



Community, Work & Independence, Inc.

**Corporate Compliance
Plan**

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Community, Work & Independence, Inc.

I. Corporate Compliance Plan

i. Policy Statement

It has been and continues to be the policy of Community, Work & Independence, Inc., also referred to as CWI, to comply with all applicable federal, state and local laws and regulations, and payer requirements. It is also CWI's policy to adhere to the Code of Conduct as adopted by its Board of Directors.

ii. Commitment

CWI has been and remains committed to the responsibility to conduct its business affairs with integrity based on sound ethical and moral standards and will hold all employees, contracted practitioners, board members and vendors to these same standards.

CWI is committed to maintaining and measuring the effectiveness of its compliance policies and standards through monitoring and auditing activities reasonably designed to detect noncompliance by its employees and agents. The Agency 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.

iii. Responsibility

All employees, contracted practitioners, board members and vendors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor, the Chief Executive Officer or the Compliance Officer. Reporting may be made anonymously and without fear of retaliation or retribution. Failure to report known noncompliance or reports which are not made acting in good faith will be grounds for disciplinary action, up to and including termination. Reporting related to harassment or other workplace-oriented issues will be referred to the Human Resources Office.

iv. Policies and Procedures

CWI will communicate its compliance standards and policies through required training initiatives to all employees, contracted practitioners, board members and vendors including the distribution of the Compliance Plan and the Code of Conduct. Compliance policies will be adopted by the Board of Directors and the

Compliance (QA/CC) Committee will approve compliance procedures.

v. Enforcement

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

vi. Agency Response

Detected noncompliance will be responded to in an expedient manner. CWI is 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.

vii. Due Diligence

CWI will, as necessary, exercise due diligence with regard to background and professional license verifications for all prospective employees, contractors, vendors, and members of the Board of Directors.

viii. Whistleblower Provisions and Protections

CWI will not take any retaliatory actions against an employee if the employee, in good faith, discloses certain information about CWI's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that: (a) assert that CWI is in violation of a law that creates a substantial and specific danger to the public health and safety; or (b) constitute health care fraud under the law; or (c) assert certain actions which the employee, in good faith, believes constitute improper quality of care to individuals being served.

Philosophy, Mission and Staff Expectations of CWI

i. Philosophy

- *To be a learning organization that attracts, develops and retains premier staff to fulfill our mission.*
- *To be a driving force in the development of partnerships and collaborations to address major challenges in our communities.*
- *To be a corporation with financial resources to support our mission and future growth.*
- *To promote the application of best practices and innovative models to benefit individuals being served and their families.*

ii. **Mission**

CWI offers innovative supports and services, empowering people with differing abilities and needs to discover their potential and pursue the lives they envision.

iii. **Expectations**

CWI will ensure that all aspects of business conduct and care for those served are performed in compliance with our mission/vision statement, policies, and procedures, professional standards and applicable governmental laws, rules and regulations and other payer standards. CWI expects that every person who provides services to individuals served will adhere to the highest ethical standards and will promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.

Employees may not engage in any conduct that conflicts, or is perceived to conflict, with the best interest of CWI. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor or investor in any entity that:

(a) engages in any business or maintains any relationship with CWI; (b) provides to, or receives from, CWI any individual service referrals; or (c) competes with CWI. Employees may not, without permission of the Compliance Officer, accept, solicit or offer anything that is more than strictly nominal in value from anyone doing business with CWI.

Employees are expected to maintain complete, accurate and contemporaneous records as required by CWI. The term "records" includes all documents, both written and electronic, that relate to the provision of CWI services or provide support for the billing of CWI services. Records must reflect the actual services 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 ever sign the name of another person to any document. Signature stamps shall not be used unless approved in writing by the CEO. Backdating and predating documents is unacceptable and will lead to discipline up to and including termination.

Any person who knows or reasonably suspects that the expectations above have not been met is expected to report the matter to immediate supervisors, the Compliance Officer or the Chief Executive Officer (CEO), so each situation may be appropriately dealt with. The Compliance Officer may be reached at (518) 793-4700 x19135 and the CEO at (518) 793-4700. Reports may also be made to the Compliance Hotline at (518) 793-4700 x12168 or by email via CWI's website (www.CWINC.ORG).

