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**POLICY STATEMENT**

Topic: Corporate Compliance Structure Date Effective: 7/1/2019

Revised  New Section: Corporate Compliance Number: 10.03

Date: 2/23/2023 Approved by: 

**POLICY STATEMENT**

The Arc Mid-Hudson (“Arc Mid-Hudson”) is committed to establishing and maintaining high standards of ethical conduct related to its business and operational practices. This policy establishes an independent Corporate Compliance Program that will serve as the basis on which a strong corporate culture of compliance to laws and regulations can rest. Arc Mid-Hudson delegates responsibility and authority to the Director of Quality Management and Corporate Compliance, the Corporate Compliance Officer and the Corporate Compliance Committee for the oversight of implementation and operation of the Corporate Compliance Program.

The purpose of this policy is to define the functional components of the Corporate Compliance Program to include the Compliance Officer and the Corporate Compliance Committee, and their related responsibilities established within the Corporate Compliance Program of the Arc Mid-Hudson as well as the collaborative role of the Arc New York.

**PROCEDURE**

A: Designations

- 1) The Compliance Officer shall be responsible for the day-to-day operation of the Compliance Program and shall foster an environment of compliance. The Compliance Officer shall oversee and monitor the development and implementation of Arc Mid-Hudson’s compliance policies (utilizing the assistance of The Arc New York’s compliance resources when appropriate), the achievement and maintenance of compliance standards, including audits, training, and the investigation and response to employee compliance complaints/reports. The Compliance Officer is directly responsible to the Director of Quality Management and Corporate Compliance, who reports directly

to the Chief Executive Officer and to the Board of Directors. The Compliance Officer shall supervise all Corporate Compliance Coordinators.

- 2) The Corporate Compliance Committee shall serve as a resource for the Corporate Compliance Officer. The Corporate Compliance Committee shall continually foster a culture of compliance within the Arc Mid-Hudson at every level and in every department.
- 3) The Board of Directors shall receive and respond to reports of the Compliance Officer and the Corporate Compliance Committee and shall be responsible for the effective implementation of Arc Mid-Hudson's Corporate Compliance Plan. The Board shall be responsible for taking any disciplinary actions of its own members relating to violations of law, regulations, or Arc Mid-Hudson's policies and procedures, including its Corporate Compliance Plan.

## B: Functions

- 1) The Compliance Officer
  - a. Duties of the Compliance Officer

Arc Mid-Hudson maintains a separate Job Description for the Compliance Officer, attached hereto as Exhibit A. In addition to the duties described in the Job Description, the duties of the Corporate Compliance Officer shall include, but not be limited to, the following:

**Maintenance and Improvement of the Written Standards and Policies:** The Compliance Officer shall develop, oversee and monitor implementation of the written Corporate Compliance Plan, including the Code of Conduct and related policies and procedures and will recommend changes to or the development of new written documentation to support the Corporate Compliance Plan. The Compliance Officer will be responsible to collaborate with and effectively utilize the resources of The Arc New York's Director for Quality, Compliance and Chapter Relations to stay informed of the latest regulatory developments applicable to Arc Mid-Hudson's operations and to develop new policies to address these changes.

**Liaison to the Board, the Compliance Committee and Arc Mid-Hudson Management and Employees:** The Compliance Officer shall report to the Board the results of all corrective actions and investigations to the Compliance Committee and the Board of Directors on a quarterly basis. . All 'major' compliance risks must be reported in a timely manner to the Chief Executive Officer and/or the relevant members of senior leadership as dictated by Arc Mid-Hudson under the advice of the Chief of Legal Affairs or independent

counsel. As determined to be necessary by the foregoing individuals, the Board will be notified of emergent compliance issues.

On at least a quarterly basis, the Compliance Officer will prepare and submit to the Board of Directors a written report on the operation of the Compliance Program during the preceding quarter. The report to the Board of Directors shall address the current status of the compliance program such as completed audits, current external reviews, investigations and audits that have fiscal components. The Compliance Officer will present to the Board in an Executive Session on an as needed basis but no less than annually.

**Liaison with the Arc NY Board of Governors:** The Compliance Officer is responsible for facilitating cooperation with The Arc New York's Director for Quality, Compliance and Chapter Relations in periodic reviews of Arc Mid-Hudson's Corporate Compliance Program, and working cooperatively with The Arc New York's Director for Quality, Compliance and Chapter Relations to implement any corrective actions required by the Arc NY Board of Governors to improve the effectiveness of Arc Mid-Hudson's Corporate Compliance Program.

