



CORPORATE COMPLIANCE HANDBOOK

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OUR MISSION Empower the people we support to make personal choices and realize dreams by providing them with resources to participate fully in community life.

The Arc Has
heart

OUR VALUES
Honesty & Integrity
Empathy & Compassion
Accountability
Respect for Others
Teamwork


The Arc
Rockland
New York

OUR VISION To be the region's leader and employer of choice in supporting people with disabilities.

Section 1

INTRODUCTION

This handbook is required reading for all affected individuals* of The Arc Rockland. The purpose of this handbook is to summarize key components of our Agency's Corporate Compliance Plan, highlight a few of the laws that govern how we do business, and inform affected individuals of the Code of Conduct expected of everyone associated with the agency.

*Affected individuals are those parties who based on their duties and responsibilities fall within The Arc Rockland's Corporate Compliance Program. This includes employees, interns (as appropriate), Board members, contractors, independent contractors, and those who conduct business with the Agency.

Section 2

COMMITMENT TO CORPORATE COMPLIANCE

The Arc Rockland is committed to conducting its business affairs with integrity and based on sound ethical standards. All affected individuals are held to the same standards.

We ask your assistance in ensuring that everyone complies with all applicable federal, state, and local laws and regulations, as well as agency policies and procedures, and that everyone adheres to the Code of Conduct outlined in this handbook.

To ensure that the rules, regulations, and laws are followed, The Arc Rockland has created a compliance program in line with federal guidelines to prevent, detect, and respond to misconduct committed by those affected by the corporate compliance program.

Section 3

WHAT IS MY RESPONSIBILITY

You have three primary responsibilities:

1. To know and follow the legal requirements of your job role.
2. To know and follow the agency code of conduct.
3. To report misconduct of others.

Section 4

WHAT SHOULD I DO IF I AM AWARE OF VIOLATIONS?

If you are aware of a violation – or something that you suspect to be a violation, you should do the following:

- Follow the agency chain of command. Speak to your Supervisor or Director, who will look into the situation and take corrective action.
- If the Supervisor or Director does not correct the problem, or there is concern of their involvement in the problem, contact the Corporate Compliance Officer or the Corporate Compliance Hotline.

or

- Report concerns or issues directly to the Corporate Compliance Officer.

Corporate Compliance Officer: (845)502-2418

Corporate Compliance Hotline: (845)905-6504

There will be no intimidation or retaliation against you for any issue reported in good faith.

Section 5

WHAT IS THE CORPORATE COMPLIANCE HOTLINE?

The Arc Rockland maintains a confidential, **24-hour** voicemail box for reporting any compliance complaints, concerns, or questions. Calls to this hotline are followed up on, even if it is determined that the call was not compliance related.

All calls to the hotline are confidential, and the identity of the caller will be protected, to the fullest extent of the law. Anyone making a good faith call to the hotline will be protected under the Agency's Policy against retaliation. The caller does not have to provide his/her name but should leave sufficient information so the issue can be investigated.

Corporate Compliance Hotline: (845)905-6504

Section 6

WHAT ARE THE CONSEQUENCES OF NON-COMPLIANCE?

The Arc Rockland is very clear about the consequences of non-compliance by staff, independent contractors, and other associates of the agency.

Failure to comply will result in disciplinary action up to and including termination of employment or association with the Agency. Depending upon the nature of the non-compliance, criminal prosecution is a possibility.

Section 7

WHO SETS AND ENFORCES THE RULES?

The Arc Rockland is governed by laws and regulations set by federal, state and local governments. The Agency Board of Directors approves the policies put in place to address the laws and regulations that govern us. Some laws and regulations apply to all our programs, and some apply to specific departments. There are many entities authorized to review our compliance with these laws and regulations and enforce the rules.

