

ARISE

Corporate Compliance Plan

Approved as revised: April 2, 2018
By: Susan P. Judge, President
Tania S. Anderson, CEO

Corporate Compliance


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POLICY STATEMENT

Title: Corporate Compliance

Date: 4/2/2018

Authorized Signature: 

Policy Statement:

For purposes of this policy, "ARISE" is defined as the consolidating entity which includes ARISE Child and Family Service, Inc., together with any and all subsidiary corporations.

The corporate compliance program at ARISE puts into place a formal set of organizational systems intended to promote activities that are completely consistent with the integrity that ARISE values. The program is also designed to prevent, detect, and respond to misconduct committed by employees or other agents.

The values of the Corporate Compliance Plan are in direct correlation with our mission "to work with people of all abilities to create a fair and just community in which everyone can fully participate." As a part of corporate compliance, ARISE stresses the values of integrity, ethics, commitment to quality of care, confidentiality, fairness, diligence and open communication.

Our corporate compliance plan is intended to use proactive measures in the prevention and detection of misconduct.

This plan is designed to discover and correct our weaknesses and mistakes in order that we demonstrate diligence, without the need for an outside or governmental reviewer to call these matters to our attention. We stress 'protection' under the whistleblower policy and encourage all applicants, employees, board directors, interns, volunteers, vendors, and contractors (collectively "ARISE agents") to come forward without doubt or fear. It is the responsibility of the Compliance Officer to develop an effective improvement plan and to assure that we investigate any allegations of misconduct in corporate compliance matters in accordance with the Investigation of Compliance Issues Policy.

We believe in monitoring ourselves and value the importance of internal auditing and using the findings as a way to assure safety for individuals served, regulatory compliance and financial health.

Procedures:

Expectations and Ethical Standards of Conduct

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

Conflict of Interest

ARISE has adopted a separate policy related to conflicts of interest. We direct the attention of the reader to that separate policy, which is intended to be incorporated as an aspect of the Corporate Compliance Plan.

Gifts, Gratuities and Entertainment

We specifically prohibit ARISE agents from accepting gifts, excessive entertainment, or other favors from any outside concern that does, or is seeking to do, business with, or is a competitor of, ARISE under circumstances tending to support an inference that such action was intended to influence or possibly would influence the individual in the performance of his/her duties.

In healthcare in particular, business courtesies pose a risk for conflict of interest, fraud and/or abuse related to anti-kickback regulations. The Anti-Kickback law prohibits the offer of payment, solicitation, or receipt of any form of remuneration for the referral of Medicare or Medicaid recipients.

ARISE prohibits any ARISE agent from offering to a potential referral source or receiving from a potential referral source business courtesies unless the following criteria are met:

- The business courtesy is not based, directly or indirectly, on the volume or value of referrals or other business generated by the potential referral source.
- The business courtesy does not consist of cash or the equivalent of cash.
- The business courtesy is not solicited by the potential referral source or the referral source's practice or ARISE agents.
- The business courtesy must not exceed \$338 (or any updated amount in law or regulation) in value or cause the total value of business courtesies extended to the potential referral source or immediate family to exceed \$338 (or any updated amount in law or regulation) for the calendar year.
- The business courtesy does not violate the federal Anti-Kickback statute or any state or federal law governing claims submission.
- The business courtesy is not extended to a physician group.

All ARISE agents must receive prior approval from the Chief Executive Officer (CEO), Chief Operating Officer (COO), Chief Financial Officer (CFO), Chief Development Officer (CDO) or the Compliance Officer before extending business courtesies to potential referral

sources and/or their immediate family members. The Compliance Officer will record any business courtesy extended to a potential referral source or his/her immediate family members on the 'Gifts and Entertainment Log'. Refer to the ARISE Gift Acceptance Policy

Performance and Compensation Review of the Chief Executive Officer (CEO)

The ARISE Board of Directors reviews the performance and compensation of the CEO. The President of the Board of Directors, on an annual basis, reviews the performance using an agreed-upon formal tool that assesses various required performance criteria.

