

UNITED CEREBRAL PALSY OF ULSTER COUNTY INC.

CORPORATE COMPLIANCE PROGRAM

United Cerebral Palsy of Ulster County Inc. (hereinafter referred to as “Cerebral Palsy of Ulster County”) has established a Corporate Compliance Program that takes a comprehensive approach to Compliance. As a not-for-profit health provider dedicated to improving the everyday lives of people with developmental disabilities, Cerebral Palsy of Ulster County is committed to complying with rules and regulations of federal, state and local government. Our Program is based upon ethical principles, organizational values, Code of Conduct, laws and regulations. Cerebral Palsy of Ulster County is committed to being a good corporate citizen. We are devoted to carrying out our mission and values, fulfilling our legal duties and creating a culture of ethical behavior that promotes prevention, detection and resolution of instances of conduct that do not conform to Agency principles.

This document for compliance represents a part of a dynamic process. We should expect to continue to review and revise this tool. Comments and suggestions will be important and valuable to this on-going process. The Corporate Compliance Officer will welcome input and considers this document a collaborative effort.

MISSION STATEMENT

Our primary purpose is to provide a complete range of necessary services to people with physical and developmental disabilities of all ages, and their families, without regard to the person's race, sex, and religion or ability to pay for those services.

- We will seek to help people with disabilities become contributing members of the society at large, helping each individual attain his or her highest potential.
- We will stay sensitive to the needs of people with disabilities and plan our services and programs accordingly, to be responsive to change among the people we serve or those we should serve.
- We will continually make the public aware not only of the needs of people with disabilities, but also of their ability and desire to become productive members of the community.
- We will strive for the highest level of quality in the programs and services we provide.
- We will conduct the business and management affairs of the Agency in a fiscally sound manner to insure the continued integrity, existence and growth of our organization.

BOARD COMMITMENT

It is important to emphasize that this document expresses the intent of the Board of Directors. In addition, it is the Board of Directors expectation that the highest standards of quality and ethics prevail in delivering services to the individuals and families that we serve. This written plan is intended to read in harmony with the Agency’s Code of Conduct and Agency policies that address governance, employment practices such as credentialing, business operations and procedures, medical necessity, quality improvement, internal reporting, confidentiality and billing and payments. Furthermore, the Board of Directors has appointed a Corporate Compliance Officer and a Corporate Compliance Committee that are vested in the implementation, enforcement and oversight of the Agency’s Corporate Compliance Program.

ELEMENTS OF CEREBRAL PALSY OF ULSTER COUNTY'S CORPORATE COMPLIANCE PROGRAM

To underscore Cerebral Palsy of Ulster County's commitment to a corporate culture and assure compliance with Federal and State laws, this Compliance Plan encompasses the eight key elements that have been specified as requirements for compliance programs by the New York State Office of Inspector General (OMIG) and Department Of Health. Effective July of 2009, the Office of Inspector General (OMIG) created a new Social Services law that requires that Medicaid providers, as described in Title 18 Part 521.1, develop and implement effective compliance programs aimed at detecting fraud, waste and abuse in the Medicaid program.

Upon enrollment, and annually thereafter, Medicaid providers, as described in Title 18 Part 521.2(b), must certify to the Office of the Medicaid Inspector General that a compliance program that meets the OMIG's requirements has been put into place. The OMIG in consultation with the Department of Health (DOH) shall have the authority to determine at any time if an existing Medicaid Provider's program is satisfactory.

