

CORPORATE COMPLIANCE HANDBOOK



*Our Commitment to Compliance
and Ethical Standards*



OUR VALUES

QUALITY // Excellence in supports, products, and services, developed in partnership and provided by people with commitment.

RESPECT // Standard of conduct which embodies courtesy, dignity, and regard for all persons.

INTEGRITY // Honesty, fairness, and reliability in all relationships.

TEAMWORK // Dedicated people collaborating for a common purpose with consideration of individual views.

RESOURCEFULNESS // Responsible pursuit of opportunities, resulting in fiscally sound, flexible, and innovative services.

PERSON-CENTERED // A focus on choice, empowerment and self-determination.

OUR MISSION

Together we support people with disabilities to achieve a quality of life each person values.

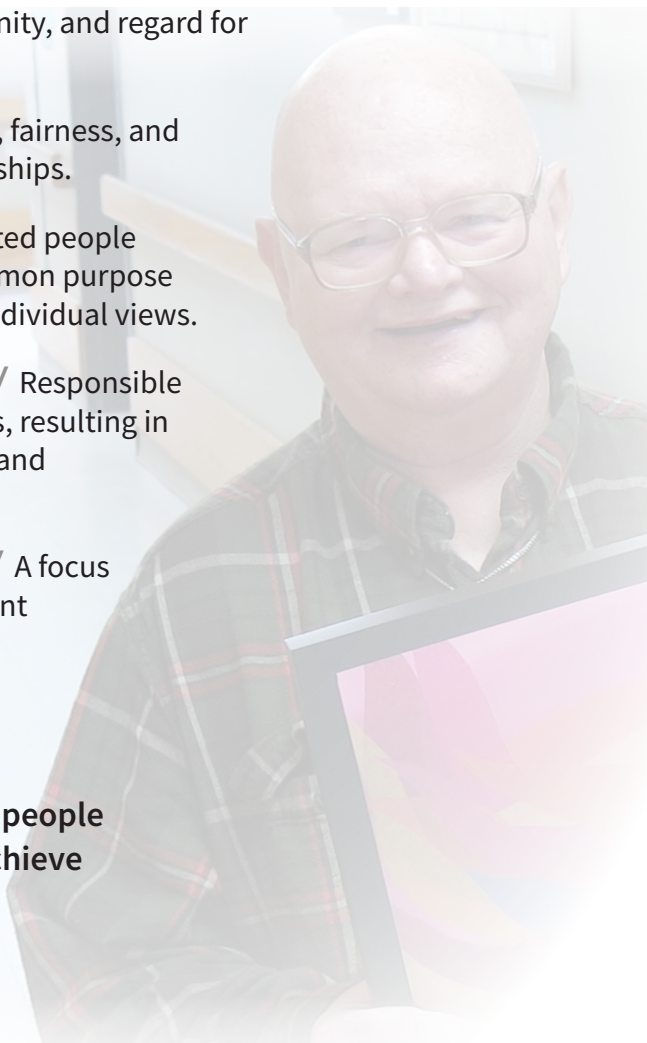




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SECTION 1

INTRODUCTION

This handbook is required reading for all employees of Montgomery County Chapter of NYSARC, Inc. (Liberty ARC). It is also required for its independent contractors and any others who work for, or conduct business with, the agency. 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 you of the standards of conduct expected of everyone associated with this agency.

