

Citizen Advocates, Inc.

Corporate Compliance Plan

Revised: September 2018

Approved: October 2018

By: Board of Directors

Last Updated:

Table of Contents

<u>Section</u>	<u>Page(s)</u>
Overview	3
Plan Elements	4-12
1. Written Policies and Procedures	4-7
2. Designation of Corporate Compliance Officer and Compliance Committee	7-8
3. Training and Education	8
4. Communication Lines to the Corporate Compliance Officer	9
5. Disciplinary Policies	9-10
6. Identification of Compliance Risk Areas and Non-Compliance	11
7. Responding to Compliance Issues	11-12
8. Policy of Non-Intimidation and Non-Retaliation	12

Overview

It is the policy of Citizen Advocates, Inc. (the Agency) to comply with all applicable federal, state and local laws and regulations. It is also our policy to adhere to the Code of Conduct that is adopted by the Board of Directors, the Chief Executive Officer and the Compliance Committee.

Certain program components of Citizen Advocates, Inc. may have policies and procedures and / or other regulatory requirements that are different and more stringent than OPWDD/OMH/OASAS regulations. Nothing in this Compliance Plan is intended to modify or contradict any of these more stringent requirements.

We are committed to our responsibility to conduct our business affairs with integrity based on sound ethical and moral standards. We hold our employees, contracted practitioners, and vendors to these same standards.

Citizen Advocates, Inc. is committed to maintaining and measuring the effectiveness of our Compliance Plan through monitoring and auditing systems reasonably designed to detect noncompliance by our employees and agents. We shall require the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in federal and state health care statutes, regulations, and health care program requirements.

We have designated an individual to serve as our Corporate Compliance Officer (CCO) and have established a Compliance Committee (CC) to assist with implementation and operation of the Compliance Plan. Activities related to the implementation and operation of the Compliance Plan will be reported regularly to the Board of Directors.

All affected individuals shall acknowledge that it is their responsibility to report any instances of suspected or known non-compliance to their immediate supervisor, the Chief Executive Officer or the Corporate Compliance Officer. Reports may be made anonymously without fear of retaliation, intimidation, retribution, or breach of confidentiality. Failure to report known or suspected noncompliance or making false reports will be grounds for disciplinary action, including termination. Reports related to harassment or other workplace-oriented issues, will be referred to Human Resources.

Citizen Advocates, Inc. communicates its compliance standards and policies through required training initiatives to all employees, contracted practitioners, and vendors. We are committed to these efforts through distribution of this Compliance Plan, our Code of Conduct and Enforcement of Compliance Standards Policy.

This Compliance Plan will be consistently enforced through appropriate disciplinary mechanisms, including, if appropriate, discipline of individuals responsible for failure to detect non-compliance.

Detected non-compliance, 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.

Citizen Advocates, Inc. will, at all times, exercise due diligence with regard to background and professional license investigations for all prospective employees, contractors, vendors, and members of the Board of Directors.

Plan Elements

1. Written Policies and Procedures

The basic underlying objective of each and every program operated by Citizen Advocates, Inc. is to help people with developmental, behavioral, and intellectual challenges live full, healthy, meaningful lives rich with hope and choices of where and with whom they live, work, and play. To that end, it is essential that Citizen Advocates, Inc. establish a framework within which the efforts of each employee can be directed in a manner which will advance that objective.

We ensure that all aspects of program services and business conduct are performed in compliance with our mission/vision statement, policies, procedures, professional standards and applicable governmental laws, rules and regulations. Citizen Advocates, Inc. expects every person who provides services to the people we serve to adhere to the highest ethical standards and to promote ethical behavior. Any whose behavior is found to violate ethical standards will be disciplined appropriately.

Any shortcomings are to be reported to immediate supervisors, the Corporate Compliance Officer (CCO) or the Chief Executive Officer, so that each situation may be responded to appropriately. The CCO may be reached at (518) 483-1251 ext. 2233 or anonymously at (518) 354-4182.

