



Compliance Plan

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Section I: Compliance Policy

Policy:

It is the policy of Family & Children's Counseling Services, Inc. (FCCS) to comply with all applicable federal, state, and local laws and regulations, and payer requirements. It is also FCCS's policy to adhere to the Code of Conduct adopted by the Board of Directors, the Executive Director and the Compliance Committee.

Commitment

We remain committed to our responsibility to conduct our business affairs with integrity based on sound ethical and moral standards. We hold all employees, contracted practitioners, volunteers, vendors, and members of the Board of Directors to these same standards.

Responsibility

All employees, contracted practitioners, interns, vendors, and members of the Board of Directors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor, the Compliance Officer (CO) or the Executive Director. Reports may be made anonymously via the Compliance Complaint Box or the Reporting Line **(1-844-299-1089)**. All reports can be made without fear of retaliation or retribution. Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination. Reports related to harassment or other workplace-oriented issues, will be referred to the Executive Director.

Policies and Procedures:

FCCS will communicate compliance standards and policies through required orientation and annual training initiatives to all employees, contracted practitioners, interns, vendors and members of the Board of Directors. We are committed to these efforts through the distribution of this Compliance Plan and our Code of Conduct.

Enforcement

This Compliance Plan is consistently enforced through appropriate disciplinary mechanisms, including, if appropriate, discipline of individuals responsible for failure to detect and/or report noncompliance.

Response

Noncompliance detected through any mechanism (i.e.), compliance auditing procedures, confidential reporting) will be responded to in an expedient manner. We are dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to the Compliance Plan.

Due Diligence

FCCS will exercise due diligence with regard to background and professional license investigations for all prospective and existing employees, contracted practitioners, interns, vendors, and members of the Board of Directors.

Code of Conduct

FCCS has a Compliance Plan that incorporates all Agency operations. We are dedicated to managing and operating our programs with integrity, ethics and the highest level of business principles. Each employee, contracted practitioner, intern, vendor, and member of the Board of Directors contributes to achieving these principles by conducting business activities for the Agency using high ethical standards and promoting a workplace environment in which compliance and ethical business conduct is expected. FCCS will transact its business in compliance with local, state and federal laws. Instances where questions arise concerning the interpretation/application of these laws and regulations will be referred to an immediate supervisor, the CO, or the Executive Director.

Employees, contracted practitioners, interns, vendors, and members of the Board of Directors may not engage in any conduct that conflicts, or is perceived to conflict, with the best interest of FCCS. Employees must disclose any circumstances where the employee or their immediate family is an employee, consultant, owner, contractor or investor in any entity that engages in any business or maintains any relationship with the agency or provides to or receives from the Agency any consumer referrals or competes with FCCS. Employees may not accept, solicit or offer anything of value from anyone doing business with FCCS without permission of the CO or the Executive Director.

Mission

Our mission is to provide affordable and accessible outpatient behavioral health care and prevention services for children, teens, and adults.

Expectations

We require all aspects of consumer care and business operations be performed in compliance with our mission statement, policies and procedures, professional standards, and applicable governmental laws, regulations, rules and payer standards. FCCS expects every person and organization that provides human and/or business services to the agency to adhere to the highest ethical standards and to promote ethical behavior. Any person or organization whose behavior is found to violate ethical standards will be disciplined appropriately.

Employees, contracted practitioners, interns, vendors, and any other agents providing services on behalf of the agency are expected to maintain complete, accurate and contemporaneous records as required by FCCS. The term "records" includes all documents, both written and electronic, which relate to the provision of FCCS's services or provide support for the billing of services. Records reflect the actual service provided. Any records to be appropriately altered

must reflect the date of the alteration, the name, signature and title of the person altering the document and the reason for the alteration if not apparent. No person shall sign the name of another person to any document. Signature stamps are not used. Backdating and predating documents is unacceptable and may lead to discipline up to and including termination.

When any person knows or reasonably suspects that the expectations above have not been met, the details must be reported to their immediate supervisor, the CO, the Executive Director, or anonymously by using the Compliance Complaint Box or Agency Report Line.

Section II Compliance Program Oversight

Board of Directors

The Board of Directors is responsible for the oversight of Compliance program including approving the compliance plan, and subsequent revisions, reviewing reports from the CO and committees, and establishing a “Culture of Compliance” that establishes the expectation that fraud and abuse of funds/resources is not tolerated and reporting of compliance concerns or suspicions is expected.

