



POLICY NUMBER: 7.1.3

TOPIC: Compliance

AREA: Compliance Code of Conduct

SCOPE: Agency wide

DATE OF BOARD APPROVALS AND REVISIONS: December 2, 2020

Purpose:

The Arc Allegany-Steuben is required by State and Federal Laws to have a Corporate Compliance Plan which include policies and procedures that clearly outline the expectations of all representatives of the organization.

Policy:

It is the policy of The Arc Allegany-Steuben to have written policies and procedures that describe compliance expectations as embodied in a code of conduct. The Compliance Code of Conduct is only one part of the organization's overall Corporate Compliance Plan.

The Arc Allegany-Steuben representatives are expected to act with the highest ethical standards and responsible conduct. The Compliance Code of Conduct is intended to provide all representatives with information and guidance in carrying out daily job responsibilities. The Compliance Code of Conduct ensures we meet our ethical standards and comply with applicable rules, regulations and laws.

The Compliance Code of Conduct is a mandatory set of standards all representatives must follow.

COMPLIANCE CODE OF CONDUCT

General Expectations:

Agency Associates will be provided information on the Compliance Code of Conduct upon hire and annually through the Relias Learning Management System. Each associate will be required to sign acknowledgement annually of receiving training on the Corporate Compliance Plan and Compliance Code of Conduct. Associates are expected to report any activity they believe could be a direct violation of the Compliance Plan or Code of Conduct. **(Failure to report is subject to disciplinary actions.)**

Agency Supervisors are not only expected to follow the Compliance Code of Conduct and the Corporate Compliance Plan, they also are expected to set an example for all associates and representatives of the agency. Supervisor's must create an environment where associate's feel free to raise concerns and propose ideas for improvement. Supervisors must also ensure the associates who report to them have adequate information and resources to comply with rules, regulations and laws that apply to any service they provide. Supervisors are expected to report any activity they believe is a direct violation of the

Compliance Plan or Code of Conduct. Supervisors are expected to ensure reporting of any concern or question brought to them by another associate. **(Failure to report is subject to disciplinary action.)**

Board Members

The Arc Allegany-Steuben Board Members will be provided a copy of the Corporate Compliance Plan including the Compliance Code of Conduct at the time of Board Orientation and will be provided training annually on the Compliance Plan and Code of Conduct. Each Board Member will sign acknowledgement of training and receipt of the Corporate Compliance Plan and Compliance Code of Conduct.

Vendors and Contractors

The Arc Allegany-Steuben will provide all Vendors and Contractors notification of the Corporate Compliance Plan and will provide a copy of the Compliance Code of Conduct at the time a business relationship or contract is established. Notification will be re-issued annually and/or at the time of contract renewal.

CODE OF CONDUCT

Accuracy of Records:

Accurate and reliable business records as well as clear and honest communication are the cornerstone of ethical corporate behavior. The Arc Allegany-Steuben depend on reliable, accurate and complete records to facilitate decision making and the proper discharge of organizational obligations.

The Arc of Allegany-Steuben will ensure all records, whether electronic or on paper, are submitted according to applicable laws and regulations. Organizational records include, but are not limited to, billing for services and products; documentation of service provision (including medication administration or other program documentation); financial and performance measurement reports; accounting records; payroll records; expense reimbursement records; benefit enrollment forms or other records pertaining to organizational business.

The following rules apply to all organizational records:

The Arc Allegany-Steuben representatives will make no false representations or dishonest statements in conducting business affairs, including documentation of services provided.

The Arc Allegany-Steuben representatives will document all information contemporaneously as defined by the organization and applicable laws and regulations.

The Arc Allegany-Steuben representatives will not improperly alter, backdate, predate or fail to enter any service delivery record or document.

The Arc Allegany-Steuben representatives will document only services they have provided and never document services for other representatives.

The Arc Allegany-Steuben representatives will document true and accurate operating statistics and measurements. If information is in question, representatives will verify and report any identified discrepancies.