Below are the eight key elements of the Cerebral Palsy of Ulster County's Corporate Compliance Program:

1. Written Policies and Procedures that describe compliance expectations as a condition of employment or relationship with Cerebral Palsy of Ulster County
2. Designation of a Corporate Compliance Officer and Compliance Committee vested with the responsibility for the day-to-day operations.
3. Compliance Training and Education of all affected employees and persons associated with Cerebral Palsy of Ulster County
4. Open Lines of Communication that are accessible to all employees, and persons associated with Cerebral Palsy of Ulster County ; including a method for anonymous reporting
5. Enforcement and Disciplinary Policies to encourage good faith participation
6. Monitoring and Auditing Systems for routine identification of compliance risk areas specific to Cerebral Palsy of Ulster County
7. Response and Prevention Systems for responding to compliance issues and for the prevention of misconduct; as necessary to reduce the potential for recurrence
8. Policy of Non-intimidation and Non-retaliation for good faith reporting of potential issues (Whistle Blower Provisions for Health Care Fraud)

Element 1. Written Policies and Procedures

It is the intent of Cerebral Palsy of Ulster County and the Board of Directors to express its compliance standards through well publicized policies and procedures reinforcing the Agency's commitment to ethics and integrity in all operations and business dealings.

Written policies and procedures, Code of Conduct, Employee Handbook and related materials that establish the Agency's standards and expectations are developed, reviewed, and revised, as

necessary, in order to ensure compliance with applicable Federal and State laws and regulations such as the Federal Reduction Act of 2005, The Federal False Claims Act and the New York State False Claims Act.

Agency policies express that it is a crime under Federal and State laws to knowingly and willfully provide false information or omit information when billing for services. Under the New York State Medicaid Program, submitting or causing a false claim is an unacceptable practice, which can lead to fines and exclusion from the Medicaid Program. Cerebral Palsy of Ulster County is committed to accuracy and integrity in all its service provision and documentation, billing, coding and reimbursement operations.

It is the policy of Cerebral Palsy of Ulster County not to employ, contract with, or otherwise do business with any individual or entity excluded from participating in federally sponsored healthcare programs, such as Medicare and Medicaid. To avoid affiliation with any such persons or entity, Cerebral Palsy of Ulster County performs exclusion checks of all new hires, employees, contractors, business associates, volunteers and vendors. If the exclusion check indicates that any individual or entity has been excluded from federally sponsored healthcare programs, the individual or entity cannot be employed by or conduct business with Cerebral Palsy of Ulster County.

Adherence to the Corporate Compliance Program, related policies and the Code of Conduct is a condition of employment and business association with Cerebral Palsy of Ulster County. As such, any violation to these written standards will result in disciplinary action up to and including termination of employment and/or business relationship.

Furthermore, written policies and procedures, the Code of Conduct, Employee Handbook and related materials articulate expectations for reporting potential compliance issues. Failing to report suspected problems will result in disciplinary action up to and including termination of employment and/or business association. Discrimination or retaliation against any reporter (whistleblower) for taking lawful action is strictly prohibited.

ELEMENT 2. Designation of a Compliance Officer and Compliance Committee (Compliance Structure)

The functional components of Cerebral Palsy of Ulster County's Corporate Compliance Program include the Corporate Compliance Officer, Corporate Compliance Committee and their related responsibilities established within the Compliance Program. Cerebral Palsy of Ulster County delegates responsibility and authority to the Corporate Compliance Officer and Corporate Compliance Committee for the oversight of the implementation and operation of the Corporate Compliance Program.

Role of the Corporate Compliance Officer

The Corporate Compliance Officer is appointed by the Board of Directors and Executive Director. The Corporate Compliance Officer (CCO) reports to the Associate Executive Director and has direct access to Cerebral Palsy of Ulster County's Board of Directors and the Compliance Committee, for the purposes of advising and making recommendations about compliance processes and issues. Additionally, the CCO is responsible for responding to the Associate Executive Director's request for information in connection with periodic effectiveness reviews. With the assistance of the Executive Director and Associate Executive Director, the

CCO has overall responsibility for developing, overseeing and monitoring the implementation of the Corporate Compliance Program. The duties of the Corporate Compliance Officer include, but are not limited to the following:

- ❖ Written Standards and Policies: Responsible for the development and maintenance of Cerebral Palsy of Ulster County 's Corporate Compliance Plan, related policies and procedures, Code of Conduct, and review of the Employee Handbook and all subsequent revisions
- ❖ Liaison: to the Board of Directors, Compliance Committee, management and employees and government agencies conducting compliance reviews
- ❖ Background and Exclusion Checks: Works with the Director of Human Resources and the Director of Business Operations to ensure that Cerebral Palsy of Ulster County does not hire or contract with any individual or entity who has been excluded or debarred from participation in Federal and State health programs
- ❖ Education and Training: Responsible for the development and implementation of an effective education and training program that communicates Cerebral Palsy of Ulster County 's Compliance Program and related policies, Code of Conduct and program/department specific requirements
- ❖ Monitoring and Auditing: Responsible for overseeing compliance audits, utilizing monitoring and auditing systems that detect unethical, non-compliant, or illegal activities conducted by employees and/or others
- ❖ Receipt of Complaints, Concerns and Investigations: Responsible for the prompt investigation, in accordance with Agency policies and procedure, of any concern or complaints received via the Hotline or other methods of reporting
- ❖ Discipline/Enforcement of the Corporate Compliance Program: Responsible to ensure that Cerebral Palsy of Ulster County imposes appropriate sanctions, in accordance with Agency policy and procedures, against employees and others for failure to comply with the Corporate Compliance Program, related policies, Code of Conduct and/or applicable laws and regulations
- ❖ Disclosure and Internal and External Corrective Action: When an investigation or report results in the identification of a violation of law, regulation and/or Agency policy and procedure, the Corporate Compliance Officer, in accordance with Agency policy and procedures, ensures that Cerebral Palsy of Ulster County takes appropriate corrective actions, including; prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, disciplinary action, and measures to prevent a similar violation in the future
- ❖ Engagement of Legal Counsel: If the need arises for guidance on issues relating to the Corporate Compliance Program, the CCO in consultation with the Executive Director and the Associate Executive Director will seek legal counsel

Role of the Corporate Compliance Committee

The Corporate Compliance Committee is appointed by the Executive Director. The Corporate Compliance Committee serves as a resource for the Corporate Compliance Officer.

Taking into consideration Cerebral Palsy of Ulster County 's size and complexity, the core membership of the Compliance Committee includes: The Executive Director, Associate Executive Director (Chief Financial Officer), Director of Business Operations and the Director of Human Resources with participation from Agency leadership and key departments.

The duties of the Corporate Compliance Committee include, but are not limited to the following:

- ❖ Maintenance and Improvement of Written Standards and Policies: Responsible for reviewing the effectiveness of the Corporate Compliance Program; overseeing and approving the ongoing development and implementation of the Corporate Compliance Plan, related policies and procedures, Code of Conduct, guidelines and communications that establish the Agency's compliance standards
- ❖ Liaison to Management: Responsible for maintaining open lines of communications with Agency management; providing support, feedback and strategic direction to the Corporate Compliance Officer in the areas of training and education, hotline reports/disclosures of wrongdoing, government investigations, litigation, internal and external audits and compliance risk
- ❖ Auditing: Responsible, in conjunction with relative departments, for the development and evaluation of internal systems and controls that carry out the Agency's standards; evaluating internal and external audits for the purpose of identifying deficient areas, and implementing corrective and preventative action
- ❖ Receipt of Complaints, Concerns and Investigations: Responsible for ensuring that the Corporate Compliance Officer has appropriate independence and support for investigations and matters relating to compliance issues
- ❖ Discipline/Enforcement of the Corporate Compliance Program: Responsible for supporting the Corporate Compliance Officer and management in imposing appropriate sanctions for violations of law, regulations, Compliance Program, related policies and procedures and the Code of Conduct
- ❖ Disclosure and Internal and External Corrective Action: Responsible for providing input into any corrective action plan; including self disclosure to a governmental agency; assisting the Corporate Compliance Officer to identify and implement changes to day-to-day policies and procedures in order to prevent violations of similar laws, regulations and policies

Corporate Compliance Committee Members and participants shall foster a culture of compliance within Cerebral Palsy of Ulster County at every level and every department.

