.
- Actively investigating and acting on issues related to compliance in accordance with Plan procedures and ADC Whistleblower Protection.
- Notification within 48 hours to the Board's Compliance Committee of any compliance issues raised by employees or discovered through the auditing process.

THE STRUCTURE, DUTIES, AND ROLE OF THE COMPLIANCE COMMITTEE

I. Reporting Structure and Purpose

Compliance Committee (CC) members are appointed by the Board President. Compliance issues are reported by the DCC to the CC. The CC's purpose is to advise and assist the DCC with implementation of the Plan and to provide final authority and oversight for the agency.

II. Function

The roles of the Compliance Committee include:

- Analyzing the environment in which ADC does business, including legal requirements with which it must comply and identifying potential risks of non-compliance.
- Reviewing and assessing existing P&P that address risk areas for possible incorporation into the CP.
- Monitoring internal and external audits for identified non-compliant issues and risks.
- Implementing corrective and preventive action plans.
- Review and adapt processes to solicit, evaluate, and respond to complaints and problems.
- Monitor the performance of the DCC, providing oversight and final authority regarding compliance issues, review disciplinary actions, and authorize terminations for non-compliance.
- Meet at minimum every six months or sooner as directed by the Board President or requested by the DCC.

DELEGATION OF SUBSTANTIAL DISCRETIONARY AUTHORITY

I. Requirement

Any employee or prospective employee or agent who holds, or intends to hold, a position with substantial discretionary authority for ADC is required to disclose any name changes and any involvement in non-compliant activities including health care related crimes. In addition, ADC performs reasonable inquiries into the background of such persons. The following organizations must be queried with respect to potential employees and agents:

- a) General services administration: list of parties excluded from federal programs.
New Hire/Every 6 months
- b) HHS/OIG cumulative sanction report.
New Hire/Every 6 months
- c) NYS Medicaid Fraud Database.
New Hire/Every 6 months
- d) Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants, Nurse Practitioners, Registered Nurses)
New Hire/Every 6 months
- e) New York State Department of Education (other licensed professionals)
New Hire/Every 6 months
- f) OASAS (CASAC staff)
New Hire/Every 6 months

EDUCATION AND TRAINING

I. Expectations

Education and training are critical elements of the CP. Every employee and agent is expected to be familiar and knowledgeable about ADC's CP and have a solid working knowledge of his or her responsibilities under the plan and respective job description. Compliance policies and standards will be communicated to all employees and designated agents through required participation in training programs.

II. Training Topics

All employees and agents shall participate in training on the topics identified below:

- Governmental and private payer reimbursement principles;
- OASAS, Medicaid, and Insurance Industry therapy documentation standards;
- General prohibitions on paying or receiving remuneration to induce referrals;
- Prohibitions against signing for the work of another employee;
- Prohibitions against alterations to medical records and appropriate methods of alteration;
- Duty to report misconduct.
- Required adherence to HIPAA and privacy regulations;
- Required adherence to professional ethics, as required by licensing standards.

III. Orientation

As part of their orientation, each employee, non-employee agent, intern, volunteer, and Board member shall receive a written copy of the CP, access to the policies and procedures manual, and specific standards of conduct that affect their position.

IV. Attendance

All education and training relating to the Plan will be verified by attendance and a signed acknowledgement of receipt of the Plan and related standards. Attendance at compliance training sessions is mandatory and is a condition of continued employment.

EFFECTIVE CONFIDENTIAL COMMUNICATION

I. Expectations

Open lines of communication between the DCC and every employee and agent subject to the CP are essential to the success of the CP. Each employee is obligated to refuse to participate in any wrongful course of action and to promptly report such actions according to the procedure listed below.

II. Reporting Procedure

If an employee or agent witnesses, learns of, or is asked to participate in any activity that is potentially in violation of the CP, he or she should contact his or her immediate supervisor, the DCC if said complaint involves a supervisor, or the Board Compliance Committee if the complaint involves the DCC. Reports may be made in person, by mailing information to ADC DFCC, 201 East Green St, Suite 500, Ithaca, New York, 14850, by emailing compliance@alcoholdrugcouncil.org, or placing the complaint in the secure mailbox in the file room. Upon receipt of a concern, the appropriate person shall document the issue at hand and report to the DCC or CC. The DCC or Committee Member shall record the information necessary to conduct appropriate investigations of all complaints. If the employee was seeking information concerning the CP or its application, the supervisor or DCC shall record the facts of the report and the nature of the information sought, and respond as appropriate. ADC will, as much as is possible, protect anonymity.

III. Protections

The identity of reporters will be safeguarded to the fullest extent possible and will be protected against retribution. Reports of any suspected violation of the CP by following the above shall not result in any retribution. Any threat of reprisal against a person who acts in good faith pursuant to his or her responsibilities under the CP is acting against ADC's compliance policy. Discipline, up to and including termination of employment, will result if such reprisal is proven.