Code of Conduct

The Agency and its employees must, at all times, comply with all applicable laws and regulations. The Agency will not condone the activities of employees who achieve results through violation of the law or unethical business dealings. This includes any payments for illegal acts, indirect contributions, rebates and bribery. The Agency does not permit any activity that fails to stand the closest possible public scrutiny.

All business conduct should be well above the minimum standards required by law. Accordingly, employees must ensure that their actions cannot be interpreted as being, in any way, in contravention of the laws and regulations governing the Agency's operations.

Employees uncertain about the application or interpretation of any legal requirements should refer the matter to their supervisor.

Employees must not engage in sexual harassment, or conduct themselves in a way that could be construed as such, for example, by using inappropriate language, keeping or posting inappropriate materials in their work area, or accessing inappropriate materials on their computer.

Conflicts of Interest

The Agency expects that employees will perform their duties conscientiously, honestly, and in accordance with the best interests of the Agency. Employees must not use their position or the knowledge gained as a result of their position for private or personal advantage. Regardless of the circumstances, if employees sense that a course of action they have pursued, are presently pursuing, or are contemplating pursuing may involve them in a conflict of interest with their employer, they should immediately communicate all the facts to their supervisor.

Outside Activities, Employment and Directorships

All employees share a serious responsibility for the Agency's good public relations, especially at the community level. Their readiness to help with religious, charitable, educational, and civic activities brings credit to the Agency and is encouraged.

Employees must, however, avoid acquiring any business interest or participating in any other activity outside the Agency that would, or would appear to:

- Create an excessive demand upon their time and attention, thus depriving the Agency of their best efforts on the job
- Create a conflict of interest—an obligation, interest, or distraction—that may interfere with the independent exercise of judgment in the Agency’s best interest

Relationships with People Served and Suppliers

Employees should avoid investing in or acquiring a financial interest for their own accounts in any business organization that has a contractual relationship with the Agency, or that provides goods or services, or both to the Agency, if such investment or interest could influence or create the impression of influencing their decisions in the performance of their duties on behalf of the Agency.

Gifts, Entertainment, and Favors

Employees must not accept entertainment, gifts, or personal favors that could, in any way, influence, or appear to influence, business decisions in favor of any person or organization with whom or with which the Agency has, or is likely to have, business dealings. Similarly, employees must not accept any other preferential treatment under these circumstances because their position with the Agency might be inclined to, or be perceived to, place them under obligation.

Kickbacks and Secret Commissions

Regarding the Agency’s business activities, employees may not receive payment or compensation of any kind, except as authorized under the Agency’s remuneration policies. In particular, the Agency strictly prohibits the acceptance of kickbacks and secret commissions from suppliers or others. Any breach of this rule will result in immediate termination and prosecution to the fullest extent of the law.

Agency Funds and Other Assets

Employees who have access to Agency funds in any form must follow the prescribed procedures for recording, handling, and protecting money as detailed in the Agency’s policies or other explanatory materials, or both. The Agency imposes strict standards to prevent fraud and dishonesty. If employees become aware of any evidence of fraud and dishonesty, they should immediately advise their supervisor so that the Agency can promptly investigate further.

When an employee’s position requires spending Agency funds or incurring any reimbursable personal expenses, that individual must use good judgment on the Agency’s behalf to ensure that good value is received for every expenditure.

Agency funds and all other assets of the Agency are for Agency purposes only and not for personal benefit. This includes the personal use of Agency assets, such as computers.

Agency Records and Communications

Accurate and reliable records of many kinds are necessary to meet the Agency’s legal and financial obligations and to manage the affairs of the Agency. The Agency’s books and records must reflect, in an accurate and timely manner, all business transactions. The employees responsible for accounting and recordkeeping must fully disclose all assets, liabilities, or both, and must exercise diligence in enforcing these requirements.

Employees must not make or engage in any false record or communication of any kind, whether internal or external, including but not limited to:

- False expense, attendance, production, financial, or similar reports and statements
- False advertising, deceptive marketing practices, or other misleading representations

Dealing With Outside People and Organizations

Employees must take care to separate their personal roles from their Agency positions when communicating on matters not involving Agency business. Employees must not use Agency identification, stationery, supplies, and equipment for personal or political matters.