ELEMENT 3. Compliance Training and Education

The ongoing development of an effective education and training program is a fundamental part of Cerebral Palsy of Ulster County's compliance program. Cerebral Palsy of Ulster County

provides comprehensive training to all employees and others. Cerebral Palsy of Ulster County's education and training programs communicate the Agency's compliance expectations. In order to accomplish the objectives of an integrated and appropriate education and training program, designated compliance trainers will work with the CCO. The trainers shall be fully knowledgeable about the Corporate Compliance Program, related policies and procedures, Code of Conduct and those Federal and State laws and regulations that are the subject of the topic being addressed in the training session. Agency trainings include, but are not limited to the following aspects of compliance:

- ❖ Cerebral Palsy of Ulster County 's Corporate Compliance Program
- ❖ Legal and regulatory requirements that guide the Agency's ongoing compliance activities including program/department specific trainings
- ❖ Code of Conduct
- ❖ Service provision, billing and documentation
- ❖ Quality improvement and incident reporting
- ❖ Conflict of Interest
- ❖ Harassment and Discrimination
- ❖ Reporting violations and/or questionable conduct and the mechanisms for making such reports;
- ❖ HIPAA/FERPA(Protection of Confidentiality)
- ❖ Information Security
- ❖ Compliance standards relating to vendors and/or business associates
- ❖ Compliance as a condition of employment and/or business relationship

Employees, volunteers, consultants, business associates, and members of the Board of Directors are expected to seek and maintain a current knowledge of Federal and State laws, regulations and the Agency standards that directly apply to their responsibilities.

ELEMENT 4. Open Lines of Communications

Cerebral Palsy of Ulster County recognizes that open lines of communications are an essential component of Corporate Compliance. In accordance with Agency policies and procedures, communication lines for questions and "good faith" reporting, are accessible to all employees, volunteers, consultants, business associates and others. Individuals are encouraged to utilize established and well publicized mechanisms for the "good faith" reporting of possible compliance violations. Mechanisms for reporting include, but are not limited to the following:

- ❖ Open door policy (reporting up the chain of command)
- ❖ Corporate Compliance Officer
- ❖ Compliance Hot Line (for identified confidential reporting or anonymous reporting)
- ❖ Feedback from exit interviews (learning about any compliance concerns that that the employee might have upon his or her departure)

All levels of management must support and encourage "good faith" reporting. In accordance with Agency policies and procedures, any individual who reports a suspected violation and/or participates in an investigation of an alleged violation shall not suffer any retaliation or reprisal for such report or participation (whistleblower protection). All such reports are reported to the Compliance Committee and the Board of Directors.

ELEMENT 5. Enforcement and Disciplinary

Cerebral Palsy of Ulster County is committed to fostering a culture in which compliant behavior is encouraged, so that when instances of non-compliant behavior occurs, Cerebral Palsy of Ulster County can respond swiftly and seriously(due diligence).

Agency policies and procedures articulate expectations for the reporting and resolution of compliance issues and outline the sanctions for: failing to report suspected problems, participating in non-compliant behavior and/or encouraging, directing, facilitating or permitting either actively or passively non-compliant behavior.

Employees and others who have engaged in conduct that has the potential of impairing the Agency's status as a reliable, honest and trustworthy service provider will be subject to disciplinary action up to and including termination of employment and/or business association.

Cerebral Palsy of Ulster County shall apply progressive discipline that is consistent with the violation. Throughout the process of determining the appropriate disciplinary action to be taken, in each instance of non-compliance, the CCO and Director of Human Resources will be responsible for ensuring that the disciplinary action taken is consistent with that taken in similar instances of non-compliance. All such activities are reported to the Compliance Committee and the Board of Directors.

