

South East  
Consortium



## South East Consortium for Special Services, Inc.

Corporate Compliance Program as a Medicaid Service Provider & NYS  
OPWDD Voluntary Service Provider

The Corporate Compliance Program

Code of Conduct

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This document was created to qualify the South East Consortium for Special  
Services, Inc. as a HCBS Wavier Service Provider for Respite Services

## Corporate Compliance Program as a Medicaid Service Provider

## **South East Consortium for Special Services, Inc.**

### **Corporate Compliance Program as a HCBS Medicaid Service Provider**

This Corporate Compliance Program consists of seven key elements as well as a wide array of policies and procedures that address key areas in the governance of the South East Consortium. The purpose of the Corporate Compliance Program is to provide a blueprint to help guide our best efforts to operate under ethical and legal standards while delivering appropriate, safe and effective programs and services to participants and their families.

#### **Element I: Code of Conduct and Policies and Procedures:**

The agency compliance philosophy is stated within this Corporate Compliance Program and related documents, including an established Code of Conduct; established policies and procedures related to compliance; established program operations; established human resources standards and established fiscal management. Together, these documents establish standards and procedures that are to be followed by South East Consortium employees and, as applicable, independent contractors, the Board of Directors and all related committees. Understanding and complying with these standards will reduce the prospect of unethical, illegal and criminal conduct.

- **Code of Conduct:** The purpose of the Code of Conduct is to provide information and guidance to all employees, independent contractors, the Board of Directors and related committees to assist in the carrying out of day-to-day responsibilities with legal and ethical standards. These guiding principles are more completely developed in the Corporate Compliance Program. The Code of Conduct reflects the strong tradition the South East Consortium has established to insure its work-related functions are done in an ethical and legal manner. The Code of Conduct emphasizes the shared common values and culture sought to guide everyone's action each day. The South East Consortium requires that each employee, independent contractors, Board of Directors and related committees sign a written acknowledgement that each understands and will comply with the established Code of Conduct.
- **Policies and Procedures:** The South East Consortium has developed and will continue to develop policies and procedures to implement and improve the Corporate Compliance Program. These policies and procedures establish the activities and processes that South East will undertake to operate in conformance with all applicable laws and regulations. South East will review, revise and develop new policies and procedures, as necessary, to ensure the agency's operations and conducted with "best practices": The policies and procedures of not only the health regulatory components of the agency, but also those related to human resources, environmental health and safety and financial operations shall apply broadly to each employee through this Corporate Compliance Program. Divisional policies and procedures, as well as agency-wide policies, have been established to outline compliance standard and practices, including documentation and billing of client services.

## **Element II: Program Structure and Oversight Responsibilities:**

The South East Consortium is committed to the operation of an effective compliance program and has assigned compliance oversight responsibilities to individuals at the management level (Compliance Committee). Individuals with day-to-day compliance oversight authority within the agency's organizational structure, including the Corporate Compliance Officer, are empowered to implement the Corporate Compliance Program, investigate compliance concerns, report compliance concerns directly to those in higher positions of authority, up to and including, the Chairperson of the Board of Directors of the South East Consortium and the Executive Director. The South East Consortium has established a Corporate Compliance Committee comprised of key management and operations staff and agency leadership with responsibility to meet regularly to advise the Corporate Compliance Officer, to identify and resolve compliance concerns and to continue to improve and refine the agency's overall compliance activities. The South East Consortium Board of Directors will be an integral part of the Corporate Compliance Program and will be knowledgeable about the content and will exercise oversight with respect to the implementation and effectiveness of the Corporate Compliance Program.

## **Element III: Due Care in Assignment of Responsibilities/ Background Checks:**

The South East Consortium will use due care and the utmost caution not to employ, contract with or delegate substantial discretionary authority to any individual with a propensity to engage in illegal activities. In order to maintain the integrity of its services, financial transactions and business operations, South East will hire and contract with individuals and entities that have the same respect for applicable legal and ethical obligations that it possesses. This standard applies to all personnel, including those in positions with substantial control over South East, including, but not limited to those having the ability to affect and determine policy and to negotiate contracts.