**Background/Exclusion Checks:** The Compliance Officer will work with the Human Resources Department to ensure that Arc Mid-Hudson does not hire or contract with an individual or entity who has been excluded or debarred from participation in Federal and state health programs, including Medicaid, in accordance with the policies and procedures established by the Human Resources Department and the Corporate Compliance Policy 10.04 on Exclusion Checks.

**Education and Training:** The Corporate Compliance Officer is responsible for overseeing the development of training seminars and for ensuring that these seminars are conducted in accordance with the Corporate Compliance Policy 10.08 on Education and Training of Employees or Others. The Compliance Officer will be a resourceful leader regarding the implementation of the Corporate Compliance Plan and will assist employees to interpret and follow the Plan.

**Audit Responsibilities:** The Compliance Officer shall be responsible for overseeing compliance audits conducted by both internal staff and outside consultants. As directed by the Compliance Officer or as detailed in the Policy, Arc Mid-Hudson managers and employees will assist with the audits.

**Investigations and Receipt of Complaints and Concerns:** The Compliance Officer will pursue and promptly investigate any employee concerns or

complaints received via the Corporate Compliance Hotline or other methods of reporting, as detailed in the Corporate Compliance Policy on Internal Investigations 10.09 Internal Investigations.

The Compliance Officer shall document all compliance complaints or reports brought by the Board, by employees, by independent contractors or by Medicaid recipients, as provided in the Corporate Compliance Policy 10.13 on Documentation of Compliance Activities.

**Discipline/Enforcement of the Corporate Compliance Plan:** The Compliance Officer shall be responsible to ensure that Arc Mid-Hudson imposes appropriate sanctions against an individual employee, contractor, independent contractor, sub-contractor, agent, corporate officer or board member for failure to comply with the Corporate Compliance Plan, the Code of Conduct and/or laws and regulations applicable to Arc Mid-Hudson. The Compliance Officer shall also evaluate whether misconduct is based on a lack of awareness or understanding of a regulatory obligation, policy or procedure and shall institute a program of education and training of staff, as needed. Disciplinary action shall be taken in accordance with the Corporate Compliance Policy 10.16 on the Discipline and Incentive Program.

**Disclosure and Internal/External Corrective Action:** The Compliance Officer shall coordinate and oversee the detecting, correcting and preventing of non-compliance behaviors. When an internal investigation or report results in the identification of a violation of law, regulations or an Arc Mid-Hudson policy or procedure, the Compliance Officer shall be responsible to work, as necessary, with any or all of the following: the Board of Directors, the Director of Quality Management and Corporate Compliance, the Chief Executive Officer, Chief of Legal Affairs and Personal Management/General Counsel, independent counsel (if applicable), the Corporate Compliance Committee, and the management team to ensure that Arc Mid-Hudson: (a) follows the Corporate Compliance Policy 10.10 on Detecting and Responding to Violations; Voluntary Disclosures; (b) conducts the appropriate corrective action, such as making prompt restitution of any overpayment amounts; and (c) notifies the appropriate governmental agency and institutes whatever disciplinary action is necessary. The Compliance Officer must also ensure that Arc Mid-Hudson identifies and implements systemic changes to prevent a similar violation from recurring in the future.

b. Oversight Authorization of the Compliance Officer

The Compliance Officer has the authority to review all documents and other information relevant to compliance activities, including but not limited to work product and records concerning Arc Mid-Hudson's arrangements with

independent contractors, governmental agencies, third party payors, suppliers and agents.

The Compliance Officer is vested with full authority to stop work on a project that is believed to be problematic until such time as the issue in question has been resolved.

The Compliance Officer is authorized to engage in disciplinary actions of employees and independent contractors in accordance with the Corporate Compliance Policy 10.16 on the Discipline and Incentive Program.

## 2) The Corporate Compliance Committee

### a. Composition and Governance

**Membership:** The Corporate Compliance Committee shall be appointed by the Chief Executive Officer and will be comprised of not less than eight (8) individuals representing Arc Mid-Hudson leadership and key departments, including but not limited to: the Chief Executive Officer, Chief Financial Officer, Chief Human Resources Officer, Chief Operating Officer, Director of Operations, Chief Clinical Officer, Chief Information Officer, Director of Corporate Compliance and Quality Management. The composition of the Corporate Compliance Committee shall include at least three (3) directors, two (2) of whom should be non-executive directors, free from any relationship that would interfere with the exercise of his or her independent judgment. The Chief Executive Officer shall designate a Chairperson who shall serve in such capacity for no less than one year. In the event of the resignation of the Compliance Chairperson, a new Chairperson shall be appointed.

