


POLICY STATEMENT

Topic: Standards of Conduct Date Effective: 7/1/2019

☒ Revised ☐ New Section: Corporate Compliance Number: 10.02

Date: 8/8/2023 Approved by: 

Purpose

The purpose of this policy and procedure is to detail The Arc Mid-Hudson's ("Arc Mid-Hudson") design, implementation, and expectations of standards of conduct.

Statement of Policy

The Arc Mid-Hudson is committed to conducting business in an ethical manner, supported by our Compliance Program expectations, and embodied within our standards of conduct. All affected individuals are trained on and expected to act in accordance with the Arc Mid-Hudson's standards of conduct because they are an integral component of our Compliance Program and provide guidance on carrying out our job duties within appropriate ethical and legal standards. The Arc Mid-Hudson Standards of Conduct can be found at **Exhibit A**.

Scope of Policy

This policy and procedure are applicable and made available/accessible to all affected individuals unless a specific exemption is noted within this policy.

References

The Arc Mid-Hudson is governed by several federal, state, and local statutes, rules, and regulations; however, this policy focuses on participation in and compliance with the Medical Assistance Program (Medicaid and Medicare). Applicable statutes, rules and regulations used to design this policy include New York State Title 18 regulations, specifically those under Part 521 that establishes requirements to adopt and implement programs designed to detect and prevent fraud, waste, and abuse in the Medical Assistance

program. Social Services Law Part 363 -d which establishes expectations for provider compliance programs, was also used to design this policy and procedure. The Arc New York Chapter Manual also requires that all operating Chapters shall have in effect a plan for corporate compliance that contains all the elements of a corporate compliance plan required by the OMIG (Section III-15.0: Corporate Compliance, Arc New York Chapter Manual) as well as a Compliance Committee that is a committee of the Chapter Board. (Section II-5.1: Model Chapter By-Laws, Article XI, Sections 1 &2)

Title 18, Social Services Law, New York Codes, Rules, and Regulations at Part 521-1.4(a) govern Standards of Conduct requirements.

DEFINITIONS

Affected Individuals: all persons who are affected by the required provider's risk areas, including the required provider's employees, the chief executive officer and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers. (N.Y. Comp. Codes R. & Regs. tit. 18, § 521-1.2)

RESPONSIBILITIES

This policy and procedure are overseen by the Arc Mid-Hudson's designated Compliance Officer (CO) and Compliance Committee (CC). The CO and CC are responsible for monitoring implementation of this policy and procedure, reviewing and revising as necessary; but no less frequent than annually.

Procedures

A. Employees

Each affected individual is provided with a copy of the Standards of Conduct at the time of initial hire, execution of contract, annually and at the discretion of the Compliance Officer.

Training and education on the standards of conduct occurs within ninety (90) days of hire, Board appointment, or execution of contract, and a signed acknowledgement of the standards of conduct is collected at that time, indicating the recipients understanding and commitment to follow the standards of conduct The Acknowledgement Form is attached as **Exhibit B**.

Each employee will review the Standards of Conduct on an annual basis. At that time, the employee will be required to re-sign the acknowledgement form. Each supervisor is responsible to assure the employee reviews the Standards of Conduct annually.

B. Supervisors & Managers

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Date last updated: 8/7/2023

Updated by: M. Nilsen

While all employees are obligated to follow our Standards of Conduct, The Arc Mid-Hudson's management team is expected to set an example of acceptable conduct. We expect all Arc Mid-Hudson supervisory employees to: (1) exercise their responsibilities in a manner that is kind, sensitive, thoughtful, and respectful. We expect each supervisor to create an environment where all employees feel free to raise concerns and propose ideas; (2) ensure their employees have sufficient information to comply with laws, regulations and Arc Mid-Hudson policies and procedures, including but not limited to those related to Arc Mid-Hudson Corporate Compliance Program and to resolve ethical dilemmas. Supervisors must create a culture within Arc Mid-Hudson, which promotes the highest standards of ethics and compliance.

C. Contractors, Agents, Subcontractors and Independent Contractors.

Contractors, agents, subcontractors, and independent Contractors are provided with a copy of the Standards of Conduct at the time of entering into a written agreement with Arc Mid-Hudson.

Each contractor, agent, subcontractor, and independent contractor signs an acknowledgement of the Standards of Conduct at the time of initial contracting and at renewal, indicating their understanding and commitment to follow the Standards of Conduct. The Acknowledgement Form is attached as **Exhibit C**.

