
SCHOHARIE ARC POLICY AND PROCEDURES

BOARD APPROVAL DATE: 12/30/19

EFFECTIVE DATE: 12/30/19

TITLE: CORPORATE COMPLIANCE PLAN

POLICY# 10-1

I. Policy

As a not-for-profit health and human services organization dedicated to improving the everyday lives of people with developmental disabilities, the Schoharie Arc is committed to complying with the rules and regulations of federal, state and local government, including but not limited to those promulgated by the U.S. Centers for Medicare and Medicaid Services (“CMS”) and the New York State Office for People with Developmental Disabilities (“OPWDD”) The Schoharie Arc seeks to provide a work environment where high standards of ethical and legal behavior are recognized and practiced.

The Schoharie Arc developed a Corporate Compliance Plan, including our Code of Conduct and a wide array of policies and procedures that address key risk areas, to guide our best efforts to operate under ethical and legal standards. In developing this Corporate Compliance Plan, we have relied upon a number of resources including The Arc New York Corporate Compliance Plan and numerous government issuances. To demonstrate that we have developed an effective compliance program we have adapted The New York State Office of the Medicaid Inspector General’s (“OMIG”) 8 elements into our program. The elements are as follows: (1) written policies and procedures that describe compliance expectations as embodied in a code of conduct or code of ethics, (2) designate an employee vested with responsibility for the day-to day operation of the compliance program, (3) training and education of all affected employees, persons associated with the provider, including executives, and governing body members on compliance issues, expectations and the compliance program operation, (4) communication lines to the Compliance Officer are accessible to all affected individuals to allow compliance issues to be reported, (5) disciplinary policies to encourage good faith participation in the compliance program, (6) system for routine identification of compliance risk areas and non-compliance, (7) system for responding to compliance issues as they arise (investigating, correcting, and preventing), (8) policy of non-intimidation and non-retaliation for good faith participation in the compliance program.

The Corporate Compliance Plan was instituted by the Board of Directors on February 25, 2003 and November 28, 2006 and were revised and approved on December 30, 2019. Our Corporate Compliance Plan also supports and complies with The Arc New York Board of Governors’ policy requiring that each chapter of The Arc New York implement an effective Corporate Compliance Plan.

II. Scope

This Policy applies to all employees, persons associated with the provider, executives and governing body members

The compliance plan is applicable to: billings, payments, medical necessity and quality of care, governance, mandatory reporting, credentialing and other risk areas that are or should, with due diligence, be identified by the provider. The Compliance Plan is provided to all employees, persons associated with the provider, executives and governing body members. Information about our Corporate Compliance Plan is on the website at schohariearc.org.

III. Procedure

Element I: Standards of Conduct and Policies and Procedures for Corporate Compliance

Understanding and following these standards will reduce the prospect of unethical, illegal and criminal conduct.

A. Policies and Procedures

The Schoharie Arc has developed and will continue to develop policies and procedures to implement the Corporate Compliance Plan. These policies and procedures establish the activities and processes that the agency will undertake to operate in conformance with all applicable laws and regulations. The Schoharie Arc will review, revise and develop new policies and procedures, as necessary, to ensure that the agency's operations are conducted with "best practices." The policies and procedures of not only the health regulatory components of the Schoharie Arc, but also those related to human services, environmental health and safety and financial operations shall apply broadly to each employee through this Corporate Compliance Plan. The Corporate Compliance polices and procedures are available on the intranet under Policy and Procedure Manual, employees can ask their supervisor and/or Human Resources, select policies will also be available on Schoharie Arc's website.

B. Corporate Compliance Code of Conduct

The purpose of the Schoharie Arc's Code of Conduct is to provide information and guidance to all employees, persons associated with the provider, executives and governing body members to assist in carrying out the day-to-day responsibilities within legal and ethical standards. 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

SCHOHARIE ARC POLICY AND PROCEDURES

BOARD APPROVAL DATE: 12/30/19

EFFECTIVE DATE: 12/30/19

TITLE: CORPORATE COMPLIANCE PLAN

POLICY# 10-1

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 Offices of the Inspector General's ("OIG") list of excluded parties at both a federal and state level (see exclusion checks policy).

Element II: Compliance Program Structure and Oversight Responsibilities

A. Structure

We have established a Corporate Compliance Committee comprised of key staff, volunteers and board leadership with responsibility to meet regularly to advise the Corporate Compliance Officer, to identify and resolve compliance concerns, and to continue to improve and refine the Schoharie Arc's overall compliance activities. The Schoharie Arc Board of Directors is an integral part of the Corporate Compliance Program and will be informed about the content and operation of the agency's Corporate Compliance Plan. The Schoharie Arc's Board of Directors will exercise oversight with respect to the implementation and effectiveness of the Corporate Compliance Plan.

B. Responsibilities

The Schoharie Arc is committed to the operation of an effective compliance program. The Compliance Officer will be an individual with day-to-day compliance oversight, is in an administrative and authoritative position in the Schoharie Arc's organizational structure. This position will not be delegated to individuals who have exhibited a propensity for misconduct. The Corporate Compliance officer and/or designee are empowered to implement the Corporate Compliance Plan, investigate compliance concerns, and report compliance concerns directly to those in higher positions of authority, The Corporate Compliance Committee, up to and including, the Board of Directors and the Executive Director.