When communicating publicly on matters that involve Agency business, employees must not presume to speak for the Agency on any topic, unless they are certain that the views they express are those of the Agency, and it is the Agency's desire that such views be publicly disseminated.

When dealing with anyone outside the Agency, including public officials, employees must take care not to compromise the integrity or damage the reputation of either the Agency, or any outside individual, business, or governing body.

Prompt Communications

In all matters relevant to customers/consumers, suppliers, government authorities, the public and others in the Agency, all employees must make every effort to achieve complete, accurate, and timely communications—responding promptly and courteously to all proper requests for information and to all complaints.

Privacy and Confidentiality

When handling personal information about employees, people served by the Agency, or others with whom the Agency does business, the following principles will be observed:

- Collect, use, record and/or retain the Social Security Numbers (SSN) and Personal Identifying Information (PII) only as necessary to comply with requirements of the law, to support consumer safety or to carry on necessary Agency functions. When feasible, obtain only relevant personal information directly from the person concerned. Use only reputable and reliable sources to supplement this information. Where a unique identification number is required for a purpose not based in law, the Agency will use a number other than a SSN or, if there is no current reasonably feasible alternative, will maintain SSNs in a secure environment.
- Protect SSN and PII from unauthorized disclosure, access and misuse. Store any paper files containing SSNs in locked rooms or cabinets. Retain SSN and PII only for as long as necessary or as required by law. The Agency will take steps to protect the confidentiality of its employees' SSNs by limiting the placement of such information to only those files which are secure and confidential. When a record containing a SSN or PII is no longer needed, it must be disposed of by shredding the document prior to disposal or otherwise disposing of the document in a manner that makes the SSN and PII unreadable and unrecoverable.
- Protect the confidentiality of SSNs and PII that it holds and limit internal access to such information only for legitimate Agency purposes. Use SSNs and PII only for the purposes for which the information was originally obtained. Obtain the consent of the person concerned before externally disclosing SSN and/or PII, except to the extent necessary to i) respond to judicial orders or subpoenas; ii) investigate, prevent or take action regarding suspected illegal activities, fraud, claims against the Agency or to ensure the safety of Agency persons or property; or iii) as otherwise authorized or required by law or contract. The Agency will not communicate an employee's PII to the general public.
- The Agency will not publicly post or display SSNs or include such information on a card, tag, identification badge or time card that is required for an individual to access products, services or benefits provided by the Agency. The Agency will not ask an individual to submit his or her SSN over the Internet unless it is encrypted or the connection is otherwise secure. The Agency will not cause SSNs to be printed on any material that is mailed, unless state or federal law requires the SSN to be on such document.

For purposes of this policy, the term "PII", includes an individual's social security number, home address or telephone number, personal electronic e-mail address, Internet identification name or password, parent's

surname prior to marriage, driver's license number, and/or account number, credit or debit card number in connection with any required security code, access code, or password that would permit access to an individual's financial accounts. This policy applies to all PII regardless of the media in which it occurs, including all paper and electronic formats. Social Security Number (SSN) means an individual's full SSN or any significant part of it (e.g. last four digits).

2. Designation of Corporate Compliance Officer and Compliance Committee

Corporate Compliance Officer

The Board of Directors of Citizen Advocates, Inc. designates Heather Perrin as the Corporate Compliance Officer. The CCO has direct lines of communication to the Chief Executive Officer and the Board of Directors.

Citizen Advocates, Inc. is committed to operating effective compliance programs. Therefore the Agency established the position of Compliance Officer to serve as the focal point for compliance activities and be responsible for oversight of the development, implementation, and daily operations of the compliance programs to include corporate compliance and HIPAA compliance. The Compliance Officer will act as the Agency's Corporate Compliance Officer and Privacy Officer as required by the HIPAA regulations.