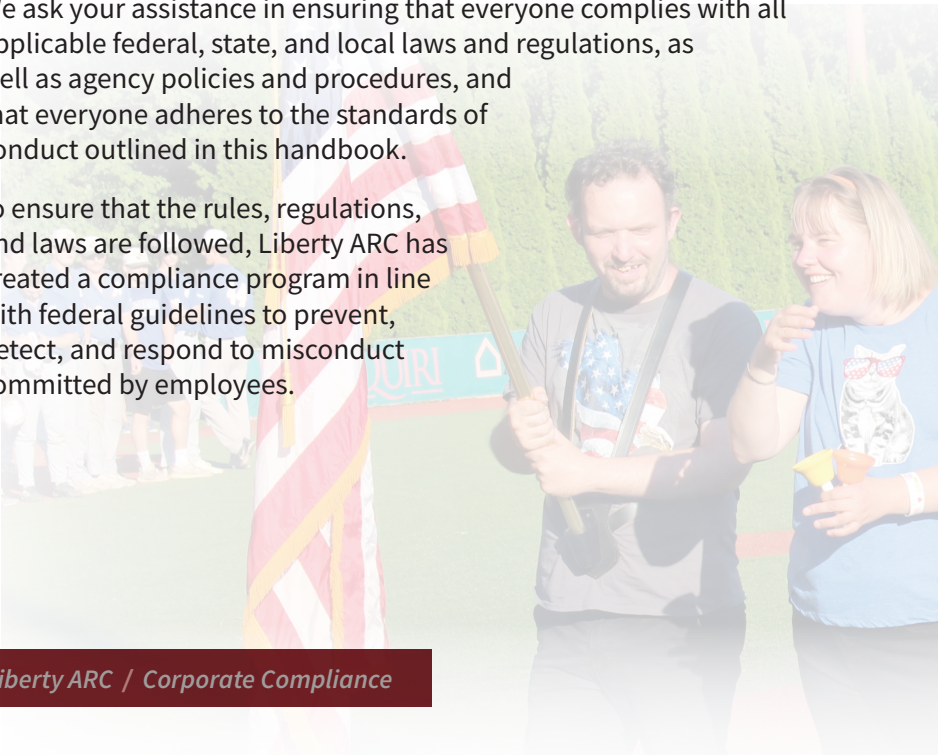
SECTION 2

COMMITMENT TO CORPORATE COMPLIANCE

Liberty ARC is committed to conducting its business affairs with integrity and based on sound ethical standards. All employees, independent contractors, vendors, members of the Board of Directors, and other associates 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 standards of conduct outlined in this handbook.

To ensure that the rules, regulations, and laws are followed, Liberty ARC has created a compliance program in line with federal guidelines to prevent, detect, and respond to misconduct committed by employees.



SECTION 3

WHAT IS MY RESPONSIBILITY?

You have three primary responsibilities:

- // To know and follow the legal requirements of your job role.
- // To know and follow the agency standards of conduct.
- // 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 check out the situation and take corrective action.
- // If the Supervisor or Director does not correct the problem, or may be involved in the problem, contact the **Ethics Helpline at (518) 954-3125.**

There will be no retaliation against you for any issue brought in good faith.

SECTION 5

WHAT IS THE ETHICS HELPLINE?

Liberty ARC maintains a confidential, 24-hour phone helpline for taking compliance complaints or questions. All calls are followed up with, even if it is determined that the call was not compliance-related.

All calls to the helpline 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 helpline 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.

Ethics Helpline: (518) 954-3125

Toll Free: 1 (844) 954-3125

SECTION 6

WHAT ARE THE CONSEQUENCES FOR NON-COMPLIANCE?

Liberty ARC is very clear about the consequences for 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. Depending upon the nature of the non-compliance, criminal prosecution is a possibility.

SECTION 7

WHO SETS AND ENFORCES THE RULES?

Liberty ARC is governed by laws and regulations set by federal, state, and local governments. The agency Board of Directors approves the policies and procedures put in place to address the laws and regulations that govern us. Some laws and regulations apply to all of

our programs and some apply to specific programs. There are many entities authorized to review our compliance with these laws and regulations and enforce the rules.

Some of the entities that enforce the rules are:

New York State

- // Office of the 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

Federal Government

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

SECTION 8

WHAT IS THE FEDERAL FALSE CLAIMS ACT AND NYS FALSE CLAIMS ACT?

While there are many federal, state, and local laws that affect us, 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 or credit balances
- // Charging more than once for the same service
- // 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.

The Federal False Claims Act provides protections for whistleblowers (people who bring alleged wrongdoing to the attention of management or outside authorities). Under this act, whistleblowers 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 Claim Act and has similar provisions.

SECTION 9

WHAT IS EXCLUSION STATUS CHECKING?

Liberty ARC is not permitted by law to employ anyone, or do business with any firm, that has been excluded from participation in Medicaid/Medicare. We run periodic 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 compliance Ethics Help-Line, exclusion status and other background checks on employees, independent contractors and others, Liberty ARC also has the following systems in place:

- // All employees receive their initial training on compliance as part of their orientation to the agency. Ongoing training occurs several ways, including through weekly Huddle Agendas, Regional Manager Meetings, and Staff Meetings.
- // All programs and departments of Liberty ARC implement systems and processes to assess compliance issues, take corrective measures, and continually monitor compliance.

- // On-going auditing by the Compliance Department includes but is not limited to the review of: (1) documentation and billing related to Medicaid claims; (2) independent contractor status; (3) Department of Labor exempt/non-exempt status; and (4) policies and procedures.
- // There is a 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 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 LIBERTY ARC PROTECT THE PRIVACY OF INFORMATION?

In the course of 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 – using Liberty ARC 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 information policies.

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

It also includes the identity of people serviced 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 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 with which you come in 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 (Director of Corporate Compliance/QA) at (518) 954-3331.**

SECTION 13

WHAT ARE LIBERTY ARC'S STANDARDS OF CONDUCT?