II. Compliance Program Oversight

Role of the Compliance Officer

i. Compliance Officer

The Board of Directors of CWI appoints the Compliance Officer. The Compliance Officer has direct lines of communication to the Chief Executive Officer, the Board of Directors and the Agency's legal counsel.

ii. Job Duties

The Compliance Officer is obligated to serve the best interests of the agency, its employees and individuals being served. Responsibilities of the Compliance Officer include, but are not limited to:

- Developing and implementing compliance policies and procedures.
- Overseeing and monitoring the implementation of the compliance program.
- Conducting / directing internal audits to monitor the effectiveness of the Agency's compliance standards.
- Providing guidance to management, program personnel and individual departments regarding policies and procedures, and governmental laws, rules and regulations.
- Updating the Compliance Plan as changes occur within CWI, and/or in the law and regulations of governmental and third party payers.
- Overseeing efforts to communicate awareness of the contents of the Compliance Plan.
- Coordinating, developing and participating in the education and training programs.
- Seeing that independent contractors (practitioners, vendors, billing services, etc.) are aware of the requirements of CWI's Compliance Plan.
- Actively seeking up-to-date material and releases regarding regulatory

compliance.

- Maintaining a reporting system (hotline) and responding to concerns, complaints and questions related to the Compliance Plan.
- Acting as a resourceful leader regarding regulatory compliance issues.
- Investigating and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action.

Structure, Duties and Role of the Compliance (QA/CC) Committee

i. Reporting Structure and Purpose

Quality Assurance / Corporate Compliance Committee (QA/CC) members are appointed by the Chief Executive Officer (CEO) and approved by the Board of Directors. The QA/CC Committee's purpose is to advise and assist the Compliance Officer with implementation of the Compliance Plan and ensure that compliance issues are appropriately reported to the CEO and Board of Directors.

ii. Function

The role of the QA/CC Committee includes supporting the Compliance Officer in:

- Maintaining awareness of the environment in which CWI operates, including legal requirements with which it must comply.
- Reviewing and assessing existing and proposed policies and procedures that address compliance-related risk areas for possible amendments to the Compliance Plan.
- Advising, monitoring, and providing guidance to departments on compliance matters and in maintaining standards and policies & procedures that address specific risk areas and encourage compliance in accordance with legal and ethical requirements.
- Developing internal systems and controls to carry out compliance standards and policies.
- Monitoring internal and external audits to identify potential non-compliant issues and implementing appropriate corrective and preventive action plans.

- Soliciting, evaluating and responding to complaints and problems.

Delegation of Substantial Discretionary Authority

Background Investigations

For all employees who have authority to make decisions that may involve compliance issues, CWI will conduct a reasonable and prudent background investigation, including a reference check, as part of every employment application. Any employee or prospective employee who holds, or intends to hold, a position with substantial discretionary authority for CWI is required to disclose any name changes and any involvement in non-compliant activities including health care related crimes.

In addition, CWI will perform reasonable inquiries into the background of employment applicants and prospective contractors, vendors and board members. CWI will conduct appropriate screening of current and potential employees, contractors, vendors and members of the board of directors to ensure they have not been sanctioned by a federal or state law enforcement, regulatory, or licensing agency. CWI will ensure that exclusion checking is routinely performed as part of the screening process.

III. Education and Training

i. Expectations

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

ii. Training Topics – General

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

- Government and private payer reimbursement principles;
- Background of Corporate Compliance;
- Legal principles regarding compliance and Board responsibilities related thereto;
- General compliance prohibitions related to referrals;
- Prohibitions against submitting a claim for services when documentation of the service does not exist to the extent required;
- Prohibitions against signing for the work of another employee;
- Prohibitions concerning alterations to medical records and appropriate methods of alteration;
- Prohibitions against rendering services without a signed physician's order or other prescription, if applicable;
- Proper documentation of services rendered; and
- Duty to report misconduct.

iii. Training Topics – Targeted

In addition to the above, targeted training, as needed, will be provided to all managers and any other employees whose job responsibilities include activities related to compliance topics. Managers shall assist the Compliance Officer 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 CWI.

iv. Orientation

As part of their orientation, each employee and independent contractor shall receive a written copy of the CWI Code of Conduct and training on the Compliance Plan and relevant compliance policies.

v. Attendance

All education and training relating to the Compliance Plan will be verified by attendance and a signed acknowledgement of receipt of the Code of Conduct. CWI may designate certain employees to receive training at other than training sessions.

Attendance at compliance training sessions is mandatory and is a condition of continued employment.

IV. Effective Confidential Communication

i. Expectations

Open lines of communication to and from the Compliance Officer and every employee and agent subject to this Plan is essential to the success of the 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 listed below.

ii. Reporting Procedure

Any employee, contractor or agent who witnesses, learns of, or is asked to participate in potential non-compliant activities, in violation of this Compliance Plan should contact his or her immediate supervisor, the Compliance Officer or the Chief Executive Officer. Reports may be made in person, by calling the compliance hotline dedicated for the purpose of receiving such notification, by mailing information to the Compliance Officer or by email via the Corporate Compliance link on CWI's website (CWINC.ORG). Anonymous reports will be accepted and investigated.