- The CCO's primary responsibility is the implementation and effective operation of the corporate compliance program and of HIPAA compliance.
- The Compliance Committee will provide oversight of the CCO's activities
- Coordinate development and implementation of the Compliance Plan
- Establish and chair a Corporate Compliance Committee(CC)
- Establish employee reporting channels, including, but not limited to, a compliance hotline, which employees may use to report problems and concerns without fear of retaliation
- Implement corporate-wide training and communication programs to ensure that all employees and affiliated parties are educated on the Compliance Plan, HIPAA, and other specific issues deemed necessary
- Conduct and delegate responsibility to conduct appropriate compliance investigations to ensure proper follow-up and resolution
- Coordinate and conduct inquiries and/or investigations when deemed necessary
- Maintain a working knowledge of relevant issues, laws, and regulations through periodicals, seminars, training programs, and peer contact
- Conduct and/or direct internal audits established to monitor effectiveness of Compliance Plan and HIPAA standards
- Updating, periodically, the Compliance Plan as changes occur within Citizen Advocates, Inc. and in the law and regulations or government and third party payers
- Providing independent contractors with awareness of Citizen Advocates, Inc.'s Compliance Plan and HIPAA requirements
- Report on a regular basis to the governing body, CEO, and CC on the progress of program implementation and the continual monitoring
- Assist, when required, in the operations of the human resources function
- Work on special projects and prepare assigned analysis
- Participate in organizational meetings and committees

Compliance Committee

Citizen Advocates, Inc. maintains two Compliance Committees. There is a Board Compliance Subcommittee which meets quarterly. Members of the subcommittee include Board members, the Chief Executive Officer, Chief Financial Officer, Chief Operations Officer, and Chief Compliance Officer. Operations Compliance Committee

members are appointed by the Chief Executive Officer, to whom they report for compliance issues. The purpose of the Compliance Committees is to advise and assist the CCO with implementation of the Compliance Plan.

- Analyzing the environment where Citizen Advocates, Inc. does business, including legal requirements with which it must comply
- Review and assessment of existing policies and procedures that address these risk areas for possible incorporation into the Compliance Plan
- Working with departments to develop standards and policies and procedures that address specific risk areas and encourage compliance according to legal and ethical requirements
- Advising and monitoring appropriate departments relative to compliance matters
- Development of internal systems and controls to carry out compliance standards and policies
- Monitoring internal and external audits to identify potential non-compliant issues
- Implementing corrective and preventive action plans
- Developing a process to solicit, evaluate and respond to complaints and problems

3. Training and Education

Education and training are critical elements of this Compliance Plan. Every employee and agent is expected to be familiar and knowledgeable about Citizen Advocates, Inc.'s Compliance Plan and have a solid working knowledge of his or her responsibilities under the plan. Compliance policies and standards are communicated to all employees through required participation in training programs.

All administrative personnel and members of the Board of Directors shall participate in training on the topics identified below:

- Government and private payer reimbursement principles
- Government Initiatives
- History and background of Corporate Compliance
- Legal Authority
- General prohibitions on paying or receiving remuneration to induce referrals
- Prohibitions against submitting a claim for services when documentation of the service does not exist
- Prohibitions against signing for the work of another employee
- Prohibitions against alterations to medical records
- Prohibitions against rendering services without a signed physician's order, if applicable
- Proper documentation of services rendered
- Duty to report misconduct
- The Board of Directors will be introduced to the Compliance Plan as part of their orientation to the Board

In addition to the above, targeted training will be provided to all managers and any other employees who could create exposure to enforcement actions. Managers shall assist the CCO in identifying areas that require specific training and are responsible for communication of the terms of this Compliance Plan to all independent contractors doing business with Citizen Advocates, Inc.

As part of their orientation, each employee and contractor shall be made aware of this Compliance Plan, as well as policies and specific standards of conduct that affect their position.

All education and training relating to the Compliance Plan will be verified by an attendance record.

Attendance at compliance training sessions is mandatory and is a condition of continued employment with Citizen Advocates, Inc.