Disciplinary actions applicable to the Board of Directors will be handled in accordance with the Boards governing documents (e.g., the Bylaws)

ELEMENT 6. Monitoring and Auditing

Compliance is a critical component for providing quality services. Although employee roles vary, every employee within the Agency has some responsibility in effecting internal controls. For that reason, established layers of oversight throughout the Agency, paired with continual auditing and monitoring from the CCO, will promote quality care and a culture within the Agency that can prevent, detect, and resolve non-compliant activities.

On an annual basis, the CCO, together with the Executive Director, Associate Executive Director and the Corporate Compliance Committee shall determine the scope and format of routine audits of Cerebral Palsy of Ulster County. In accordance with Agency policies and procedures, Cerebral Palsy of Ulster County will conduct ongoing auditing and monitoring of compliance in identified risk areas such as: service provision; billing and documentation; fiscal management, including contractual relationships; and Human Resources practices relating to the Corporate Compliance Program. Additionally, the scope of Cerebral Palsy of Ulster County's auditing and monitoring will include risk areas that are identified through the regular course of business by means of external alerts and/or internal reporting mechanisms.

Each member of senior management, including the Executive Director, Associate Executive Director(Chief Financial Officer),Director of Human Resources, Director of Business Operations and Program Directors are responsible for identifying needs for internal auditing of specific issues under their oversight.

Findings and corrective actions resulting from internal or external auditing and monitoring will be reported to the Compliance Committee and the Board of Directors.

ELEMENT 7. Response and Prevention

It is important to the integrity of our operations that all claims of suspected violations be thoroughly investigated and corrected, in accordance with Agency policies and procedures.

Violations may be identified through various mechanisms, including, but not limited to the following:

- ❖ Voluntary disclosure by an employee, volunteer, contracted individual or business associate
- ❖ Call to the Compliance Hotline
- ❖ Auditing and monitoring (internal or external)
- ❖ Investigations (internal or external)

In accordance with Agency policies and procedures, the CCO will coordinate Cerebral Palsy of Ulster County's prompt response to each violation; implementing actions that are consistent with the following:

- ❖ Development and implementation of a corrective action plan
- ❖ Disclosure to Federal, State and/or local regulatory agencies (upon consultation and recommendations of outside counsel)
- ❖ Restitution of any overpayments to the appropriate payer

All such activities will be reported to the Board of Directors.

ELEMENT 8. Policy of Non-intimidation and Non-retaliation for Good Faith Reporting of Potential Issues

In accordance with Agency policies and procedures, all employees, volunteers, consultants, and business associates are strictly prohibited from engaging in any act or conduct which results in, or is intended to result, in retaliation or retribution against any individual for reporting his or her concerns relating to a possible violation. Adverse actions in retaliation or retribution for an individual's report or complaint will result in disciplinary action, up to and including termination of employment or business association.

REVISIONS TO THE PLAN

This compliance plan is intended to be readily adaptable to changes in regulatory requirements. The plan shall be regularly reviewed and modified as necessary. To facilitate appropriate revisions to the plan, the CCO shall prepare a report at least annually that describes the general compliance efforts that have been undertaken during the preceding year.

CLOSING STATEMENT

This document is intended to establish a framework for the ongoing implementation of a comprehensive and cohesive Corporate Compliance Program. It is not intended to set forth all the substantive procedures and policies of Cerebral Palsy of Ulster County that are designed to achieve compliance. Cerebral Palsy of Ulster County has already established various compliance policies and these policies, as well as future policies, will be a part of its overall compliance enforcement program.

Approved by: UCP Corporate Compliance Committee	Date: <u>08/13/04</u>
Approved by: UCP Executive Director	Date: <u>08/13/04</u>
Approved by: UCP Board of Directors	Date: <u>09/14/04</u>
Revision	Date: <u>09/08/09</u>
Approved by: UCP Corporate Compliance Committee	Date: <u>09/22/09</u>
Approved by: UCP Executive Director	Date: <u>09/22/09</u>
Approved by: UCP Board of Directors	Date: <u>09/23/09</u>