Compliance Officer

The Board of Directors of FCCS appoints the CO. The CO has direct lines of communication to the Executive Director, the Board of Directors and the agency’s compliance legal counsel. The CO is obligated to serve the best interests of FCCS, our clients and employees, and is seen as a resource leader regarding regulatory compliance issues. Job duties of the CO include, but are not limited to:

1. Develop, implement, oversee, and maintain the compliance plan and all related policies and procedures.
2. Monitor the agency’s internal audits established to monitor effectiveness of compliance standards.
3. Providing guidance to management, medical/clinical program personnel, and individual departments regarding policies and procedures, governmental laws, rules and regulations.
4. Actively seek the latest information, materials, and releases regarding regulatory compliance, and conduct formal periodic reviews of the Compliance Plan, and make necessary revisions.
5. Develop, implement, oversee, and maintain the agency’s compliance training and awareness programs for all employees, contracted practitioners, interns, vendors, and members of the Board of Directors.

6. Maintain a dedicated Compliance Complaint Box and Report Line for anonymous reporting.
7. Investigate and act on issues related to compliance and respond to concerns, complaints, and questions related to the Compliance Plan.
8. Coordinate & conduct when appropriate internal investigations and implement preventative and corrective action plan.

Agency Compliance Committee

The Agency Compliance Committee is comprised of members of the Board of Directors appointed by the President of the Board of Directors. This committee meets on a scheduled basis to ensure Board members are involved in, and informed of, the Agency's compliance activities and records the minutes of these meetings as part of Board records. The Agency Finance Committee serves as the Compliance Committee.

The roles of this committee include:

1. Review and approve the Compliance Plan and subsequent changes to the Plan; make recommendations to the full Board of Directors relative to its acceptance.
2. Review and discuss policies and procedures relating to the Compliance Plan which are authored and submitted by the CO and Advisory Committee.
3. Review and discuss ongoing compliance activities, audit results, compliance issues, and corrective actions recommended by the CO and Advisory Committee.
4. Assist the CO in ensuring policies and procedures specific to Board members are maintained, followed, and enforced.
5. Report to the full Board

Advisory Compliance Committee

This committee consists of senior managers from all areas of the Agency, including programs, business operations, and administration. It is chaired by the CO. Issues are reported by the committee to the Executive Director, the Agency Compliance Committee (Finance Committee) and the Board of Directors where appropriate. The committee's purpose is to advise and assist the CO with implementation and maintenance of the Compliance Plan. The role of the ACC is:

1. Analyze the environment where the Agency conducts business, including legal requirements with which it must comply.

2. Review and assess policies and procedures that address risk areas for possible incorporation into the Compliance Plan.
3. Work with departments to develop written standards, policies and procedures that address specific risk areas and encourage compliance according to legal and ethical requirements.
4. Advise and monitor appropriate departments relative to compliance matters.
5. Develop and approve internal systems and controls to implement compliance standards and policies.
6. Review internal and external audit reports to identify potential non-compliant issues.
7. Recommend and approve corrective and preventative action plans.
8. Develop a process to solicit, evaluate, and respond to complaints and problems.
9. Review Annual Compliance Plan

Section III Education and Training:

Education and training are critical elements of the Compliance Plan. Every employee, contracted practitioner, intern, vendor, and member of the Board of Directors is expected to be familiar and knowledgeable about the Agency's Compliance Plan and have a solid working knowledge of their responsibilities.

The plan and all applicable compliance policies and procedures are communicated to employees, contracted practitioners, interns, vendors, and members of the Board of Directors through required participation in both general and position-specific training programs. Trainings occur at orientation and annually.

The CO is responsible for the communication of the terms of the Compliance Plan to all interns, vendors and independent contracted practitioners who are acting on behalf of FCCS.

General Training

As part of their orientation, each employee, contracted practitioner, intern, and member of the Board of Directors receives a copy of and an explanation of the Compliance Plan and training in the areas of:

1. Government and private payer reimbursement principles
2. Government initiatives

3. History and background of Compliance
4. Legal principles regarding compliance and Board responsibilities related thereto
5. General prohibitions on paying or receiving remuneration to induce referrals and the importance of fair market value
6. Review of existing laws, regulations and protocols applicable to compliance with billing requirements, including:
 - a. A discussion of the Federal False Claims Act
 - b. Administrative remedies for false claims
 - c. Any state laws pertaining to civil or criminal penalties for false claims or statements
 - d. The whistleblower protections under the Federal False Claims Act and related state laws
 - e. The role of such laws in preventing and detecting fraud, waste and abuse in Federal healthcare programs.

