CORPORATE COMPLIANCE PLAN

Updated 03/18/2020 by Lisa Fisher, Corporate Compliance Coordinator
Cerebral Palsy of Westchester
Corporate Compliance Plan

Introduction

Cerebral Palsy of Westchester is committed to being a good corporate citizen of our community, state, and nation. In a resolution dated 12/14/06, the Board of Directors of Cerebral Palsy of Westchester reiterated their commitment to comply with all laws that effect its various operations. The overall objective of Cerebral Palsy of Westchester’s Compliance Program is to provide for an agency-wide culture in which continued regulatory and ethical compliance is part of the daily course of business. In order to assure that its operations are being conducted in compliance with the law, the Board appointed a Compliance Coordinator to oversee Cerebral Palsy of Westchester’s Compliance Program. The Compliance Program is designed to effectively detect, disclose and prevent errors by incorporating measures to train staff and volunteers, conduct risk assessments, monitor programs, and conduct regularly scheduled internal compliance reviews. The Compliance Program is an integral part of the agency’s efforts for continued excellence in service provision.

The Compliance Coordinator, in cooperation with key executives and department heads within the organization, has developed the Code of Conduct and an initial set of Compliance Guidelines. Additionally, a reporting system has been established to allow any individual, employee, volunteer, contractor, or family member to bring issues or concerns regarding compliance to the attention of the Compliance Coordinator. Finally, a Reporting of Compliance Concerns and Non-Retaliation policy has been developed to ensure that suspected violations of Cerebral Palsy of Westchester’s Code of Conduct, Compliance Guidelines, operational policies or any other law or regulation, are brought to the Compliance Coordinator’s attention so that they can be investigated and/or corrected as necessary.

In order to assure compliance with the many laws and regulations that govern Cerebral Palsy of Westchester business, from time to time the Compliance Coordinator will distribute Compliance Guidelines for review and inclusion in the Corporate Compliance Manual.

Additionally, Cerebral Palsy of Westchester will provide education to all employees and members of the Governing Board; audit its operations in an effort to ensure that it’s Code of Conduct and Compliance Guidelines, as well as regulatory requirements, are adhered to; and investigate any reports of suspected non-compliance. If necessary, Cerebral Palsy of Westchester will take disciplinary action up to and including termination if it finds that employees have failed to fulfill the objective of the Corporate Compliance Program.

Finally, Cerebral Palsy of Westchester’s Compliance Coordinator will work closely with Cerebral Palsy of Westchester's employees, to make every effort to establish systems which enhance each employee’s ability to understand and adhere to the complex laws and regulations that govern our
business. In doing so, the Compliance Coordinator will report his or her activities directly to the agency’s Executive Director and the Board of Directors. The Compliance Coordinator is responsible for the ongoing monitoring of compliance with the applicable operating regulations of state and federal entities. All agency programs are evaluated to determine potential liabilities. Internal compliance reviews of agency programs are conducted by the Compliance Coordinator on a scheduled or as-requested basis. Programs failing to meet the agency standards are re-evaluated as needed. The Compliance Coordinator serves as the agency liaison with regulatory representatives in all external audits.

To underscore and enhance the commitment of Cerebral Palsy of Westchester and to better assist staff, physicians, healthcare providers, clinical staff and billing staff in understanding compliance issues and focus, Cerebral Palsy of Westchester has implemented a Compliance Program for service provision and fee billing. The Compliance Program is comprised of the following 8 key elements, as per 18 CRR 521.3 - “Compliance Program required provider duties”:

1. **Written policies and procedures** to reduce the prospect of criminal conduct.

2. **A designated employee** vested with the responsibility for the day-to-day operation of the Compliance Program.

3. **Training and education** of effective standards and procedures for all affected employees and governing body members.

4. **Open lines of communication** to the responsible compliance position.

5. **Disciplinary policies** to encourage good faith participation in the Compliance Program.

6. **A system for routine identification of compliance risk areas**, by monitoring and auditing agency activities.

7. **A system for responding to compliance issues** with an appropriate response that will diminish re-occurrence of the offense.

8. **A policy of non-intimidation and non-retaliation** for good faith participation in the Compliance Program.
1. Written Policies and Procedures to Reduce the Prospect of Criminal Conduct.

Cerebral Palsy of Westchester has been, and continues to be, committed to conducting all service provision, operational policies and procedures, and billing practices in accordance with applicable regulations. To reduce the prospect of criminal conduct, Cerebral Palsy of Westchester has established compliance standards and procedures which address acceptable and ethical behavior, as well as defining consequences of unacceptable actions by employees. Direction is given to employees by the following:

- Corporate Compliance Code of Conduct (See Attachment #1)
- Employee Handbook
- Training

In addition, the Compliance Coordinator is responsible for the development of written policies, the communication of the Compliance Program to the employees through training programs, and the investigation of alleged violations of the compliance polices.

