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## SCHOHARIE ARC POLICY AND PROCEDURES

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BOARD APPROVAL DATE: 12/30/19

EFFECTIVE DATE: 12/30/19

TITLE: CODE OF CONDUCT POLICY

POLICY# 10-1.2

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### **I. Policy**

Schoharie Arc's Code of Conduct it is an integral component of our Corporate Compliance Plan and provides guidance to all employees and assists us to carry out our daily activities within appropriate ethical and legal standards. All employees, persons associated with the provider, executives and governing body members must know, understand and follow the Corporate Compliance Code of Conduct. Each will receive and sign for a copy of the Code of Conduct upon associating with the Schoharie Arc. It is expected that he or she will follow the agency's code of conduct when providing direct support to individuals and conducting business with our agency.

The Schoharie Arc's Code of Conduct is a set of guiding principles that are more completely developed in the Corporate Compliance Plan and its related policies and procedures. Our Code of Conduct, which reflects our tradition of supporting people, provides guidance to ensure our work is done in an ethical, legal manner. Our Code of Conduct emphasizes the shared common values and culture we seek to cultivate that guides our actions each day.

The Schoharie Arc will use due care not to employ, contract with or delegate substantial discretionary authority to any individual with a propensity to engage in illegal activities. In order to maintain the integrity of our services and financial and business operations, it is critical that the agency hire and contract with individuals and entities that have the same respect for applicable legal and ethical obligations that the agency has. All current and prospective employees will be required to disclose whether he or she has committed a crime, including health care related crimes and The Arc will comply with requirements promulgated under state law with respect to background checks and appropriate screening activities as those requirements apply to personnel within the agency's operations.

Further, the Schoharie Arc will check to determine if employees, persons associated with the provider, executives and governing body members have been excluded from participation in the federal healthcare programs by checking New York State Office of Inspector General's (OIG) list of excluded parties at both a federal and state level (see exclusion checks policy).

### **II. Scope**

This Policy applies to all employees, persons associated with the provider, executives and governing body of the Schoharie Arc's

### **III. Procedure**

#### **Educate on the Code of Conduct**

##### **A. Employees/Volunteers**

New staff member will be provided with a copy of the Code of Conduct at the time of hire and will sign an acknowledgement of receipt of the Code of Conduct, indicating his or her understanding and commitment to follow the Code of Conduct. All staff will review the Code of Conduct annually in Relias and attest that they understand, and agree to adhere to it.

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**B. Supervisors**

While all employees are obligated to follow our Code of Conduct, the Schoharie Arc management team is expected to set an example. We expect all agency supervisory employees to: (1) exercise their responsibilities in a manner that is kind, sensitive, thoughtful and respectful. We expect each supervisor to create an environment where all employees feel free to raise concerns and propose ideas; (2) ensure their employees have sufficient information to comply with laws, regulations and Schoharie Arc policies and procedures, including but not limited to those related to the agency's Corporate Compliance Plan and to resolve ethical dilemmas. Supervisors must create a culture within the agency which promotes the highest standards of ethics and compliance.

**C. Persons Associated With The Provider**

Independent Contractors, Vendors and Business Associates will be provided with a copy of the Code of Conduct/compliance packet at the time of entering into a written agreement with the Schoharie Arc. They will be asked to sign the acknowledgment indicating his or her understanding and commitment to follow the Code of Conduct. Annually they will receive our Compliance Packet and/or a notice of how to access our Code of Conduct on our website [schohairearc.org](http://schohairearc.org).

**D. Executives and Governing Body Members**

Each Executive and Board member shall be provided with a copy of the Code of Conduct at the time of Board orientation and reviewed annually. Each new Board member will be oriented within three (3) months of joining the Board of the Schoharie Arc on the Code of Conduct and will sign an acknowledgement of the Code of Conduct at that time, indicating his or her understanding and commitment to follow the Code of Conduct.

## **Schoharie Arc Corporate Compliance Code of Conduct**

### **Our Mission**

“To serve and support individuals with differing abilities.”