Element III: Education and Training

All employees, persons associated with the provider, executives and governing body members must be informed about regulatory requirements and Schoharie Arc's policies and procedures that implement these requirements, as they apply to each individual. The agency will adequately train on the organization's standards and procedures of compliance including identification of the ways the Corporate Compliance Officer is accessible to allow compliance issues to be reported; such communication lines shall include a method for anonymous and confidential good faith reporting of potential compliance issues as they are identified, concerns reported will be investigated and resolved. Disciplinary actions will be fair and firmly enforced. The agency will continuously identify training topics, including those arising as a result of self-monitoring, audits by regulatory

SCHOHARIE ARC POLICY AND PROCEDURES

BOARD APPROVAL DATE: 12/30/19

EFFECTIVE DATE: 12/30/19

TITLE: CORPORATE COMPLIANCE PLAN

POLICY# 10-1

agencies and regulatory developments. The agency will offer a variety of training tools based on the roles and responsibilities of an individual's job and position.

Element IV: Communication Lines

A. Reporting

Each employee has a responsibility to report through our compliance processes any activity by any colleague, clinician, independent contractor or client that appears to violate applicable laws, rules, regulations, accreditation standards, standards of medical practice or the Corporate Compliance Plan. We encourage a culture in which all employees feel free to report behaviors or actions which they believe should be reported without fear of retribution. Therefore, the effectiveness of our Corporate Compliance Plan depends on the willingness and commitment of the employees in all parts and at all levels of the agency to step forward, in good faith with questions and concerns. Likewise, we are committed to making every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports a concern in good faith.

It is an expected good practice, when one is comfortable with it and thinks it is appropriate under the circumstances, for concerns to be raised first with a supervisor. If this is not comfortable or not a viable option, then people are encouraged to contact the **Compliance & Ethics Helpline at 518-295-8125** where reports may be made confidentially; there is no caller ID associated with that number. The compliance officer also has a desk line and email.

Any employee who intentionally makes a false accusation with the purpose of harming or retaliating against a colleague will be subject to appropriate disciplinary action.

Element V: Enforcement and Disciplinary Actions

Disciplinary policies will encourage good faith participation in the compliance plan by all employees, persons associated with the provider, executives and governing body members. The agency will take appropriate disciplinary measures against individuals found to have violated the Corporate Compliance Plan, related policy and procedures, and/or laws and regulations. Resolution of disciplinary issues will be determined through the Corporate Compliance Plan structure in cooperation with the appropriate Program Director, the Executive Director, Human Resources Director and/or designee. The degree of discipline will be determined based on the violation(s). The agency has a policy on Discipline and Incentives. The agency will endeavor to be consistent, fair and firm in its approach to discipline with the same disciplinary action for similar offenses.

Element VI: Auditing, and Monitoring

The Schoharie Arc is committed to routinely conducting internal audits, self evaluations, risk assessments and participates in external audits for areas of concerns that have regulatory or compliance implications. Appropriate individuals in key management positions will be

SCHOHARIE ARC POLICY AND PROCEDURES

BOARD APPROVAL DATE: 12/30/19

EFFECTIVE DATE: 12/30/19

TITLE: CORPORATE COMPLIANCE PLAN

POLICY# 10-1

responsible for engaging in self-monitoring processes conducted within specific departments/divisions. This will help identify compliance risk areas and a work plan. We believe that a combination of various compliance reviews will permit us to maintain a consistent conformity to relevant laws and regulations, while fulfilling a commitment to identify and share best practices.

We believe that a combination of various compliance reviews will permit us to maintain a consistent conformity to relevant laws and regulations, while fulfilling a commitment to identify and share best practices.

Element VII: Detection, Response and Prevention

The Schoharie Arc is committed to fostering a culture of compliance through investigative identified or reported compliance concerns and, correcting and preventing non-compliance behaviors. Through the process of our corporate compliance reporting structure and the articulation of compliance-related roles and responsibilities at every level of the agency's operations, detection and correction of problems is expedited.

Schoharie Arc has developed investigatory procedures to ensure raised concerns are investigated and the compliance concerns are reported directly to those in higher positions of authority, The Corporate Compliance Committee, up to and including, the Board of Directors and the Executive Director. If an internal investigation substantiates a reported violation, then it is our policy to engage in appropriate resolution such as but not limited to: initiate a corrective action, including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental and oversight agency (ex DOH, OMIG), instituting whatever disciplinary action is necessary; and implementing systemic changes to prevent further reoccurrences.

Element VIII: Non-Retaliation and Non-Intimidation

Schoharie Arc will not impose any disciplinary or other action in retaliation, including intimidation, harassment, and discrimination, against individuals who make a report or complaint in good faith regarding any action or suspended action taken by or in the Schoharie Arc that the individual believes may violate Schoharie Arc's Corporate Compliance Plan, Code of Conduct, its Compliance Policies, or any of the laws, rules or regulations by which Schoharie Arc is governed. Good faith" means the individual believes the potential violation actually occurred as he or she is reporting it. Additional guidance for reporting to appropriate officials can be found in sections 740 and 741 of the NYS Labor Law.