4. Communication Lines to the Corporate Compliance Officer

Open lines of communication between the CCO and every employee and agent subject to this Compliance Plan are essential to the success of our Compliance Program. Every employee has an obligation to refuse to participate in any wrongful course of action and to report the actions according to the procedure outlined below.

If an employee, contracted employee or agent witnesses, learns of, or is asked to participate in potential non-compliant activities, that are a violation of this Compliance Plan, they should contact the CCO, their immediate supervisor or the Chief Executive Officer. They may also choose to report concerns anonymously through the Compliance Hotline at (518) 354-4182.

Upon receipt of a question or concern, any supervisor, officer or director, shall document the issue at hand and report to the CCO. Any questions or concerns relating to potential non-compliance by the CCO should be reported immediately to the Chief Executive Officer.

The CCO 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 Ethics or its application, the CCO or designee shall record the facts of the call, the nature of the information sought and respond as appropriate. Citizen Advocates, Inc. shall protect the anonymity of the employee or contractor who reports any complaint or question unless the matter is turned over to law enforcement.

The identity of reporters will be safeguarded unless the matter is turned over to law enforcement. Reporters will be protected against retribution, retaliation, and intimidation. Report of any suspected violation of this plan by following the above shall not result in any retribution. Any threat of reprisal against a person who acts pursuant to his or her responsibilities under the plan is acting against the Citizen Advocates, Inc.'s compliance policy. Discipline, including termination of employment will result if such reprisal is proven.

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

5. Disciplinary Policies

For all employees who have authority to make decisions that may involve compliance issues Citizen Advocates, Inc. will conduct a reasonable and prudent background investigation, including a reference check, as part of every employment application.

The following organizations (but not limited to) may be queried with respect to potential employees, contractors, vendors and Members of the Board of Directors:

- General services administration: list of parties excluded from federal programs. The URL address is <http://epls.gov/epls/servlet/EPLSearchMain/2>.
- HHS/OIG cumulative sanction report. The URL address is <http://exclusions.oig.hhs.gov/search.html>.
- NYS Medicaid Fraud Database. The URL address is <http://www.health.state.ny.us/nysdoh/medicaid/dqprvpg.htm>.
- Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants) (the URL address is <http://www.health.state.ny.us/nysdoh/opmc/main.htm>) and/or New York State Department of Education (other licensed professionals) (the URL address is <http://www.op.nysed.gov/raresearch.htm#name>).

Employees, contractors and members of the Board of Directors have an affirmative responsibility to notify the Compliance Officer promptly if charged with a criminal offense related to healthcare, or is proposed or found to be subject to exclusion from federal healthcare programs.

Affected Individuals who fail to comply with Citizen Advocates, Inc.'s compliance policy and standards, or who have engaged in conduct that has the potential of impairing the Citizen Advocates, Inc.'s status as a reliable, honest, and trustworthy service provider will be subject to disciplinary action, up to and including termination.

Citizen Advocates, Inc.'s compliance standards and procedures shall be consistently enforced. The following are examples of situations where disciplinary action upon an individual would be warranted:

- Participation in misconduct and/or non-compliant behavior;
- Concealing actions of misconduct and/or non-compliant behavior;
- Failure to report suspected or known actions of misconduct and/or non-compliant behavior;
- Negligent failure to appropriately detect misconduct and/or non-compliant behavior;
- Failure to adhere to systems put in place to prevent misconduct and/or non-compliant behavior;
- Failure to cooperate in an investigation;
- Encouraging, directing, facilitating, or permitting misconduct and/or non-compliant behavior; and
- Retaliation and/or intimidation against an individual for reporting a possible violation or participating in an investigation.

Any discipline will be appropriately documented in the employee's personnel file, along with a written statement of reason(s) for imposing such discipline. The CCO shall maintain a record of all disciplinary actions involving the Compliance Plan and report at least quarterly to the Board of Directors regarding such actions.