- The President receives a self-appraisal from the CEO. The President reviews the self-appraisal and makes additional comments. The President provides a draft of the review to the Executive Committee of the Board of Directors for further advice. The President then summarizes the review for the ARISE Board of Directors. Based upon the review, the Board sets or revises the compensation (including benefits) of the CEO. Following the meeting with the Board of Directors, the President meets with the CEO to discuss the Board's assessment of performance and developmental goals for the CEO.

Exclusionary Screening and Compliance with Employment Laws

In order to maintain high quality care as well as integrity in its financial and business operations, ARISE conducts appropriate screenings of ARISE agents to ensure that they have not been sanctioned by federal or state law enforcement, regulatory, or licensing agencies. ARISE will not conduct business with any entity or person who has been excluded from participation in federally sponsored health care programs, such as Medicare or Medicaid.

Exclusionary checks are conducted with all required sources, including: (1) Office of the Inspector General, United States Department of Health and Human Services List of Excluded Individuals/Entities; (2) New York State Office of the Medicaid Inspector General's List of Excluded and Terminated Providers; and (3) System for Award Management. These checks are performed on all individuals with conditional offers of employment as part of the pre-employment screening process and on potential Board directors as well.

Exclusionary checks are performed monthly on all current employees, board directors, and vendors with whom ARISE does business. Any checks indicating exclusion from federal healthcare programs result in the immediate termination of the ARISE agent's affiliation with ARISE.

In addition to exclusionary screening, the credentials of medical/healthcare and other professionals employed by ARISE will be verified with appropriate licensing authorities. This process is conducted regarding ARISE agents whose work is dependent upon licensure, certification, and/or credentialing. This screening is also conducted as part of the hiring process.

Any checks indicating that licensure does not exist or that adverse actions have been taken against individuals that might impair their performance of duties on behalf of ARISE may result in rescission of a conditional offer of employment or termination.

The Director of Human Resources (HR) ensures that exclusionary screening is completed as part of the hiring process and monthly thereafter. Licensure screenings are conducted periodically. Refer to HR for any required licensure.

ARISE is also committed to compliance with other employment-related regulations and laws. For example, the Director of Human Resources is responsible for assuring ARISE's practices and policies reflect the current requirements under the Affordable Care Act, payroll income tax filings, Department of Labor regulations, and other employment-related requirements. The Compliance Committee and the Core Management team are a resource for reviewing new regulations, and/or discussing agency policy revisions in collaboration with the Director of Human Resources.

Auditing and Monitoring

An important component of the compliance program is the use of audits and/or other evaluation techniques to monitor compliance and assist in the reduction of identified problem areas. The Quality Improvement ("QI") Department is responsible for the oversight of ARISE's internal auditing systems. The combination of QI Department audits, quarterly internal audits, external audits, and regular monitoring are vital to ARISE's process of assessing program outcomes and highlighting commendable achievements as well as identifying overpayments, errors, and opportunities for improvement.

Quality Improvement Department Audits

The QI Department periodically conducts independent program audits based on the Compliance Work Plan. This work plan shall be proposed by the Compliance Officer, developed by the Corporate Compliance Committee, and approved by the CEO. The work plan will consider a program's level of risk and special requests by program managers. Any of these parties may recommend risk areas to include in specific program audits, in addition to the following:

- Areas identified by external auditors
- Fraud and abuse issues
- Compliance with laws, regulations, and related policies, procedures, and standards of conduct
- Billing practices
- Service delivery and documentation practices
- Employment requirements and standards
- Conflicts of interest

On-site program visits, clinical and medical record reviews, personnel interviews, questionnaires, billing and documentation reviews, and identified risk areas as indicated by the enforcement community all contribute information that guides internal auditing.