To develop person-centered supports and services consistent with the individualized needs and choices of people with developmental disabilities, thereby enabling these individuals to realize their fullest potential and to improve their quality of life through self-determination and community inclusion.

### **Our Vision**

“Creating opportunities that people desire.”

A vision that will support and shape the valued futures of each individual to realize their dreams and desires for a lifetime of fulfillment. A vision that inspires the pursuit of a valued lifestyle by creating opportunities filled with endless possibilities.

### **Our Values**

Together we are dedicated to excellence and caring for the lives we touch, with a commitment to a sound set of beliefs and uncompromising values to include:

*Integrity*.....to achieve honesty, promote respect and instill loyalty

*Empowerment* .....to enable individuals to be creative and innovative

*Excellence* .....to strive to achieve a high standard individually and as a team

*Quality of Life* .....to be fulfilled through inclusion, independence, and individualism

*Teamwork*.....to provide clear, positive communication guidance and build confidence

*Unity*.....demonstrate respect, support and compassion in a caring manner

### **Introduction**

In support of Schoharie Arc’s mission, vision and values and in compliance with all federal, state law, and federal and state health department regulations and requirements, we have adopted this Corporate Compliance Plan and Program to ensure our agency provides services to our community with integrity and without waste and fraud. Our plan will document the systems in place to ensure an efficient, legal and ethical standard and to exercise due diligence to prevent, detect, correct and eliminate non –adherence to standards, policies and procedures by our employees or agents. Schoharie Arc has established a Corporate Compliance Plan and Program in order to create a culture within the organization consistent with its essential character and organization values.

### **Why we need to be concerned about Corporate Compliance:**

Health care is heavily regulated. The following is a small sample of the regulations which affect the Schoharie Arc:

- Anti-kickback statute
- Self-referral or Stark Law
- Conflict of Interest
- False Claims Act
- Employment and Tax Laws
- Occupational Safety & Health Act (OSHA)
- New York State Codes, Rules and Regulations
- Health Care Financing Administration (HCFA)

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Changes in health care occur at a rapid pace and some of these changes are in the area of law enforcement: investigation, prosecution, and punishment. The Attorney General of the United States has made fraud and abuse the number 2 priority (violent crime is number 1).

The Office of Inspector General has targeted certain risk areas in health care for review. In an effort to stay compliant, Schoharie Arc has policies, procedures and guidelines to meet pertinent laws and regulations. Every employee is responsible and accountable for compliance with these policies, procedures and guidelines.

**Risk Areas include but are not limited to:**

- Billing for items or services not actually provided; involves submitting a claim that represents that the provider performed a service, all or part of which was simply not performed.
- Providing medically unnecessary services: a claim requesting payment for medically unnecessary services which intentionally seek reimbursement for a service that was not warranted by the consumer's documented medical condition.
- False reports: time sheets, goal plans, any documentation that falsely claims that an occurrence did in fact take place.
- Duplicate billing: when more than one claim is submitted or billed to more than one primary payer of to the same payer.
- Billing for services with inadequate documentation: all documentation must be completed as mandated by regulation.

**Schoharie Arc's responsibility:**

- Ensure that employees, persons associated with the provider, executives and governing body members:
- Has received appropriate training in policies, laws, regulations, etc. that are applicable to their responsibilities
- Has received our corporate compliance plan & code of conduct, received training and understands it
- Has received updates to documents as noted
- Provide confidential resources for employees to seek advice on proper workplace conduct and to report compliance-related issues and concerns
- Department-specific training in areas of risk, as needed.
- On-going training and education, as applicable

**The employees, persons associated with the provider, executives and governing body member's responsibilities:**

- Attend required Corporate Compliance training
- Read and follow our Code of Conduct and abide by all policies, procedures and guidelines
- Attend ongoing training and education, as applicable.
- Be alert to any situation that could violate our standards or practices
- Report suspected violations, issues or concerns

### **Ways to Report Concerns**

All employees, persons associated with the provider, executives and governing body members have multiple ways to report questions or concerns about potential misconduct or violations, or to simply request clarification or advice. The Compliance & Ethics Helpline is a dedicated line direct to the Corporate Compliance Officer and can only be accessed by the Corporate Compliance Officer. The line does not have caller ID. Messages may be anonymous but leaving your name and a way to contact you will assist in follow-up and follow-through. Confidentiality is not guaranteed but will be kept to the extent possible.