South East will conduct exclusion screening of all current and proposed employees and volunteers (Type I) consisting of criminal background checks and fingerprint screening. This process is done through the New York State Office for People with Developmental Disabilities. Additionally, South East will verify that independent contractors, and other entities and businesses that provide and/or perform service for the agency have not been the subject of adverse governmental actions and/or excluded from the federal health care programs. South East will also comply with requirements promulgated under New York State law with respect to background check and appropriate screening activities as those requirements apply to personnel with the agency's operations.

## **Element IV: Education and In-Service Training:**

The Board of Directors, all employees, volunteers, related committees and, as applicable, independent contractors must be informed about regulatory requirements and agency policies and procedures that implement these requirements as they apply to each individual. Therefore, South East will adequately train the aforementioned people and entities on the organization's standards and procedures. The agency will continuously identify training topics, including those arising as a result of self-monitoring, audits by regulatory agencies and regulatory developments.

New employees will receive in-service training in the South East Consortium Code of Conduct, the Corporate Compliance Program and those policies and procedures relevant to their job duties and

responsibilities. Additional in-service training, tailored to the roles and responsibilities of each group of individuals and in a manner that the individual can understand is provided on an "as needed" basis.

#### **Element V: Auditing and Reporting:**

- **Internal Auditing and Monitoring:** The South East Consortium is committed to routinely conducting internal audits (financial and programmatic) of concerns that have regulatory or compliance implications. Appropriate individuals in key management positions will be responsible for engaging in self-monitoring processes conducted within each scope of specific area of responsibility. It is believed that a combination of various compliance reviews will permit us to maintain a consistent conformity to relevant laws and regulations, while fulfilling a commitment to identify and share best practices.
- **Reporting by Employees:** Each employee has a responsibility to report through the compliance processes any activity by any colleague, volunteer, independent contractor, family member or participant that appears to violate applicable laws, rules, regulations, accreditation standards or the Corporate Compliance Program. The South East Consortium encourages a culture in which all employees feel free to report creditable behaviors or actions which they believe should be reported without fear of retaliation. Therefore, the effectiveness of the Corporate Compliance Program depends on the willingness and commitment of the employees in all parts and at all levels of the agency to step forward, in good faith with questions and concerns. Likewise, the South East Consortium is committed to making every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports a concern in good faith. It is an expected good practice, when one is comfortable with it and thinks it is appropriate under the circumstances, for concerns to be raised first with a supervisor. If this is not a comfortable or viable option and the concern centers around the Executive Director, employees are encouraged to contact the Chairperson of the Board of Directors who will refer the concern to the Compliance Committee and the Corporate Compliance Officer.

Any employee who intentionally makes a false accusation with the purpose of harming or retaliating against a colleague will be subject to appropriate disciplinary action.

#### **Element VI: Disciplinary Action and Incentives:**

Failure to comply with the Corporate Compliance Program, the Code of Conduct and/or laws and regulations applicable to the South East Consortium and its operations may result in disciplinary action. Retraining of staff will occur if misconduct is based on a lack of awareness or understanding of regulatory obligation, policy or procedure. Resolution of disciplinary will be determined through the Corporate Compliance Program structure in direct cooperation with the appropriate board members, employees, the Corporate Compliance Officer and, when appropriate, the Executive Director. The degree of discipline may range from counseling, verbal warnings, written warnings, recommended change or discontinuation of privileges, termination of a contract, termination of employment or removal from a particular position or function – and the agency will endeavor to be consistent in its approach to discipline with the same disciplinary action for similar offenses. The agency will also seek to "reward" employees who foster a culture of compliance.

**Element VII: Detection and Response:**

The South East Consortium is committed to fostering a culture of compliance through detecting, correcting and preventing non-compliance behaviors. Through the process of the corporate compliance reporting structure and the articulation of compliance-related roles and responsibilities at every level of the agency's operations, detection and correction of problems is expedited. The South East Consortium will conduct its business under full disclosure and transparency of how it interprets its terms and conditions to operate a safe and productive operation. It will do nothing to compromise the well-being of its participants, the integrity of its programs and services or expose the agency to legal liability. If an internal investigation substantiates a reported violation, then it is the policy to engage in a two-fold process: (1) to initiate corrective action, including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary; and (2) implementing systemic changes to prevent a similar violation from recurring in the future.