Results of all internal audits through the Quality Improvement Department are shared with the CEO, the Chief Operating Officer (COO), Chief Financial Officer (CFO), respective Program Director and manager and the Corporate Compliance Committee.

Following the distribution of the audit results, the respective Program Director will submit a plan of corrective action in a timely manner. The Program Director is responsible to ensure that corrective measures are implemented and monitored for effectiveness. A post-audit review may be conducted at the discretion of the Compliance Officer to monitor for permanent corrections to previous deficiencies. ARISE's Plan of Corrective Action policy is also incorporated by reference as an aspect of the Corporate Compliance Plan.

Quarterly Internal Audits

Quarterly internal audits are completed by Program Managers/Coordinators to identify potential problem areas with documentation and billing requirements set by funders, and to identify best practices that could be expanded to other programs. Program Managers use existing audit tools and criteria published by the Office of the Medicaid Inspector General (OMIG), and/or oversight agencies (e.g. OMH, OPWDD, ACCES-VR, ACL), or contract/grant requirements established by the funder, as a minimum standard. Program managers may look beyond minimum fiscal and contractual standards and also assess best practices in their audits.

External Audits

All external audits, including any relevant correspondence from any regulatory agency charged with administering a federal or state-funded program received by any department of ARISE, must be copied and promptly forwarded to the Compliance Officer for review and discussion with the CEO and Corporate Compliance Committee. Program management must immediately notify the Compliance Officer of any visits, audits, investigations, or surveys by any regulatory agency or authority.

Summary Report to Board of Directors

The Compliance Officer is responsible for providing a summary report at least annually to the Board of Directors. The report includes results of auditing and monitoring activities assessing program outcomes and highlighting commendable achievements as well as identifying overpayments, errors, opportunities for improvement and corrective actions taken.

Maintenance of Records

ARISE agents are expected to maintain complete, accurate and contemporaneous records as required by ARISE program policy and funders' or regulatory requirements. The term "records" includes all documents, both written and electronic, that relate to the provision of ARISE services or provide support for the billing, vouchering, and reporting of ARISE services, including contractual outcomes, and any document associated with or provided to funders, grantors, payers, or governmental oversight agencies.

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. Backdating and predating documents is unacceptable and will lead to disciplinary action up to and including termination. Alterations by "white out" are not permissible.

Training

Each Director with program oversight is responsible for assuring that managers provide appropriate training to program staff. Trainings include: required elements of service documentation, billing practices, service delivery, and all other topics and practices required by regulations. The Director periodically monitors managers' systems to assure effectiveness and efficiency, and systems are modified to include training and oversight of new elements as needed, to assure programs are meeting or exceeding funder's requirements.

Financial Records

ARISE must maintain complete and accurate financial records. Transactions between ARISE and outside individuals and funders must be accurate, complete and timely recorded in ARISE's financial reporting books in accordance with generally accepted accounting principles. ARISE has established internal controls to ensure that assets are protected and properly used. The CFO is responsible for assuring accurate and timely filing of the Consolidated Fiscal Report (CFR), among other required filings. The CFO, COO and Program Directors are responsible for contract management and monitoring contract deliverables, including accurate reporting to funders.

Reporting Protocol

When any person knows or reasonably suspects that the expectations above have not been met, this matter must be reported to immediate supervisors and the Compliance Officer, so each situation may be appropriately evaluated. Open lines of communication between the Compliance Officer and every employee and agent subject to this plan are essential to the success of our Compliance Program. The Compliance Officer may be reached at (315) 671-2967. An anonymous Corporate Compliance Hotline, (315) 671-4645, is available for a caller to report any possible compliance-related concern without revealing his/her identity.

Billing errors and reimbursement practices

ARISE is committed to accuracy and integrity in all its billing, coding, and other reimbursement operations. ARISE prohibits the intentional submission for reimbursement of any claim that is false, fraudulent, or fictitious. Furthermore, ARISE is committed to ensuring against the accidental submission of any claim that is false or inaccurate, or does not meet the fiscal requirements for reimbursement.