- Report to your immediate supervisor
- If that presents a sensitive situation, contact your program director
- If your compliance concern does not get resolved or the other reporting channels are not appropriate, contact the Corporate Compliance Officer in person, in writing, email, or by calling the Compliance & Ethics Helpline **(518) 295-8125**

### **Examples of Misconduct to Report:**

- There are no gloves so the RN gives a treatment without them.
- During an interview, a manager asks a perspective employee if he/she plans to start a family.
- A treatment is ready to begin but the consumer needs to use the bathroom so the staff charts that the treatment was done anyway.
- A worker is attracted to another worker, who isn't interested so he/she is threatened with "I'll make your life miserable."
- A bill is submitted with no code. Rather than putting in the right code, "any old code will do."
- A staff person is assigned to a work area and not given any information on the chemicals he/she may be handling.
- A staff person knows someone in their department is not honestly documenting goal plans.
- Claims for services provided when a consumer was hospitalized, absent from program and with/or without required documentation.

### **The Corporate Compliance Committee**

The Corporate Compliance Officer and the Corporate Compliance Committee are responsible to oversee compliance in all areas of operation. This is accomplished through education, revisions and monitoring compliance through periodic reviews, audits and investigations into reported deviations or violations. This committee is comprised of administrative staff, Board members and volunteers. **Its** members are responsible for:

- Overseeing the corporate compliance program
- Periodically re-evaluating risk areas
- Reviewing and approving corporate compliance policies, procedures and guidelines
- Overseeing development and implementation of internal systems and controls

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**Employees, persons associated with the provider, executives and governing body members can help by:**

Managers and supervisors have a responsibility to ensure that their departments follow applicable laws and regulations which may be specific to their area of function. Many licensed providers also have professional standards of conduct. Schoharie Arc writes policies, procedures and guidelines and revises them as needed, based on laws and regulations which govern us, to ensure compliance. All staff contributes to the effectiveness of our plan through high standards of ethical conduct.

**Examples of positive conduct are as follows:**

- We take due care to assure that all claims submitted to any agency or health care program is accurate and conform to all pertinent Federal and State laws and regulations
- All employees, persons associated with the provider, executives and governing body members maintain information in a confidential manner
- All employees, persons associated with the provider, executives and governing body members will prepare and maintain records and reports accurately and honestly
- Under no circumstances are any records to be falsified, backdated intentionally or intentionally destroyed, or otherwise tampered with to gain a real or perceived advantage

Adherence to this plan is a performance standard for each employee and contractor and is a condition of continued employment. Non-adherence will result in disciplinary action, up to and including termination of employment. Depending on the circumstance, there could be civil and/or criminal penalties

**The Corporate Compliance Officer**

The Corporate Compliance Officer will be responsible to the Chapter's Board of Directors through the Corporate Compliance Committee as well as the Executive Director. The Compliance Officer will facilitate the Corporate Compliance Committee and attend Board meetings for training and reporting purposes.

**The Corporate Compliance Officer functions include:**

- Being accessible to all employees, persons associated with the provider, executives and governing body members with regard to compliance issues
- Maintaining confidentiality to the extent possible
- Ensuring there is no retaliation for reporting concerns or issues
- Developing and overseeing all aspects of the corporate compliance program
- Investigate reported concerns & complaints on compliance and ethical issues
- Monitoring regulatory changes and being ensuring revisions to existing policies, procedures and guidelines are updated
- Answers and follows up on reports or concern made to the Compliance & Ethics Helpline (518) 295-8125