D. Board Members/Corporate Officers

Each Board Member/Corporate Officer is provided with a copy of the Standards of Conduct at the time of Board orientation and on an annual basis.

Each new Board Member/Corporate Officer is oriented on the Standards of Conduct within three (3) months of joining the Board of Arc Mid-Hudson and signs an acknowledgement of the Standards of Conduct at that time, indicating their understanding and commitment to follow the Standards of Conduct. The Acknowledgement Form is attached as **Exhibit D**.

Exhibits

Exhibit A – Arc Mid-Hudson Standards of Conduct

Exhibit B – Employee Acknowledgement Form

Exhibit C – Contractors, Agents, Subcontractors, & Independent Contractors Acknowledgement Form

Exhibit D – Board Member/Corporate Officer Acknowledgement Form

Exhibit A

The Arc Mid-Hudson Standards of Conduct

Mission

“To empower people with intellectual and other developmental disabilities to achieve and experience the highest quality of life.”

Values

The Arc Mid-Hudson accomplishes its mission while adhering to core values:

1. **Respect:** Treats everyone affiliated with the agency with the same dignity and respect that they would want for themselves.
2. **Integrity:** With integrity as a foundation for all actions, holds themselves to the highest standards of honesty, loyalty, trustworthiness, and principles in all interactions.
3. **Compassion:** Exhibits kindness, understanding, empathy, and concern for the people we support.
4. **Excellence:** Dedicates themselves to helping ensure, either directly or indirectly, the highest standards of care are provided to the people we support on a daily basis.

Commitment to Stakeholders

To the people we support: We are committed to providing the highest quality of support, in a caring and compassionate manner.

To the communities we support: We are committed to understanding the unique needs of the people we support and to provide our services with cost-effective, quality services.

To our employees: We are committed to a work setting which is safe, which treats all employees with fairness, dignity and respect, which affords all employees an opportunity to gain experience, to develop professionally, and to work in a team environment where all ideas are considered.

To our third party payors: We are committed to working with our payors in a way that demonstrates our commitment to our contractual obligations and reflects our shared concerns for quality services in an efficient and effective manner. We encourage our payors to adopt their own set of ethical principles that recognize their obligations to the individuals we serve, as well as the need for fairness between providers and payors.

To our regulators: We are committed to creating an environment in which compliance with applicable rules, laws, and regulations is woven into the fabric of Arc Mid-Hudson. We accept responsibility to self-govern and monitor adherence to requirements of law and our Standards of Conduct.

To our suppliers: We are committed to fair competition among existing and prospective suppliers. We encourage our suppliers to adopt their own set of standards and ethical practices.

Rules of Conduct

We believe that certain rules of conduct must be observed to promote a positive and ethical work environment and pledge to abide by the laws, regulations, and Arc Mid-Hudson policies and procedures, including, but not limited to those related to the Arc Mid-Hudson Corporate Compliance Program.

We also understand that, as individuals working for and on behalf of Arc Mid-Hudson, we have the added responsibility of following specific rules of conduct, as described below:

- To work cooperatively and respectfully with all affected individuals to provide the highest quality of services;
- To place the interests of the people we support and their family members first in all aspects of what we do;
- To represent Arc Mid-Hudson positively in the community-at-large;
- To conduct all activities in a fiscally responsible manner;
- To work in accordance with applicable laws, regulations, and Arc Mid-Hudson policies;
- To seek training and assistance in areas that would strengthen the ability to fulfill responsibilities to the individuals supported and the Arc Mid-Hudson;
- To avoid conflicts of interest, including the acceptance and giving of gifts;
- To conserve resources of Arc Mid-Hudson by not engaging in wasteful behavior;
- To treat confidential information related to Arc Mid-Hudson and the people supported and to respect the privacy of the people supported and our fellow employees;
- To complete tasks in a timely manner and meet expectations for the quality of work that Arc Mid-Hudson strives to achieve;
- To bill individuals and third party payors accurately;
- To report to a supervisor or to the Compliance Hotline any potential violation of applicable laws, regulations, and policies, including the Corporate Compliance Program;
- To respect the role of the Board and management and to fully implement their decisions; and
- To consult Arc Mid-Hudson leadership when questions arise as to the conduct permitted under applicable laws, regulations, and policies, including the Corporate Compliance Program.