Position-Specific Training

In addition to the general training, targeted training will be provided to all managers and any other employees whose job responsibilities include activities related to specific areas of compliance. Program supervisors shall assist the CO and the Compliance Committee in identifying positions and areas that require specific training.

Attendance

All education and training related to the Compliance Plan will be verified by attendance and a signed acknowledgement of receipt of summary of the Plan and standards. Attendance at compliance training sessions is mandatory and is a condition of continued employment.

Section IV Effective Confidential Communications:

Open lines of honest and fair communication between the CO and employees, contracted practitioners, interns, vendors, and members of the Board of Directors are essential to the success of our Compliance Program. Every employee is expected to refuse to participate in wrongful actions and to report these actions according to the Agency's policies and procedures.

Reporting Procedure

If an employee, contracted practitioner, intern, vendor, or member of the Board of Directors witnesses, learns of, or is asked to participate in, potential non-compliant activities in violation of this Plan, he or she should contact their immediate supervisor, the CO, or the Executive Director. Reports may be made anonymously by using the Compliance Complaint Box or Reporting Line.

Upon receipt of a question or concern, management shall document the issue at hand and report it to the CO immediately. Any questions or concerns relating to potential non-compliance by the CO should be reported immediately to the Executive Director.

The CO or designee shall record the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Code of Conduct or its application, the CO or designee shall record the facts of the call and the nature of the information sought. The CO or designee shall respond as appropriate. FCCS shall, as much as possible, protect the anonymity of the employee who reports a complaint or question.

Protections

The identity of reporters will be safeguarded to the fullest extent possible and will protect against retribution. Report of any suspected violation of this Plan by following the above shall not result in retribution. Any threat of reprisal against a person who acts in good faith pursuant to their responsibilities under the Plan is acting against the Agency's Compliance Policy. Discipline, up to and including termination of employment will result if such reprisal is founded.

Guidance

Any employee may seek guidance with respect to the Compliance Plan or Code of Conduct at any time by following the reporting mechanisms outlined above.

Section V Enforcement of Compliance Standards:

Background Investigations

For all existing and potential employees, contracted practitioners, interns, vendors, and members of the Board of Directors who have decision making or other discretionary authority that may involve compliance issues, FCCS will conduct a reasonable and prudent background investigation prior to serving or acting on the agency's behalf.

Applicants, employees, and others acting on behalf of the agency are required to disclose any name changes and any involvement in non-compliant activities, including health care related crimes.

The following organizations may be queried to perform these background checks:

The GSA list of parties excluded from federal programs
<http://epls.gov/epls/servlet/EPLSSSearchMain/2>

The HHS/OIG cumulative sanction report
<http://exclusions.oig.hhs.gov/search.html>

The New York State Medicaid Fraud Database
<http://www.health.state.ny.us/nysdoh/medicaid/dqprvpg.htm>

The licensure and disciplinary record of the NYS Office of Professional Medical Conduct (Physicians, Physician Assistants)
<http://www.health.state.ny.us/nysdoh/opmc/main.htm>

The New York State Department of Education (other license professionals)
<http://www.op.nysed.gov/rasearch.htm#name>

OMIG website
www.omig.state.nyu.us

Disciplinary Action-General

Employees failing to comply with FCCS's compliance policy and procedures, or have engaged in conduct that has potential to impair the Agency's status as a reliable, honest, and trustworthy service provider, will be subject to disciplinary action, up to and including termination. Any discipline will be appropriately documented in the employee's personnel file, along with a written statement of reasons for imposing such discipline. The CO shall maintain a record of all disciplinary actions involving the Compliance Plan and report at least annually to the Board of Directors regarding such actions.

Managerial Roles and Responsibilities

FCCS's Compliance Program requires that all levels of management promote and practice the elements of the Compliance Program.