## The Corporate Compliance Program

## **South East Consortium for Special Services, Inc.**

### **The Corporate Compliance Program**

The Corporate Compliance Program has been created to establish a set of business practices and principles which allow the South East Consortium to be in legal conformance with Federal Government guidelines for Medicaid reimbursement of programs and services. The South East Consortium defines corporate compliance as a long-term commitment to conduct business in a manner that promotes compliance with laws and regulations; that continually monitors itself for compliance and has created systems to allow the agency to respond to changes in the regulatory environment. All procedures will adhere to guidelines established by the New York State Office for People with Developmental Disabilities under Section 624 & 625 of New York State Regulations for service providers. These include rules pertaining to: eligibility, serious reportable incidents/reportable incidents, abuse prevention and confidentiality.

- **Eligibility:** This includes securing documentation to establish a participant's IQ score, relative psychological measurements, social security number, birth date, tab number, Medicaid number, DDP1 forms, Non-IRA forms and Individual Service Plans.
- **Serious Reportable Incidents/Reportable Incidents:** This ensures any such incident is reported with 24 hours as required under Section 624 & 625 of New York State Regulations. A follow up investigation will be done as soon as possible in an effort to prevent any similar issues for recurring.
- **Abuse Prevention:** This includes staff training and supervision and program supervision to identify and report any form of abuse as defined in 14 NYCRR Part 624.4(b) 1-10 and mandated reporting requirements under Social Service Law Section 412.
- **Confidentiality:** This is defined in accordance with OPWDD Law 633.19, Federal and New York State Law and policies as mandated by the South East Consortium.

### **The Eight Elements of the South East Consortium Compliance Program:**

1. Element I: Written Policies and Procedures
2. Element II: Program Structure and Oversight Responsibilities
3. Element III: Due Care in Assignment of Responsibilities/Background Checks
4. Element IV: Education and In-Service Training
5. Element V: Auditing and Reporting
6. Element VI: Disciplinary Action and Incentives
7. Element VII: Detection and Response
8. Code of Conduct



### **Additional Procedures Regarding Medicaid Compliance Practices:**

1. Medicaid billing requires eligibility, registration and attendance recordkeeping. Procedures have been created to ensure accuracy, including recording of start/end times so billing will conform with the full 1/4 hour requirement. Each participant's hourly respite document will be signed within 48 hours of service delivery by the appropriate direct care employees. Recording procedures are designed to eliminate errors and are checked by a supervisor for accuracy. Submission on the secure billing website is monitored by the Executive Director and is carried out by qualified staff.
2. Billing for payments will be done after each full month for service is completed for each participant. Submission reports for each month will be printed and when payment is received will be filed.
3. All potential participants will undergo an in-take interview to evaluate and determine the participant's eligibility and the agency's ability to fulfill one's needs. Additional information and data will be requested if needed to assist in this determination.
4. The South East Consortium is a not-for-profit 501 ©(3) organization created specifically to provide therapeutic recreation programs and services to nine component municipalities comprising the consortium. The Board of Directors is responsible for establishing policy and governance mandates for the agency. The Executive Director and full time employees are responsible for the day-to-day operation of the agency.
5. All South East Consortium employees are mandated reporters as defined by New York State and Westchester County. Each employee will be trained to recognize abuse as defined by OMWDD regulations.
6. All employees will receive appropriate training in the area of CPR, first-aid, adaptive programming and report writing to ensure a professional and effective approach to doing business.
7. In order to minimize risks and legal liability exposure, the South East Consortium will utilize a staffing ratio deemed appropriate based on the nature and scope of some of its programs.

## Code of Conduct

## **South East Consortium for Special Services, Inc.**

### **Code of Conduct**

#### **Mission Statement:**

The South East Consortium for Special Services, Inc. is a not-for-profit 501© (3) organization dedicated to providing therapeutic recreation programs, leisure-related services and hourly respite opportunities to children and adults with developmental disabilities and other special needs who reside in the nine component municipalities in southeast Westchester County. The purpose is to positively use an individual's "free time" to foster better performance in school, the workplace and to stimulate more activity in community life.

#### **Vision:**

All individuals with developmental disabilities and other special needs and their families will be treated with respect. Programs and services will focus on allowing individuals to be contributing members of society with opportunities for independence and inclusion in the community. Due to the nature of most South East Consortium programs, appropriate staffing ratios will be instituted to ensure safety, program integrity and limited exposure to legal liability.