Some of these entities that enforce the rules are:

New York State

- Office of Medicaid Inspector General
- Attorney General
- Office for People with Developmental Disabilities
- Department of Health
- Commission on Quality of Care and Advocacy for Persons with Disabilities
- Arc of New York

Federal Government

- Health & Human Services Office of the Inspector General
- HHS Centers for Medicaid and Medicare Services
- Department of Justice, U.S. Attorneys
- Federal Bureau of Investigation

Section 8

WHAT IS THE FEDERAL FALSE CLAIMS ACT AND NEW YORK STATE FALSE CLAIMS ACT?

While there are many federal, state, and local laws that affect us and the business we do, one that you need to know is the Federal False Claims Act. This law covers Medicaid and Medicare billing claims, and prohibits:

- Billing for services not provided.
- Falsifying treatment plans or time records to maximize payments.
- Billing for medically unnecessary services
- Failing to report overpayments and credit balances.

- Double billing (charging more than once for the same service or for more than one service at the same time)
- Unlawfully giving or receiving inducements in exchange for referrals for service

Penalties under the Federal False Claims Act are severe. They range from \$5,500 to \$11,000 per false claim, plus three times the original claim as well as potential civil or criminal penalties and inclusion on the Medicaid and Medicare Exclusion List.

The Federal False Claims Act provides protection for whistleblowers (people who bring alleged wrongdoing to the attention of management or outside authorities). Under this act, the whistleblower can share in the recovery of monies received fraudulently by organizations.

The New York State False Claims Act is also important. It was modeled after the Federal False Claims Act and has similar provisions.

Section 9

WHAT IS THE EXCLUSION STATUS CHECKING?

The Arc Rockland is not permitted by law to employ anyone or do business with entities that have been excluded from participation in Medicaid or Medicare. We run initial and ongoing checks on employees, independent contractors, and vendors to ensure that they do not appear on government listings of excluded individuals and firms.

Section 10

WHAT ELSE DOES THE AGENCY DO TO DETECT AND PREVENT FRAUD, WASTE, AND ABUSE OF MEDICAID MONIES?

In addition to the Corporate Compliance Hotline, exclusion status and other background checks on affected individuals, The Arc Rockland also had the following systems in place:

- All employees and Board members receive their initial training on compliance as part of their orientation to the agency. Ongoing training occurs several ways, including but not limited annual training.
- Contractors and Independent Contractors will be provided training materials on compliance upon initiation and renewal of contracts
- Initial and annual training for other affected individuals as determined the Corporate Compliance Training and Education Plan
- All programs and departments of The Arc Rockland implement systems and processes to assess compliance issues, take corrective measures, and continually monitor compliance.
- Ongoing auditing by the Quality and Compliance Department including but not limited to documentation and billing related to Medicaid claims, staff time records, exclusion checks, policies and procedures

- There is a Corporate Compliance Committee that advises and assists the Compliance Officer with the implementation of the Compliance Plan.

Section 11

WHY IS AUDITING AND MONITORING IMPORTANT?

Whether the auditing and monitoring is done by each agency division/department or the Quality and Compliance Department, it is important because:

- It helps determine areas of risk
- It assists in implementing effective internal controls and improvements in processes and systems.

SECTION 12

HOW DOES THE ARC ROCKLAND PROTECT THE PRIVACY OF INFORMATION?

In performing your responsibilities, you may be exposed to information regarding the Agency, individuals served by the Agency, or its employees. It is important that you keep this information secure and confidential. Please do not talk about or write about confidential information outside of an official reason for doing so. In your job you may have access to confidential information but not a business purpose for accessing that information. The use of Arc Rockland computers or records to look up information that you don't have a reason to know or use in your job is a violation of privacy practices.

Confidential information includes but is not limited to: employee's social security numbers, addresses, phone numbers, name of family members, and medical history.

It also includes the identity of people served by the agency, their social security numbers, addresses, phone numbers, names of family members, medical history, and treatment plans. In addition, confidential information includes any other information regarding the Agency's operations. If an employee uses or discloses personal health information (PHI) without an individual's written authorization or without a job-related reason for doing so, the employee is in violation of the HIPAA Privacy Rule.