The Arc Allegany-Steuben will adhere to all record retention and destruction requirements as outlined in the organizational policies and procedures.

Business Courtesies; Gratuities; Gifts; Kickbacks; Solicitation

The Arc Allegany-Steuben prohibits any representative from soliciting or accepting gifts, favors, loans or other special consideration of any kind from any person or business organization doing business with the agency.

Federal and State governments have adopted strict rules and laws regarding gifts, meals, and other business courtesies for their employees. The Arc Allegany-Steuben's policy is to not provide any gifts, meals, entertainment, or anything else of value to any employee or representative of the Federal or State government, except light refreshments. All Federal or State rules and regulations will be considered regarding any other category of government official or employee being given gifts, meals or other business courtesies.

The Arc Allegany-Steuben representatives are prohibited from accepting or offering gifts of cash or cash equivalents (such as gift cards) from any current or former vendor, contractor, outside service provider or any other organization conducting business with the agency.

Representatives are prohibited from offering or transferring remuneration to any person eligible for benefits under Federal or State health care programs, including Medicaid and Medicare. Offers of waivers of coinsurance or deductible amounts as part of any advertisement or solicitation are prohibited.

Representatives are discouraged from accepting gifts from an individual served or their family member except in normal gift giving situations such as holidays. Gifts must never exceed a value of \$25.00 and must be disclosed to the representative's immediate supervisor or agency contact and the Corporate Compliance Officer. Any gift or item received by a representative that exceeds this \$25.00 value must be reviewed and approved by the Corporate Compliance Officer, the Associate Executive Director of the program and the Executive Director or designee. Prizes or tokens which are part of a business activity or advertisement (such as items received at a conference); perishable items or items given to a program site or group are not considered gifts. Any prize or item received during business activity which exceeds a value of \$25.00 must be disclosed to the representative's immediate supervisor or agency contact and the Corporate Compliance Officer.

The Arc Allegany-Steuben discourages solicitation of sales, such as fund raising for a child or catalogue sales, between representatives. For further guidance refer to the Associate Handbook for applicable policy. At no time should any representative feel compelled to give gifts to other representatives, purchase items from other representatives or participate in any gift exchange groups.

Certificate and License Renewal

The Arc Allegany-Steuben representatives retained as employees or independent contractors in a position requiring professional licensing, certification or other credentials are responsible to maintain current status of their credentials and will comply with all Federal and State requirements applicable to their respective discipline. Human Resources will verify such licenses with applicable Federal and State oversight entities upon hire. Representatives requiring credentialing will be responsible to provide proof

of renewal of such licenses. Allowing credentialing to be revoked or lapse is grounds for disciplinary action up to and including termination. Any concern of a representative providing or billing for services while unlicensed will be reported immediately to the Corporate Compliance Officer.

Compliance with Laws

The Arc Allegany-Steuben is governed by a variety of Federal, State and Local laws and regulations specific to our operations and services. All representatives are expected to adhere to all applicable laws, rules, regulations and organizational policy and procedure. Any questions regarding specific laws, rules, regulations, policies or procedures should be brought to the attention of a supervisor or can be brought to the attention of the Corporate Compliance Officer.

Confidentiality of Information

The Arc Allegany-Steuben is governed by Federal and State laws and regulations regarding confidentiality of information related to our operations and services. Representatives are expected to adhere to all laws and regulations regarding sharing of information. Representatives will not copy or disclose any information without proper approval and authorization.

For further guidance refer to the HIPAA Privacy and HIPAA Security policies.

Conflict of Interest

The Arc Allegany-Steuben is committed to avoiding situations where a person's interests, whether personal or profession in nature, could conflict or appear to conflict with the interest of the agency. A conflict of interest occurs whenever a representative allows the prospect of direct or indirect personal gain to influence his or her judgement or actions in the performance of agency business.