#### **Core Values:**

The South East Consortium believes:

- Programs and services are best provided in a personalized manner as appropriate designed around the individual's needs and desires utilizing available community resources.
- Developing partnerships and collaborations with all available and appropriate community stakeholders creates the best opportunities and experiences for individuals with developmental disabilities and other special needs.
- Success is dependent upon having qualified, trained staff working in an adequate staff ratio for minimizing risk to the individual in an inclusive environment.
- All individuals and their families will be treated with dignity and respect.
- It is imperative to strive for excellence and quality improvement at all times.
- It is imperative the agency maintain flexibility in its structure to maximize potential advancement and growth.

- Sound ethical business practice and quality programs will generate financial growth and vice versus.
- All aspects of the agency must operate in a diverse manner while being culturally sensitive.

**Commitment to Stakeholders Served:**

1. **Individuals:** The South East Consortium is committed to providing the highest quality of programs and services in a professional, caring, compassionate matter always conscious of unique individual needs.
2. **Families and Municipalities:** The South East Consortium is committed to understanding the unique needs of each individual it serves while delivering services in a cost-effective, safe manner while minimizing legal exposure to all.
3. **Employees:** The South East Consortium is committed to a workplace which is safe, which treats employees with fairness, dignity and respect; which affords all employees and opportunity to grow professionally and to work in a team environment where all ideas and concepts are considered.
4. **Third Party Payors:** The South East Consortium is committed to working with our payors in a manner that demonstrates a commitment to its contractual obligations and reflects its shared concerns for quality services in an efficient and effective manner.
5. **To Regulators:** The South East Consortium is committed to creating an environment in which compliance with applicable rules, laws and regulations is woven into the fabric of the agency. The agency accepts responsibility to self-govern and monitor adherence to requirements of law and the Code of Conduct while ensuring at no time will the individual or agency be comprised or exposed to legal liability while delivering some of its unique and inclusive programs.
6. **To Suppliers:** The South East Consortium is committed to fair competition among existing and prospective suppliers.

## **Rules of Conduct:**

The South East Consortium believes that certain rules of conduct must be observed to promote a positive and ethical work environment and pledge to abide by the laws, regulations and agency policies and procedures, including, but not limited to those related to the Corporate Compliance Program.

The South East Consortium also understands that, as individuals working for and on behalf of the agency, the South East Consortium has the added responsibility of following specific Rules of Conduct as described below:

- To work cooperatively and respectfully with all employees, Board members and agents to provide the highest quality of programs and services;
- To place the interests of the individuals we serve and their families first and foremost in all aspects of what we do;
- To represent the South East Consortium positively in the community-at-large;
- To conduct all activities in a fiscally responsible manner;
- To work in accordance with applicable laws, regulations and agency policies and procedures;
- To seek training and assistance in the areas that would strengthen the ability to fulfill responsibilities to individuals, their families and the agency;
- To avoid conflicts of interest, specifically solicitation of gifts for services rendered;
- To conserve resources of the agency by not engaging in wasteful and unprofessional behavior;
- To treat confidentially information related to individuals served, their families and to respect the privacy of its individuals, their families and agency employees;
- To complete tasks in a timely manner and meet expectations for the quality of work that the South East Consortium strive to achieve;
- To bill individuals, their families and third party payors appropriately and accurately;
- To report to a supervisor, Executive Director or Corporate Compliance Officer any potential violation of applicable laws, regulations, policies and procedures;
- To respect the role of the Board of Directors and management and to fully implement their decisions;
- To consult appropriate leadership when questions arise as to the conduct permitted under applicable laws, regulations, policies and procedures, including the Corporate Compliance Program;
- To not make any false entries in any of the agency's records or in any public record for any reason;

- To correct entries in the correct manner – errors should be crossed out with a single line, initialed and dated;
- To not create or participate in the creation of any records that are intended to mislead or to conceal anything that is illegal or improper;
- To document only the programs and services that were provided;
- To complete documentation contemporaneously with the provision of services;
- To complete documentation of plan implementation in accordance with program identified guidelines and parameters;
- To implement plans according to identified frequency;
- To ensure documentation includes all required elements and must be made in ink permanent and legible;
- To not bill for goods or services that were never delivered or rendered;
- To report overpayment to the appropriate authorities.