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

The Compliance Officer or designee shall record the information needed to conduct an appropriate investigation of all complaints. If an employee is seeking information concerning the Code of Conduct or its application, the Compliance Officer or designee shall record the relevant facts and the nature of the information sought, and respond as appropriate. CWI shall, as much as is possible, protect the anonymity of employees or contractors who report on a violation or have a compliance complaint or question.

iii. Agency Whistleblower Protections

The identity of reporters will be safeguarded to the fullest extent possible and will be protected against retribution. Report of any suspected violation of this Plan by following the above procedures shall not result in any retribution. Any threat of reprisal against a person who acts in good faith pursuant to his or her responsibilities under the Plan is a violation of CWI's compliance policy. Discipline, up to and including termination of employment will result if such reprisal is proven.

iv. Guidance

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

V. Enforcement of Compliance Standards

i. Disciplinary Action – General

Employees who fail to comply with CWI's compliance policy and standards, or who have engaged in conduct that has the potential of impairing CWI'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 the reason(s) for imposing such discipline. The Compliance Officer shall maintain a record of disciplinary actions involving the Compliance Plan and report to the Board of Directors regarding such actions.

ii. Performance Evaluation – Supervisory

CWI'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 CWI employees and independent contractors. As needed, they will periodically receive training on new compliance policies and procedures. In addition, all managers and supervisors will ensure that supervised employees are familiar with the compliance policies and legal requirements applicable to their function; aware that strict compliance with these policies and requirements is a condition of employment; and that CWI will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

iii. Disciplinary Action – Supervisory

Managers and supervisors will be subject to disciplinary sanctions 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 CWI with the opportunity to correct them.

VI. Auditing and Monitoring of Compliance Activities

i. Internal Audits

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of CWI's Compliance Program. An ongoing auditing and monitoring system, implemented by the Compliance Officer, in consultation with the QA/CC Committee shall include the following:

- Compliance audits of compliance policies and standards;
- Reviews of documentation and billing relating to claims made to federal, state and private payers for reimbursement, performed internally or by an external consultant; and
- Reviews of relationships with third-party contractors.

The audits and reviews will cover CWI's compliance with specific rules and policies and may incorporate on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and record documentation reviews of individuals receiving services.

ii. Plan Integrity

The following are additional steps to help maintain the integrity of the Compliance Plan:

- The Compliance Officer is to be notified immediately in the event of any visits, audits, investigations or surveys by any federal or state agency or authority, and shall be provided with a copy of any correspondence from any regulatory agency charged with licensing CWI and/or administering a federally or state-funded program or county-funded program with which CWI participates.
- The Compliance Officer will notify all appropriate personnel of any changes in laws, regulations or policies, as well as providing appropriate training, if needed, to assure continued compliance.

VII. Detection and Response

i. Violation Detection

The Compliance Officer, Chief Executive Officer and the Compliance (QA/CC) Committee 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 shall be referred to legal counsel, who, with the assistance of the Compliance Officer, 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; and
- 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.

ii. Reporting

At the conclusion of an investigation involving legal counsel, he/she shall notify the Compliance Officer, Chief Executive Officer, and QA/CC Committee summarizing his or her findings, conclusions and recommendations and render an opinion as to whether a violation of the law has occurred. Any additional action will be on the advice of counsel.

The Compliance Officer shall report to the QA/CC Committee regarding each investigation conducted.

iii. Rectification

CWI will not retain any funds which are received as a result of overpayments. Upon a determination that an overpayment was received from any third party payer, CWI will notify the appropriate authorities in accordance with any related advice and assistance provided by legal counsel. In instances where it appears that fraudulent activity may have occurred, appropriate repayment shall be made after consultation and approval by the involved regulatory and/or prosecutorial authorities. Procedures will be put in place to help prevent such overpayments in the future.

iv. Record Keeping

The Compliance Officer shall maintain records of investigations, including copies of

all pertinent documentation. These records will be considered confidential and privileged and will not be released without the approval of the Chief Executive Officer or legal counsel.

VIII. False Claims Act Whistleblower Provisions and Protections

i. Provisions

The False Claims Acts provide protection to qui tam relators who are discharged, demoted, suspended, threatened, harassed 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.

Protected disclosures are those by an employee who, in good faith, asserts that CWI is in violation of a law that creates a substantial and specific danger to the public health and safety or constitutes health care fraud under the law, or where the employee believes the violation constitutes improper quality of patient care. CWI will not take any retaliatory action against an employee if the employee, in good faith, discloses information about CWI's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official.

ii. Protections

An employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation unless the danger is imminent to the public or individual(s) receiving services and the employee believes in good faith that reporting to a supervisor would not result in corrective action.

CWI will protect qui tam relators with remedies that are consistent with statutory requirements. Should any retaliatory action be taken against a qui tam relator (employee), the employee may exercise his/her legal rights related to the matter.