IV. Guidance

Any employee or agent may seek guidance with respect to the CP at any time by seeking instruction from their supervisor or following the reporting mechanisms outlined above.

ENFORCEMENT OF COMPLIANCE STANDARDS

I. Background Investigations

For all employees who have authority to make decisions that may involve compliance issues, ADC will conduct a reasonable and prudent background investigation, including a reference check, verification of education, verification of license or certification, and verification of non-prohibited participation status as part of every employment application.

II. Disciplinary Action - General

Employees who fail to comply with ADC's compliance policy and standards, or who have engaged in conduct that has the potential to negatively impact ADC's status as a reliable, honest, and trustworthy service provider, will be subject to disciplinary action, up to and including termination. Any discipline will adhere to the progressive discipline policy and will be appropriately documented in the employee's personnel file. The DFCC shall maintain a record of all disciplinary actions involving the CP and report at least semi-annually to the Board Compliance Committee regarding such actions.

III. Disciplinary Action - Supervisory

Supervisors will be sanctioned for failure to adequately instruct their subordinates or failure to detect noncompliance with applicable policies and legal requirements where reasonable diligence on the part of the manager or supervisor would have led to the earlier discovery of any problems or violations and would have provided ADC with the opportunity to correct them.

AUDITING AND MONITORING OF COMPLIANCE ACTIVITIES

I. Internal Audits

Ongoing evaluation is critical in detecting non-compliance, systemic flaws, and will help ensure the success of ADC's Compliance Program. An ongoing auditing and monitoring system, implemented by the DCC and in consultation with the CC, is an integral component of our auditing and monitoring systems. This ongoing evaluation shall include the following:

- NYS OMIG annual work plan will be reviewed as resource for plan content.
- Review of external relationships, specifically those with exposure to government enforcement actions;
- Compliance audits of compliance policies and standards; and
- Review of documentation and billing relating to claims made to federal, state, and private payers for reimbursement, performed internally or by an external consultant as determined by DCC and CC.

The audits and reviews will examine ADC's compliance with specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and agents), billing records, and client record documentation reviews.

II. Program Integrity

Additional steps to ensure the integrity of the Compliance Plan will include:

- The DFCC and CC will be notified immediately by telephone in the event of any non-routine visits, audits, investigations, or surveys by any federal, state or local agency or authority.
- The DFCC shall immediately receive a photocopy of any non-routine correspondence (including notifications of monitoring visits by State agencies) from any regulatory agency charged with administering a federal, state, or local funded program, received by any of ADC's programs.
- The DFCC is responsible for notifying the CC of any applicable changes in laws, regulations or policies as the information becomes available. The DCC and CC are responsible for facilitating the review, modification, or creation of applicable policies and procedures as indicated by changes in laws, regulations, or policies, and for providing actual training and/or training curricula on new regulations and laws so as to ensure continuous compliance.

DETECTION AND RESPONSE

I. Violation Detection

The DCC, in consultation CC will review whether there is any basis to suspect that a violation of the CP has occurred. In the event that the violation or potential violation appears to have merit, the DCC, with input from the Corporate Attorney and CC, shall conduct a more detailed investigation. This investigation may include, but is not limited to, the following:

- Interviews with individuals having knowledge of the facts alleged;
- A review of documents;
- Legal research; and, or
- Contact with governmental agencies for the purpose of clarification. If the violation appears to be substantial in nature or potentially criminal, the matter shall be referred to the Corporate Attorney who, with the assistance of appropriate personnel, shall conduct a further investigation. If advice is sought from a governmental agency, the request and any written or oral response shall be fully documented and communicated to the DCC and Compliance Committee for discussion and potential further action.

II. Reporting

Internal:

At the conclusion of an investigation involving the Corporate Attorney, the Attorney may be asked to issue a written report summarizing the findings, conclusions, and recommendations and rendering an opinion as to whether a violation of the law has occurred. Any written report will be sent to the DCC and the CC.

External:

At the conclusion of an investigation any confirmed non-compliance issue will be reported to NYS Medicaid, Third Party Payer, or appropriate payer source along with an explanation of said issue.

III. Rectification

If ADC identifies that an overpayment was received from any third party payer, the appropriate regulatory (funder) and/or prosecutorial (attorney general/police) authority will be appropriately notified with the advice and assistance of counsel. It is our policy to not retain any funds which are received as a result of overpayments. In instances where it appears an affirmative fraud may have occurred or funds have been received due to billing errors, appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future.

IV. Record Keeping

Regardless of whether a report is made to a governmental agency, the DCC shall maintain a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged and will not be released without the approval of the Compliance Committee or Corporate Attorney.