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POLICY STATEMENT

Topic: Corporate Compliance Plan-Overview Date Effective: 7/1/2019

Revised New Section: Corporate Compliance Number: 10.01

Date: 3/29/2023 Approved by: 

**The Arc Mid-Hudson
CORPORATE COMPLIANCE PLAN**

As a not-for-profit health and human services organization dedicated to improving the everyday lives of people with developmental disabilities, The Arc Mid-Hudson (“Arc Mid-Hudson”) 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”), the New York State Office for People with Developmental Disabilities (“OPWDD”), the New York State Department of Education, and the Department of Health. The Arc Mid-Hudson seeks to provide a work environment where high standards of ethical and legal behavior are recognized and practiced.

Medicaid funding makes up a significant portion of Arc Mid-Hudson’s operating budget, as such we are under ongoing scrutiny to ensure that our services are appropriate, timely, and properly reimbursed. As Medicaid providers, we are subject to the federal and state laws that govern this program.

SCOPE

This policy and all of the Corporate Compliance Policies apply to all persons who are affected by Arc Mid-Hudson’s risk areas. Affected individuals include employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, governing body, and corporate officers.

Background:

In developing this Corporate Compliance Plan, we have relied upon a number of resources including The Arc of New York’s Corporate Compliance Plan and numerous government issuances. In summary, in order to demonstrate that we have developed an effective compliance program, we must demonstrate that we have (1) written policies, procedures, and standards of conduct; (2) designation of a Compliance Officer who is versed with the day to day activities of the compliance program and establishment of an active Corporate Compliance Committee consisting of senior managers; (3) establishment and implementation of an effective compliance training and education program for all

affected individuals; (4) establishment and implementation of effective lines of communication for all affected individuals to report compliance concerns and/or potential violations confidentially and/or anonymously, without fear of intimidation or retaliation; (5) establishment of disciplinary standards to address potential violations and encourage good faith participation in the compliance program; (6) engaging in routine auditing and monitoring of compliance risks to the chapter and; (7) establishing and implementing procedures and systems for promptly responding to compliance issues, including any issues identified in the course of an internal or external audit.

The Standards of Conduct was instituted by the Board of Directors on January 8, 2001. Our Corporate Compliance Plan supports and complies with The Arc of New York's Board of Governors' policy requiring that each agency of The Arc of New York implement an effective Corporate Compliance Plan.

Arc Mid-Hudson developed this 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 effort to operate under ethical and legal standards. Arc Mid-Hudson expects that all aspects of care of persons supported and business conducted will be performed in compliance with this Corporate Compliance Plan, professional standards and applicable governmental laws, rules and regulations.

Element I: Corporate Compliance Plan— Written Policies, Procedures, and Standards of Conduct

Our compliance philosophy is expressed within this Corporate Compliance Plan and related documents, including our Code of Conduct, our policies and procedures related to compliance, clinical operations, human resources, and fiscal management. Collectively, these documents establish standards and procedures that must be followed by all person's affected by Arc Mid-Hudson's risk areas including employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, governing body, and corporate officers. Understanding and following these standards will reduce the prospect of unethical, illegal, and criminal conduct.

A. Code of Conduct

The purpose of Arc Mid-Hudson's Code of Conduct is to provide information and guidance to all person's affected by Arc Mid-Hudson's risk areas including employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, governing body, and corporate officers to assist in carrying out the day-to-day responsibilities within legal and ethical standards.

Arc Mid-Hudson'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 caring, provides guidance to ensure our work is done in an ethical and legal manner. Our Code of Conduct emphasizes the shared common values and culture we seek to cultivate that guides our actions each day.

Arc Mid-Hudson requires that each affected individual sign a written acknowledgement that he or she understands and will follow the agency's Code of Conduct 10.02.

B. Policies and Procedures

Arc Mid-Hudson has developed and will continue to develop policies and procedures to support 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. Arc Mid-Hudson's compliance policies will be reviewed on an annual basis. Arc Mid-Hudson will maintain documentation of the annual policy review and any identified updates. The development of new policies and procedures will occur as necessary, to ensure that the agency's operations are conducted in an effort that strives toward "best practices." The policies and procedures of not only the health regulatory components of the agency, but also those related to human resources, environmental health and safety, and financial operations shall apply broadly to each affected individual through this Corporate Compliance Plan.

C. Policy of Non-Intimidation and Non-Retaliation

Arc Mid-Hudson encourages a culture in which everyone feels free to report behaviors or actions that they believe should be reported. The effectiveness of our Corporate Compliance Plan depends on the willingness and commitment of the employees in all parts and at all levels of Arc Mid-Hudson to step forward, in good faith, with questions and concerns. 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.

Arc Mid-Hudson prohibits intimidation and retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate Arc Mid-Hudson Corporate Compliance Plan, Code of Conduct, its Compliance Policies, or any of the laws, rules, or regulations by which Arc Mid-Hudson is governed. In addition, the agency prohibits intimidation and retaliation for individual participation in good faith, in the investigation, audit, or other measures to resolve a compliance concern.

Element II: Compliance Officer and Compliance Committee

Arc Mid-Hudson is committed to the operation of an efficient and effective compliance program. The organization has therefore formalized an organizational structure including a Compliance Officer who will build the infrastructure for compliance, will assist management in monitoring, and will provide an objective point of view. The Compliance Officer is accountable to the Director of Quality Management and Corporate Compliance, and has direct access to the governing body. Individuals with day-to-day compliance oversight are empowered to implement the Corporate Compliance Plan, investigate compliance concerns, and report compliance concerns directly to Arc Mid-Hudson Board of Directors and the Chief Executive Officer.