The Compliance Officer is responsible for the investigation of any billing errors or irregularities in accordance with the *Reimbursement Practices and Billing Errors policy*. If a billing error is discovered, it should immediately be reported to the CFO and documented on a Void/Adjustment Claim form by the entity that discovered the error.

Any overpayment received as a result of a billing error is promptly repaid to the appropriate payer. The Compliance Officer must be contacted regarding any overpayment that is, or has the appearance of: a systemic error, any concern of wrongdoing, intentional omissions or inaccurate documentation, an error that resulted from a breakdown or lack of oversight systems, or any overpayment that may be in violation of the False Claims Act. The Compliance Officer will review the error and supporting documentation and enter the error into the compliance tracking spreadsheet, a tracking mechanism that is used to monitor potential compliance billing issues and concerns. The CFO will ensure that the adjustment is made, recorded on the Void/Adjustment Claim Form, and that the form is reviewed and signed by all appropriate parties. The oversight and procedures for assuring accurate billing and reimbursement practices is further outlined in the *Reimbursement Practices and Billing Errors policy*.

Reporting of Compliance Concerns, Non-Retaliation, and Investigation

A critical part of ARISE's corporate compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal and state requirements or ARISE's ethical and business practices.

To promote this culture, ARISE supports a strict non-retaliatory policy to protect from retaliation ARISE agents and others who report problems and concerns in good faith. All levels of management are encouraged to have an 'open-door policy' in which ARISE agents can comfortably and securely come to report any concerns. The Compliance Officer may be reached at (315) 671-2967. An anonymous Corporate Compliance Hotline, (315) 671-4645, is available for a caller to report any possible compliance-related concern without revealing his/her identity. Callers should be aware however, that it may not be possible to preserve anonymity if they identify themselves. If the caller wishes to make the report anonymously, no attempt will be made to trace the source of the call or identity of the person making the call.

Any ARISE agent who commits or condones any form of retaliation will be subject to discipline up to, and including, termination.

Any member of management who receives a report of a compliance violation or suspected violation will notify the Compliance Officer in a timely manner.

The Compliance Officer will determine the scope of the reported issue and make an initial determination regarding the course of action and whether there is sufficient evidence to warrant further investigation. If the reported issue appears to be of a serious nature, involves breaches of security, or is likely to be the subject of public discussion before an investigation can take place, the Compliance Officer will immediately bring the issue to the attention of the CEO. The decision to further investigate reported issues will be made by the Compliance Officer in concert with the CEO.

If the CEO is a party to any matter reported, the Compliance Officer would report the matter to the ARISE Board President, who would then give guidance as to the process of the investigation.

Based upon the results of the investigation, additional actions may be taken including, but not limited to: contact Human Resources, contact the appropriate Director, contact the Department of Social Services Fraud Unit or relevant managed care company, contact legal counsel.

In the case of ongoing investigations, the Compliance Officer will provide monthly updates to the Corporate Compliance Committee, Director of Human Resources and CEO.

The Compliance Officer will present a complete list of findings and recommendations of completed investigations to the CEO and the Corporate Compliance Committee. The CEO will make a final determination concerning the findings and recommendations.

Plan of corrective action measures may include policy or procedure changes, operational changes, system changes or personnel changes. The Compliance Officer must receive timely corrective action from the appropriate Program Director documenting corrective and preventative action steps. ARISE's Plan of Corrective Action policy is hereby incorporated by reference.

Enforcement of Compliance Standards

Background Investigations

For all ARISE agents who have authority to make decisions that may involve compliance issues, ARISE will conduct a reasonable and prudent background investigation, including a reference check, as part of every conditional offer of employment.