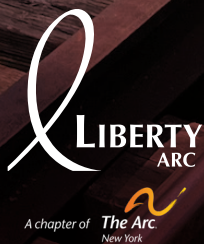
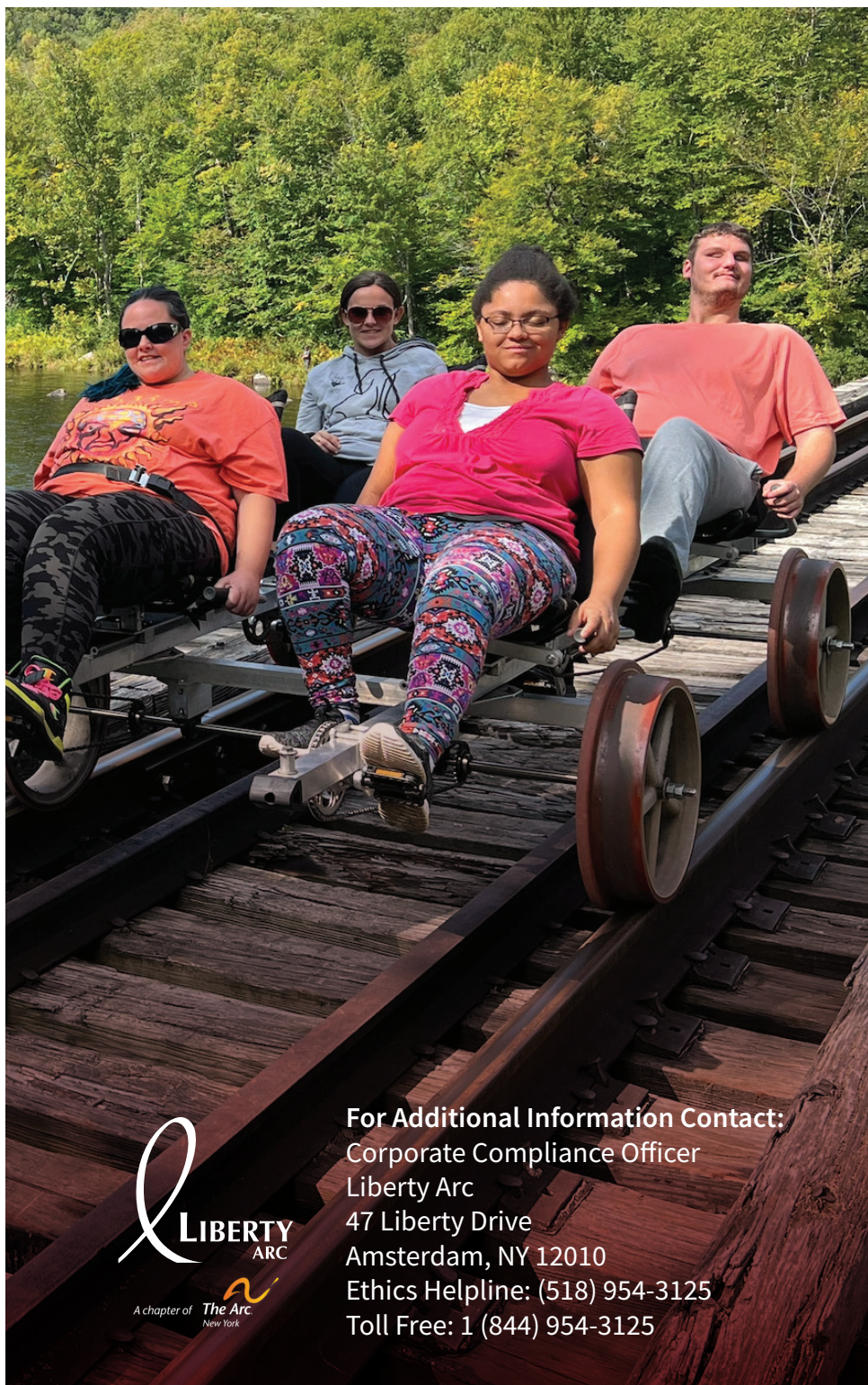
Liberty ARC expects all staff to conduct themselves ethically and responsibly. If anyone sees or suspects behavior that is improper or unethical, we expect it to be reported immediately, so that necessary steps can be taken. The organization needs and values your help in this area. If information or 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 subject to disciplinary action up to and

including termination, consistent with Human Resources Policies and Procedures and contract clauses. Staff is expected to adhere to the following standards:

- // Provide excellent supports and services
- // Make no misrepresentations
- // Safeguard the organization's information
- // Properly handle government investigations, surveys, or audits
- // Use organization assets properly
- // Submit accurate billings and financial reports
- // Provide a safe and healthy work environment
- // Maintain required oversight of medications
- // Prevent unlawful referrals or “kickbacks”
- // Prevent theft
- // Avoid conflicts of interest
- // 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
- // Adhere to research grant standards

Please see the **Code of Conduct** for a complete description of the Code of Conduct Standards.

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



For Additional Information Contact:
Corporate Compliance Officer
Liberty Arc
47 Liberty Drive
Amsterdam, NY 12010
Ethics Helpline: (518) 954-3125
Toll Free: 1 (844) 954-3125