The organizational structure also includes a Corporate Compliance Committee. The Committee assists the Compliance Officer in the development, implementation, oversight, and evaluation of the ethics and compliance program. The Corporate Compliance Committee will report to the Board of Directors and the Chief Executive Officer. Arc Mid-Hudson's Board of Directors will be an integral part of the Corporate Compliance Plan and will be knowledgeable about the content and operation of the agency's Corporate Compliance Plan and will exercise oversight with respect to the implementation and effectiveness of the Corporate Compliance Plan.

Element III: Education and Training

All person's affected by Arc Mid-Hudson's risk areas including employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, governing body, and corporate officers must be informed about regulatory requirements and Arc Mid-Hudson policies and procedures that implement these requirements, as they apply to each individual. Therefore, The Arc Mid-Hudson will adequately train all affected individuals on the organization's standards and procedures. Arc Mid-Hudson will continuously identify training topics, including those arising as a result of self-monitoring, audits by regulatory agencies and regulatory developments.

New employees will receive training in Arc Mid-Hudson's Code of Conduct, Corporate Compliance Plan, and those policies and procedures relevant to their job duties as part of an orientation program. The agency will provide refresher training for employees on, at minimum, an annual basis. The agency will tailor its training based on the roles and responsibilities of each group of affected individuals and in a manner that the individual can understand.

Arc Mid-Hudson's compliance training and education for affected individuals will be documented in an annual training plan.

Element IV: Lines of Communication

Arc Mid-Hudson has open communication lines to the Corporate Compliance Officer that are accessible to all employees and other affected individuals that allow compliance issues to be reported. The communication lines include telephone, email, interoffice mail, regular mail, face-to-face interaction, and any other reasonable means to communicate.

A. Reporting by Affected Individuals

Each affected individual has a responsibility to report through our compliance processes any activity by any employee, colleague, clinician, contractor, or client that appears to violate applicable laws, rules, regulations, accreditation standards, standards of medical practice or the Corporate Compliance Plan. The effectiveness of our Corporate Compliance Plan depends on all affected individuals to step forward, in good faith, with questions and concerns. 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 first raised with a supervisor. If this is not comfortable or not a viable option, affected individuals are encouraged to contact the Corporate Compliance Hotline via the main number or by calling it directly at (845) 331-2408 where reports may be made confidentially and anonymously.

Element V: Disciplinary Standards

Failure to comply with the Corporate Compliance Plan, the Code of Conduct, the Medicaid Program, or laws and regulations applicable to Arc Mid-Hudson and our operations may result in disciplinary action. Retraining of staff will occur if misconduct is based on a lack of awareness or understanding of a regulatory obligation, policy, or procedure. Resolution of disciplinary issues will be determined through the Corporate Compliance Plan structure in direct cooperation with the appropriate manager, the Chief Human Resources Officer, the Director of Quality Management/Corporate Compliance, Corporate Compliance Officer, and, as appropriate, the Chief Executive Officer of Arc Mid-Hudson. The degree of discipline may range from counseling, verbal warnings, written warnings, recommended change or discontinuation of privileges, termination of a contract, termination of employment, or removal from a particular position or function. The agency will endeavor to be consistent in its approach to discipline with the same disciplinary action for similar offenses. Arc Mid-Hudson will also seek to reward affected individuals who foster a culture of compliance.

Element VI: Auditing and Monitoring

Arc Mid-Hudson is committed to conducting routine internal and external audits of concerns that have regulatory or compliance implications. Appropriate individuals in key management positions will be responsible for engaging in self-monitoring processes conducted within specific departments/divisions. 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.

Arc Mid-Hudson shall complete an annual review of whether the Medicaid compliance program requirements have been met, to determine the effectiveness of its compliance program, and whether any revision or corrective action is required. This annual review is an essential component of our compliance program.

Arc Mid-Hudson 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

Arc Mid-Hudson hire and contract with individuals and entities that have the same respect for applicable legal and ethical obligations as the agency. This standard applies to personnel in positions with “substantial” control over Arc Mid-Hudson including, but not limited to, those having the ability to affect and determine policy and to negotiate contracts. All current and prospective employees will be required to disclose, on a periodic basis, whether he or she has committed a crime, including health care-related crimes. Further, Arc Mid-Hudson will check to determine if new hires or existing employees, contractors, independent contractors, vendors, agents, corporate officers and board members have been excluded from participation in the federal healthcare programs by checking the Office of Inspector General (OIG) “List of Excluded Individuals/Entities,” a database which provides a list of parties excluded from participation in federal healthcare programs; and the New York State Office of the Medicaid Inspector General’s Exclusion List, which identifies parties excluded from participation in the NYS Medicaid programs.

Arc Mid-Hudson will also comply with requirements promulgated under state law with respect to background checks and appropriate screening activities as those requirements apply to personnel within the agency’s operations.

Due care will be used in protecting the agency against any potential conflicts of interest. All members of the Board of Directors, Executive, and Senior Management staff will sign a statement disclosing any conflicts or potential conflicts on an annual basis.

Element VII: Responding to Compliance Issues

Arc Mid-Hudson is committed to fostering our culture of compliance through detecting, correcting, and preventing non-compliance with Medicaid program requirements, including fraud, waste, and abuse most likely to occur for the agency’s risk areas and organizational experience. Through the process of our corporate compliance reporting structure and the articulation of compliance-related roles and responsibilities at every level of Arc Mid-Hudson operations, detection and correction of problems is expected. If an internal investigation substantiates a reported violation, then it is our policy to engage in a two-fold process: (1) to initiate corrective action including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary; and (2) implementing systemic changes to prevent a similar violation from recurring in the future.