No materials containing confidential information, including but not limited to: documents, files, records, computer files, or similar material may be removed from the Agency's premises without permission from the Agency administration.

The confidential information you contact in connection with your job may not be disclosed to anyone, except where required for business purposes, and authorized by law.

Staff are required to know and follow the Agency policies and procedures put in place to comply with the federal HIPAA Privacy and Security Rules and any other federal or state laws or regulations governing the privacy of information.

Any questions concerning these rules and the Agency policies should be addressed to the Agency Privacy Officer abrenner@rocklandarc.org or the Corporate Compliance Officer at (845)502-2418.

Section 13

WHAT IS THE ARC ROCKLAND'S CODE OF CONDUCT?

The Arc Rockland expects all affected individuals to conduct themselves ethically and responsibly. If anyone sees or suspects behavior that is improper or unethical, we expect it to be reported immediately, so that necessary steps can be taken. The organization needs and values your help in this area. If information or knowledge of improper or unethical activities is withheld, it is a violation of the Code of Conduct. If such a violation is discovered, involved staff may be subjected to disciplinary action up to and including termination or association with the Agency. Those who are affected by the Agency's Corporate Compliance Program are expected to adhere to the following standards:

- Provide high quality, respectful supports and services
- To place the interests of those supported first and foremost
- Represent the Agency in a positive manner
- Conduct all activities in a fiscally responsible manner
- Follow all applicable laws, regulations and Agency policies and procedures
- Seek training and assistance to strengthen the ability to support those served
- Safeguard the organization's information
- Properly handle government investigations, surveys and audits
- Use organizational assets properly
- Complete tasks timely and submit accurate and billing and financial reports
- Avoid conflicts of interest including acceptance and giving of gifts
- Comply with labor and employment laws
- Comply with fundraising standards and respect the rights of donors
- Comply with tax-exempt requirements
- Refrain from unfair trade practices
- Adhere to proper conduct related to political participation and government relations

Please see the Code of Conduct for a completed description of the standards related to the Code of Conduct.

Through daily commitment to our values, Corporate Compliance Plan and Code of Conduct, we will realize our mission and do so in positive, effective, safe, supportive and compliant workplace culture.

NEW! CORPORATE COMPLIANCE HOTLINE

845-905-6504

- Confidential Voice Mail Box
- Available 24/7 for Corporate Compliance concerns
- For any compliance related concerns, please contact Kristi Ramos, Chief Quality and Compliance Officer at 845-502-2418 or kramos2@RocklandArc.org
- Anonymous messages can also be left on the Corporate Compliance Hotline at 845-905-6504



Arc Rockland Corporate Compliance Policies, Procedures, and associated documents are accessible for review on agency computer system via the Department (G:), in the Shared Policies folder within the Corporate Compliance Policies and Procedures subfolder. If you do not have access to the agency G:drive, these policies, procedures, and associated documents are also available on the Arc Rockland website [The Arc | For People With Intellectual and Developmental Disabilities](#) via [Corporate Compliance | The Arc](#).

The Corporate Compliance Policies, Procedures, and associated documents include:

1. Acceptance of Contributions
2. Auditing and Monitoring
3. Billing Third Party Payors
4. Client Inducements Waiver of Copayments
5. Corporate Compliance Code of Conduct
6. Compliance Program Training & Education
7. Compliance Investigations
8. Conflict of Interest and Related Party Transactions
9. Corporate Compliance Discipline Program
10. Corporate Compliance Plan
11. Corporate Compliance Program Structure
12. Detecting and Responding to Violations; Voluntary Disclosure
13. Document Retention and Destruction
14. Documentation of Service Delivery
15. Exclusion Checks
16. False Claims Act/Whistleblower Provision
17. Gift Acceptance
18. Policy Development
19. Responding to Government Investigations
20. Response to External Audits