**Meetings:** Meeting dates, times and locations will be set by the Quality Management Administrative Assistant. The Committee will meet not less than once per quarter of the calendar year and may meet more often as deemed necessary by the Chair or by a majority of the Committee. The Corporate Compliance Committee may invite non-members to meet with the Committee. The Chairperson of the Corporate Compliance Committee shall communicate with the members of the Committee between meetings to inform the members of significant developments or to solicit input.

**Agenda:** The agenda for regular meetings will be set by the Compliance Department and all members will be entitled to add items to the agenda of regular and special meetings as they deem appropriate. Agenda items should include the following: status of implementation of Corporate Compliance Plan; potential compliance violations that have been detected; investigations

and responses to reported offenses; identification of risk areas and plans for risk reduction; internal, external and prospective audit reports; evaluation of Corporate Compliance Plan.

**Action:** Actions of the Corporate Compliance Committee will require approval by a majority of the members, either by verbal or written consent. Members are not required to be physically present in the same location in order for the Corporate Compliance Committee to act and actions may be taken by telephone conferences (where all parties have the ability to speak and be heard by the remainder of the group), by written communications or by other means of communication.

**Minutes:** The Corporate Compliance Committee will maintain written minutes of meetings and actions. The minutes will be made available to members of the Board of Directors on a quarterly basis. The Corporate Compliance Committee may appoint a non-member to act as secretary and to prepare minutes of the meetings. Minutes will be archived by the Compliance Officer and retained indefinitely.

**Confidentiality:** The Corporate Compliance Committee will have access to sensitive information regarding the operations of Arc Mid-Hudson. Each member shall take appropriate steps to safeguard this information from accidental or intentional disclosure and may be required to return or destroy documents related to matters discussed by the Corporate Compliance Committee.

**b. Duties of the Corporate Compliance Committee**

**Maintenance and Improvement of the Written Standards and Policies:** The Corporate Compliance Committee will review the effectiveness of the Corporate Compliance Plan on an annual basis and will offer recommendations for improving and strengthening Arc Mid-Hudson's policies, procedures and commitment to compliance through the Corporate Compliance Plan. The Corporate Compliance Committee will oversee and approve the continuing development and implementation of policies, procedures, directions, guidelines and communications that establish compliance standards and further the objectives of the Corporate Compliance Program. Members of the Corporate Compliance Committee will analyze the regulatory environment and legal requirements with which the Agency must comply, and specific risk areas for the Agency. The Corporate Compliance Committee will utilize The Arc New York's Director for Quality, Compliance and Chapter Relations when appropriate in the development of standards and policies.

**Liaison to the Board and Arc Mid-Hudson Management:** The Corporate Compliance Committee shall regularly communicate with the Board. The Corporate Compliance Committee is responsible to receive reports from the Compliance Officer or from The Arc New York's Board of Governors concerning or related to the operation of the compliance program such as issues related to training and education, hotline reports/disclosures of wrongdoing, potential or existing government investigations or litigation, internal and external audits, and compliance risk assessment. The Corporate Compliance Committee will provide support and feedback to the Compliance Officer and others and will provide strategic direction for the Corporate Compliance Plan.

**Auditing:** The Corporate Compliance Committee shall recommend and monitor in conjunction with the relevant departments, the development of internal systems and controls to carry out the agency's standards, policies, and procedures as part of daily operations. The Corporate Compliance Committee shall evaluate internal and external audits and investigations for the purpose of identifying troublesome issues and deficient areas, and implementing corrective and preventive action.

**Investigations and Receipt of Complaints and Concerns:** The Corporate Compliance Committee shall ensure that the Compliance Officer has appropriate independence and support for the Corporate Compliance Program for investigations and matters related to compliance issues. The Corporate Compliance Committee shall receive reports related to investigations and complaints under the Corporate Compliance Plan.

**Discipline/Enforcement of the Corporate Compliance Plan:** The Corporate Compliance Committee shall support the Corporate Compliance Officer and management to impose appropriate sanctions for violations of law, regulations and Arc Mid-Hudson's policies and procedures, including the Corporate Compliance Plan. The Corporate Compliance Committee shall advise on whether additional training and education may be needed based on particular areas of risk that arise.

**Disclosure and Internal/External Corrective Action:** The Corporate Compliance Committee shall provide input into any corrective action plan developed by Arc Mid-Hudson, including self-disclosure to a governmental agency. The Corporate Compliance Committee shall also assist the Compliance Officer to identify and implement changes to day-to-day policies and procedures to prevent future violations of similar laws, regulations and policies.

c. Oversight Authorization of the Corporate Compliance Committee

The Corporate Compliance Committee shall have the authority to retain outside counsel and independent consultants, as needed, and shall be empowered to assure that appropriate allocation of resources for support of and effective implementation of the Corporate Compliance Program is made available by Arc Mid-Hudson, including but not limited to funding for internal auditing and monitoring of the effectiveness of the Plan.