Exhibit B

**Acknowledgement Form
The Arc Mid-Hudson Employees**

- ✓ I acknowledge that I have read and that I understand The Arc Mid-Hudson Standards of Conduct.
- ✓ I understand and agree that I must comply with The Arc Mid-Hudson Corporate Compliance Program, the Standards of Conduct and all laws, regulations, policies, procedures, and other guidance applicable to the responsibilities of my position.
- ✓ I agree to fully cooperate with the implementation of The Arc Mid-Hudson Corporate Compliance Program, to participate in any auditing or monitoring processes, and to report any instances of possible violations of law, regulations, or policies that are applicable to The Arc Mid-Hudson of which I become aware.
- ✓ I acknowledge that The Arc Mid-Hudson maintains a hotline for the purpose of receiving notifications of possible violations of law, regulation, and The Arc Mid-Hudson Corporate Compliance Program.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations, or the Corporate Compliance Program may result in disciplinary action, up to and including termination.

Signature

Print Name

Title

Date

Exhibit C

Acknowledgement Form Contractors/ Agents/Subcontractors/Independent Contractors

The Arc Mid-Hudson has developed a Corporate Compliance Program that states that the organization and all affected individuals will adhere to applicable federal, state, and local laws and regulations and internal policies and procedures.

Our Corporate Compliance Program is a combination of policy and procedure that assists our organization to monitor, detect, and correct actions that are not in compliance with applicable laws or our own policies and procedures.

As our agent, we expect that you will act in compliance with the laws that are applicable to our organization and to your organization and in compliance with our policies and procedures, particularly our Standards of Conduct that sets forth the overarching principles for conducting our business with integrity based on sound ethical and legal standards.

As our agent, we also expect you to report any suspected or potential violations of law or our policies and procedures of which you become aware by contacting our Chief Executive Officer at (845) 331-4300 or our Corporate Compliance Officer at (845) 331-4300 or our Corporate Compliance Hotline at (845) 331-2408.

As our agent, we expect you to understand your role in the Corporate Compliance Program of The Arc Mid-Hudson and we expect you to request any policies and procedures that are applicable to you and your organization. You may contact the Chief Executive Officer or the Corporate Compliance Officer for any questions or clarifications of your responsibilities.

* * * * *

- ✓ I acknowledge that on behalf of myself and my organization that I have read and that I understand The Arc Mid-Hudson Standards of Conduct and the policies and procedures of The Arc Mid-Hudson Corporate Compliance Program that are applicable to the services that my organization and I are providing to The Arc Mid-Hudson.
- ✓ I understand and agree that I and all those in my organization who provide services to The Arc Mid-Hudson must comply with The Arc Mid-Hudson Corporate Compliance Program and The Arc Mid-Hudson Standards of Conduct and all laws, regulations, policies, procedures, and other guidance applicable to the services that are provided to The Arc Mid-Hudson.

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Updated by: M. Nilsen

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- ✓ I agree on behalf of myself and my organization to fully cooperate with the implementation of The Arc Mid-Hudson Corporate Compliance Plan, to participate in any auditing or monitoring processes and to report any instances of possible violations of law, regulations or policies that are applicable to The Arc Mid-Hudson of which I become aware.
- ✓ I acknowledge that The Arc Mid-Hudson maintains a hotline for the purpose of receiving notifications of possible violations of law, regulation, and The Arc Mid-Hudson Corporate Compliance Program.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations, or the Corporate Compliance Program may result in corrective action, up to and including termination of my agreement with The Arc Mid-Hudson.

Signature

Print Name

Title

Date

Company

Exhibit D

**Acknowledgement Form
Members of The Arc Mid-Hudson Board of Directors/Corporate Officers**

- ✓ I acknowledge that I have read and that I understand The Arc Mid-Hudson Standards of Conduct.
- ✓ I agree to comply with The Arc Mid-Hudson Corporate Compliance Program and The Arc Mid-Hudson Standards of Conduct and all laws, regulations, policies, procedures, and other guidance applicable to the responsibilities of my membership on The Arc Mid-Hudson Board of Directors.
- ✓ I understand that, as a member of the Board of Directors, I have a responsibility to oversee and support the implementation of The Arc Mid-Hudson Corporate Compliance Program, including participating in monitoring, auditing, investigations, and other activities related to compliance.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations or the Corporate Compliance Program may result in corrective action.

Signature

Print Name

Title

Date