Disciplinary Action - General

ARISE agents who fail to meet ARISE's compliance policy and standards, or who engage in conduct that has the potential to impair ARISE'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 ARISE agent's personnel file, along with a written statement of reason(s) for imposing such discipline.

Performance Evaluation - Supervisory

ARISE'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 ARISE agents 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 ARISE will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

Disciplinary Action - Supervisory

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 ARISE with the opportunity to correct them.

Compliance Officer

The Director of Quality Improvement and Corporate Compliance is also designated as the Compliance Officer. The Compliance Officer shall report directly to the CEO and shall periodically report to the Board of Directors on the activities of the compliance program.

The Compliance Officer is obligated to serve the best interests of ARISE and individuals served by ARISE. 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.
- Directing ARISE internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical/clinical program personnel and individual departments regarding policies and procedures as well as governmental laws, rules and regulations.
- Updating, periodically, the Compliance Plan as changes occur within ARISE, and/or in the law and regulations or governmental and third party payers.
- Overseeing efforts to communicate awareness of the existence and contents of the Compliance Plan.
- Reporting at least annually to the Board of Directors on the activities and status of the compliance program, including issues identified, investigated, and resolved by the compliance program.
- Maintaining a record of all disciplinary actions resulting from compliance concerns and investigations, and reporting at least annually to the Board of Directors regarding such actions.
- Coordinating, developing and participating in the educational and training program relating to corporate compliance.
- Providing independent contractors (e.g. caregivers of individuals served, vendors, billing services, etc.) access to ARISE's Compliance Plan.

- Actively seeking up-to-date material and releases regarding regulatory compliance, and bringing this information to the Compliance Committee for review, discussion, and implementation decisions.
- 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 or assigning an investigator and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action.
- Reviewing and maintaining a record of Business Associate Agreements.

The Structure, Duties and Role of the Compliance Committee

Reporting Structure and Purpose

The Corporate Compliance Committee members are appointed by the CEO. The committee is comprised of the key staff in leadership positions in the agency. One or more board members may also serve on the committee. Compliance issues are reported by the Compliance Officer to the CEO and Board of Directors where appropriate. The purpose of the committee is to advise and assist the Compliance Officer with implementation of the Compliance Plan. The committee will meet monthly or as needed as appropriate.

Function:

The roles of the Compliance Committee include but are not limited to:

- Analyzing the environment where ARISE does business, including legal requirements with which it must comply.
- Reviewing and assessing existing policies and procedures that address these risk areas for possible incorporation into the corporate 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.
- Developing internal systems and controls to carry out compliance standards and policies.
- Monitoring internal and external audits and ongoing investigations to identify potential non-compliant issues.
- Implementing corrective and preventive action plans.
- Developing a process to solicit, evaluate and respond to complaints and problems.

Training Expectations

Education and training are critical elements of the compliance plan. Every ARISE agent is expected to be familiar with and knowledgeable about ARISE's compliance program and have a solid working knowledge of his or her responsibilities under the program. Compliance policies and standards will be communicated to all ARISE agents through

required participation in training programs. ARISE agents are provided compliance training upon new hire and a minimum of annually thereafter.

Training Topics - General

All personnel and members of the Board of Directors shall participate in training as relevant to their roles on the topics identified below:

- History and background of Corporate Compliance;
- Legal principles regarding compliance and Board responsibilities related thereto;
- General prohibitions on paying or receiving remuneration to induce referrals and the importance of fair market value;
- 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 against 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.

Training Topics - Targeted

In addition to the above, targeted training may be provided to managers and any other ARISE agents 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 ARISE.

Orientation

As part of ARISE orientation, each ARISE agent and contractor shall be provided access to the Compliance Plan, policies and specific standards of conduct that affect his/her position.

Attendance

All education and training relating to the Compliance Program will be verified by attendance and a signed acknowledgement of receipt of the Corporate Compliance training, including handouts and expectations outlined in the ARISE Code of Conduct.

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