Managers and supervisors will be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors will:

1. Discuss with all supervised employees the compliance policies and legal requirements applicable to their job function.
2. Consider compliance with the Plan, policies, and procedures as a factor in evaluating the performance of their employees and agents contracted with and/or acting on the Agency's behalf in their areas of responsibility.
3. Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment.
4. Disclose to all supervised personnel that FCCS will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

Disciplinary Action-Manager/Supervisory

Managers and supervisors will be held responsible for failure to adequately instruct their subordinates, or for failing to detect noncompliance with applicable policies and legal requirements, where reasonable diligence on the part of the manager or supervisor would have led to the earlier detection of any problems or violations and would have provided FCCS the opportunity to correct them.

Section VI - Auditing and Monitoring of Compliance Activities:

Internal Audits

Ongoing evaluation is critical in detecting non-compliance and helps ensure the success of the Agency's Compliance Program. An ongoing auditing and monitoring system, reporting to the CO in conjunction with the Compliance Committee, is an integral component of our auditing and monitoring systems. This ongoing evaluation shall include the following:

1. Compliance audits of compliance policies and standards
2. Review of documentation and billing relating to claims submitted to federal, state and private payers for reimbursement, performed internally or by an external consultant as determined by the CO and the Compliance Committee.

Plan Integrity

Additional steps to ensure the integrity of the Compliance Plan will include, but not be limited to:

1. The immediate notification to the CO in the event of any visits, audits, investigations or surveys by any federal or state agency or authority.
2. The Executive Director will forward a copy of any correspondence or communication from any regulatory agency charged with licensing FCCS and/or administering a federal, state or county funded program with which the Agency participates to the CO.
3. The establishment of a process detailing ongoing notification by the CO to all appropriate personnel of any changes in laws, regulations or policies, as well as appropriate training to assure continuous compliance.

Section VII Detection and Response to Concerns & Violations:

Violation Detection

The CO and the Executive Director shall determine whether there is any basis to suspect a violation of the Compliance Plan has occurred.

If it is determined that a more detailed investigation is not warranted, the violation will be resolved via channels and mechanisms established by FCCS's policies and procedures and the funding body's reconciliation procedures and processes. If advice is sought from a governmental agency, the request and any written or oral response shall be fully documented.

If it is determined that a violation may have occurred, the CO and the Executive Director will determine whether a more detailed internal investigation and/or consultation with agency legal counsel is warranted. A more detailed investigation may include, but is not limited to:

1. Interviews with individuals with knowledge of alleged facts
2. Review of documents
3. Legal research and contact with governmental agencies for the purpose of clarification

Reporting

The CO shall report each investigation conducted to the Compliance Committee.

At the conclusion of an investigation involving legal counsel, FCCS's attorney shall issue a report to the CO, Executive Director and Compliance Committee summarizing findings, conclusions and recommendations and render an opinion as to recommended action. This report will be reviewed with legal counsel in attendance. Any additional action will be on advice of counsel.

Rectification

If the agency identifies that an overpayment was received from any third party payer, the reconciliation procedures and processes of FCCS and the funding body will be followed. It is our policy not to retain any funds received as a result of overpayments.

Record Keeping

Regardless of whether a report is made to a governmental agency, the CO shall maintain a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged and will not be released without the approval of the Executive Director.

Section VIII - Whistleblower Provisions and Protections:

Provisions

The False Claims Act provides protection to those employees who are discharged, demoted, suspended, threatened or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action* under the False Claims Act. (*Reporting of any actual or suspected misconduct or potential fraud or abuse of funds.)

FCCS will not take or allow any retaliatory action against an employee if the employee discloses information about noncompliance of FCCS with any local, state and federal laws and regulations to a regulatory, law enforcement or other similar agency or public official.

Protected disclosures are those that assert:

1. FCCS is in violation of a law that created substantial and specific danger to the public health and safety or which constitutes health care fraud under the law;
2. That in good faith, the employee believes constitute improper quality of consumer care.

Protections

The employee's disclosure is protected if the employee reported the concern to either their immediate supervisor, the CO, Executive Director or reported using the employee Compliance Box or Reporting Line and provided a reasonable opportunity for the Agency to correct the alleged violation, unless the danger is imminent to the public or consumer or the employee believes in good faith that reporting would not result in corrective action.

Employees are not required to use a particular reporting mechanism, or to report to their supervisor, seek "approval" to report prior to making the report.

FCCS will protect employees who make a good faith report by protecting them from discriminatory or retaliatory behavior.