Citizen Advocates, Inc.'s Compliance Program requires that the promotion of, and adherence to the elements of the Compliance Program be a factor in evaluating the performance of Citizen Advocates, Inc. employees and contractors. They will be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors will:

- Discuss with all supervised employees the compliance policies and legal requirements applicable to their function
- Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment
- Disclose to all supervised personnel that Citizen Advocates, Inc. will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements

Managers and supervisors will be sanctioned 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 discovery of any problems or violations and would have provided Citizen Advocates, Inc. the opportunity to correct them.

6. Identification of Compliance Risk Areas and Non-Compliance

Internal Audits

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of Citizen Advocates, Inc.'s Compliance Program. An ongoing auditing and monitoring system, implemented by the CCO, in consultation with the CC, is an integral component of our auditing and monitoring systems. This ongoing evaluation includes the following:

- Relationships with third-party contractors, specifically those with substantive exposure to government enforcement actions
- Compliance audits of compliance policies and standards
- Review of documentation and billing relating to claims made to federal, state and private payers for reimbursement, performed internally or by an external consultant as determined by CCO and Compliance Committee

The audits and reviews will examine the Citizen Advocates, Inc.'s compliance with specific rules and policies through on site visits, personnel interviews, general questionnaires, (submitted to employees and contractors) as well as consumer record documentation reviews.

Plan Integrity

Additional steps to ensure the integrity of the Compliance Plan may include:

- Annual review with legal counsel of all records of communications and reports by all employees or contractors kept in accordance with this plan
- The CCO will be notified immediately in the event of any visits, audits, investigations or surveys by any federal or state Citizen Advocates, Inc. or authority, and shall immediately receive a copy of any correspondence from any regulatory agency charged with administering a federally or state-funded program received by any of Citizen Advocates, Inc.'s programs.
- A process detailing ongoing notification by the CCO to all appropriate personnel of any changes in laws, regulations or policies; as well as appropriate training to assure continuous compliance

7. Responding to Compliance Issues

Detection

The CCO, Chief Executive Officer and the CC shall determine whether there is any basis to suspect that a violation of the Compliance Plan has occurred.

If it is determined that a violation *may have* occurred, the matter may be referred to legal counsel, who, with the assistance of the CCO, shall conduct a more detailed investigation. This investigation may include, but is not limited to, the following:

- Interviews with individuals having knowledge of the facts alleged
- A review of documents
- Legal research and contact with governmental agencies for the purpose of clarification

If advice is sought from a governmental agency, the request and any written or oral response shall be fully documented.

Reporting

At the conclusion of an investigation, which may involve legal counsel, he/she shall issue a report to the CCO, Chief Executive Officer, and CC summarizing his or her findings, conclusions and recommendations and will render an opinion as to whether a violation of the law has occurred. The report will be reviewed with legal counsel if in attendance. Any additional action will be on the advice of counsel. The CCO shall report to the CC regarding each investigation conducted.

Resolution

If Citizen Advocates, Inc. identifies that an overpayment was received from any third party payer, the appropriate regulatory (funder) and/or prosecutorial (attorney general/police) authority will be appropriately notified with the

advice and assistance of counsel. It is our policy to not retain any funds which are received as a result of overpayments. In instances where it appears an affirmative fraud may have occurred, appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future.

Documentation

Regardless of whether a report is made to a governmental agency, the CCO 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 Chief Executive Officer or legal counsel.

8. Policy of Non-Intimidation and Non-Retaliation

A policy of non-intimidation and non-retaliation protects individuals in their good-faith participation in the Compliance Plan, including reporting potential issues, investigating issues, self-evaluations, audits and remedial actions, and reporting to appropriate officials as provided in N.Y. Labor Law §§ 740 and 741 (False Claims Act).

The identity of reporters will be safeguarded unless the matter is turned over to law enforcement and will be protected against retribution. Report of any suspected violation of this plan by following the above shall not result in any retribution. Any threat of reprisal against a person who acts pursuant to his or her responsibilities under the plan is acting against the Citizen Advocates, Inc.'s compliance policy. Discipline, including termination of employment will result if such reprisal is proven.