As representatives of the Arc Allegany-Steuben, we must ensure that outside employment and outside activities do not interfere with job responsibilities nor jeopardize the public confidence in the agency. Any questions regarding a possible conflict of interest should be brought to the attention of the Corporate Compliance Officer.

Potential conflicts of interest include, but are not limited to:

- Ownership by a representative or a representative's family with a significant financial interest in a business that provides goods or services to the Arc Allegany-Steuben.
- Ownership by a representative or a representative's family with a significant financial interest that is a competitor of the Arc Allegany-Steuben.
- A representative's business interest that adversely affects the quality of that representative's work or requires use of agency equipment, supplies, facilities or agency name.
- Serving as a director, officer, consultant or other key role in any enterprise that does business with or is a competitor of the Arc Allegany-Steuben.
- Any arrangement or circumstance, including family or other personal relationships, which might prevent the representative from acting in the best interest of the agency.

All representatives of the Arc Allegany-Steuben have a duty to disclose any conflict of interest and recuse themselves from any deliberations involving that conflict.

Prior to the initial election of any member to the Board of Directors, and annually thereafter, Directors and Officers as defined above must disclose, sign and submit to the Secretary of the Board of Directors or the Corporate Compliance Officer a written statement identifying any potential conflicts of interest including any entity of which the director is an officer, director, trustee, member, owner or employee with which The Arc Allegany-Steuben is a participant. In addition to initial and annual disclosures, Directors, Officers, and Key Persons are under a continuing obligation to similarly disclose the material facts surrounding actual or possible Conflicts of Interest as they arise and may do so to the Board and/or Audit Committee, as appropriate.

Financial transactions (including bartering/trading, buying/selling personal items or catalogue merchandise) between a representative and person receiving services must be reviewed and approved prior to the completion of the transaction. Any transaction proposed must include supporting documentation to reflect the transaction is fair and reasonable to all parties involved.

Proper use of corporate assets

It is the responsibility of every representative to preserve the organization's assets including time, materials, supplies, equipment, facilities and information. Organizational assets are to be accessed and maintained for agency business purposes. Representatives are expected to use and maintain all agency assets with the utmost care and guarding against waste, abuse, loss and theft.

Personal use of agency assets, for any purpose, must receive prior approval by the Associate Executive Director for the program, the Corporate Compliance Officer and the Executive Director or designee.

The Arc Allegany-Steuben is a tax-exempt entity under the laws of New York State and the Internal Revenue Service. The organization must comply with all rules and regulations pertaining to tax exemption to maintain its exempt status.

Personal use of the organization's Tax Exemption is strictly prohibited.

Quality of service and billing standards

The Arc Allegany-Steuben is committed to ensuring all services are of the highest quality and all billing is accurate and submitted timely. Agency representatives will provide only those services that are necessary and appropriate. Representatives will submit only true and accurate bills to third party payors that reflect the services provided and that are not fraudulent.

Examples of fraudulent billing practices that the New York State Medicaid program has identified include:

- Billing for services that were not provided (e.g., a habilitation activity was not completed);
- Billing for services that were refused (e.g., individual declines to participate in a planned habilitation goal);
- Duplicate billing which occurs when a provider bills Medicaid and also bills another source

- Providing unnecessary services and billing a third-party payor for the unnecessary service;
- Upcoding (e.g., providing a brief or follow-up visit but billing for a comprehensive visit);
- Having an unlicensed person perform services that only a licensed professional should render, and bill as if the professional provided the service;
- Billing for more than was provided (e.g., a longer counseling session)
- Billing for a face to face visit when there was none.

Claims submission will be completed according to the requirements of the applicable payor (e.g., Medicaid, OPWDD, State Education Department, Department of Health), including but not limited to those related to coding, bad debt reporting, medical necessity, credit balances and duplicate billing.

Reference(s):

New York Social Services Law Section 363-d
Title 18 New York Codes of Rules and Regulations Part 521