C. Additional Activities

**1) Annual Workplan:** The Compliance Officer shall be responsible to prepare an annual workplan for Arc Mid-Hudson to follow to address key areas of risk. The Compliance Officer will update and report progress to the Executive Team and the Board of Directors on an annual basis. The Compliance Committee shall approve and assist the Compliance Officer to achieve the goals of the workplan.

**2) Fostering a Culture of Compliance:** The Compliance Officer, the Compliance Committee, Senior Management, and the Board of Directors are responsible to foster a culture of compliance supported by the effective implementation of the Corporate Compliance Plan.

List of Exhibits:

Exhibit A – Job Description for Corporate Compliance Officer

**Exhibit A**

**Arc Mid-Hudson COMPLIANCE OFFICER  
Job Description**

Title of Position: Corporate Compliance Officer

Reports to: The Director of Quality Management and Corporate Compliance

Qualifications: Bachelor's Degree in Psychology, Social Work, Human Services, Business, or related field required and 5 years of experience with Medicaid and OPWDD regulations preferred. Managerial experience is preferred. Energetic, enthusiastic, and flexible. Independent, strong self-starter able to quickly gain confidence and coordinate projects from start to finish with minimal supervision.

Name of Document: 10.03 Corporate Compliance Structure

Date last updated: 2/23/2023

Updated by: Mara LeBlanc



Job Code: Exempt/Non-Union

Days/Hours: Monday-Friday 9-5/Flexible

Position Summary:

It is the role of every employee of The Arc Mid-Hudson to promote and protect our mission, values, brand, and full array of supports offered. Inherent in those responsibilities includes marketing to both internal and external customers, and protecting our brand. This includes our affiliates and business partners, both current and future.

The position of Corporate Compliance Officer is responsible for coordinating and implementing agency policies regarding compliance, conducting internal auditing of funded services, tracking data and generating reports regarding compliance standards, recommending plans of action for deficient practices, investigating concerns in relation to Corporate Compliance and Quality Management (QM), and conducting staff training in relation to the Agency's corporate compliance program, HIPAA and QM. As a member of the Quality Management team, the incumbent will participate in agency-wide initiatives to improve quality improvement initiatives. The CCO will support the agency at all levels while ensuring strong focus and attention to the Council on Quality and Leadership and Personal Outcome Measures (CQL/POM) principles and practices, fiscal principals, local, state and federal regulations as well as any other necessary provisions to ensure quality of services to individuals and compliance with all regulations.

Principal Duties and Responsibilities:

1. Coordinates with the Corporate Compliance Committee to assure the Compliance plan is effectively implemented.
2. Attends Corporate Compliance trainings offered by The Arc New York, Office of the Medicaid Inspector General, and as designated by the Quality Management Director, Executive Director or General Counsel.
3. Conducts and oversees investigations of compliance complaints; documents same.
4. Develops and implements policies and procedures relating to Corporate Compliance
5. Provides guidance relating to Corporate Compliance to management, medical/clinical personnel and individual departments regarding Policies and Procedures and governmental laws, rules and regulations.
6. Develops, oversees and monitors the implementation of the Compliance Plan and all related policies
7. Directs and conducts internal audits established to monitor the effectiveness of compliance standards.
8. Communicates with Board of Directors and provides them with annual training related to Corporate Compliance issues.
9. Reports directly to the Quality Management Director/Corporate Compliance and the Executive Director with respect to all potential and actual Corporate Compliance issues.

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10. Act with the highest level of integrity and in such manner as to carry out and promote the Agency's mission, values and Guiding Principles.
11. Provide Agency representation, as required, in outside activities including general meetings, Unemployment hearings, etc.
12. Attend audit entrance and exit conferences, administrative/other meetings, as requested and required.
13. Maintain professional affiliations as appropriate and participate in professional activities to keep abreast of developments in Quality Management and Compliance (OPWDD, 624 regulations, The Arc NY, IAC, and the Justice Center).
14. Oversee the completion of family surveys and developing reports on a regular basis for review by the Quality Review and Improvement Committee.
15. Oversight of the agency's documentation retention and destruction of records.
16. Act as an agency liaison with the Self Advocacy Association and provide support to the agency's self-advocacy group.
17. Provide adequate supervision of all direct reports to assist in the professional growth and development of each individual.
18. Perform other related functions as required/directed.