It is the policy of Cerebral Palsy of Westchester that all claims for professional fees and program services reimbursement use the proper code for the service provided, that the documentation in the medical or program service record supports the billing claim, and that the claim is submitted in the name of the appropriate provider. To guide staff in meeting this objective, the Compliance Coordinator shall, with the assistance of legal counsel if necessary, review existing policy and procedure statements, revise existing statements, and develop any additional statements as necessary. Cerebral Palsy of Westchester's policies and procedures are considered an integral part of this Compliance Plan.

2. A Designated Employee vested with the Responsibility for the day-to-day Operation of the Compliance Program.

The Compliance Coordinator has the overall responsibility to oversee compliance with established standards. The Compliance Coordinator will function within the Cerebral Palsy of Westchester organizational structure, reporting to a Senior Administrator and providing reports, both oral and written, to the Executive Director and the Board of Directors.

The Compliance Coordinator will Co-chair the Corporate Compliance Committee, comprised of personnel from administrative and finance departments.

The Compliance Coordinator will work closely with the department leadership to foster and enhance compliance with all applicable program service regulations, operational policies and procedures, and billing requirements. The authority of the Compliance Coordinator shall extend to
all billing functions and clinical & program service practices, whether on a fee-for-service basis or otherwise, provided by Cerebral Palsy of Westchester employees.

The Compliance Coordinator is also responsible for:

- The coordination and implementation of internal compliance reviews.
- Ongoing monitoring to ensure regulatory compliance.
- Overseeing agency compliance with records documentation.
- Coordination of external audits.

The Compliance Coordinator will, with the assistance of counsel when appropriate, perform responsibilities as described in the Compliance Coordinator’s job description.

3. Training and Education of Effective Standards and Procedures for All Employees and Other Agents.

The Compliance Coordinator shall be responsible for disseminating and explaining Cerebral Palsy of Westchester’s policies and procedures concerning billing, regulatory compliance and service documentation. To accomplish this objective, the Compliance Coordinator will design a systematic and ongoing training program to educate existing staff, new employees, and volunteers about Cerebral Palsy of Westchester’s Corporate Compliance Program, Code of Conduct, and applicable federal and state laws regarding billing policies, service documentation standards, and regulatory compliance.

Training shall be mandatory for all employees, volunteers, and members of the Governing Board. Training will ensure that every employee receives the Code of Conduct, policies and procedures, and laws and regulations that govern Cerebral Palsy of Westchester’s operation and the employee’s specific job. Training will occur at the start of employment as a section of New Employee Orientation, and thereafter at regularly scheduled intervals, upon changes in the Compliance Program, and upon occurrence of certain events or incidents (such as a regulation change, or as a result of an investigation). The Compliance Coordinator may require that individuals attend additional training sessions on particular issues.

Responsibility for developing, implementing and monitoring the training program will rest with the Compliance Coordinator. The Compliance Coordinator is responsible for the oversight of the management of the training materials and documentation of training sessions.

The education provided to each employee will vary depending upon his or her specific job duties, but will include:

- Corporate Compliance Code of Conduct
- Policies and procedures
- Ethical standards
- Federal and State laws, regulations and guidelines
• Identification of circumstances which require notification to, or consultation with the Compliance Coordinator. In particular, the obligation of each employee to report incidents of noncompliance will be addressed.
• Use of Cerebral Palsy of Westchester's confidential reporting system.
• Consequences of noncompliance, including the failure of supervisors to adequately instruct or monitor their employees.

4. Open Lines of Communication to the Responsible Compliance Position.

Cerebral Palsy of Westchester's employees are expected to report any activity that employees believe may be inconsistent with Cerebral Palsy of Westchester's service documentation standards, billing policies, or regulatory requirements. Cerebral Palsy of Westchester provides several different mechanisms by which employees, volunteers or contractors may report non-compliance. Issues may be reported anonymously to the Compliance Coordinator through the Corporate Compliance hotline (x210). Issues may also be reported to supervisors.

5. Disciplinary Policies to encourage Good Faith Participation in the Compliance Program.

As per the Introduction section of this document, “If necessary, Cerebral Palsy of Westchester will take disciplinary action up to and including termination if it finds that employees have failed to fulfill the objective of the Corporate Compliance Program”.

Please also refer to Attachment #1, “Employee/Volunteer Corporate Compliance Code of Conduct”.


Under the supervision of the Compliance Coordinator, a sample of program service records and corresponding bills for such services shall be regularly reviewed on a post-billing basis for compliance with state and federal regulatory requirements, as well as Cerebral Palsy of Westchester's service documentation standards and billing policies.

The executive leadership and the Compliance Coordinator will identify the departments/programs to be reviewed on a regularly scheduled basis. The Compliance Coordinator is responsible for establishing the frequency of reviews; however, the executive leadership may require that there are more frequent reviews. The Compliance Coordinator, in conjunction with department Directors, will design the internal compliance review protocol and establish the documentation/data collection process. Staff completing the internal compliance review will prepare a report of
findings and recommendations. Copies of all internal compliance reviews will be maintained by the Compliance Coordinator.

If any reviews identify possible instances of non-compliance with Cerebral Palsy of Westchester's service documentation standards, billing policies, or regulatory requirements:
- The Compliance Coordinator shall report the matter to the executive leadership.
- The Executive Director shall determine if reporting to, and consultation with Cerebral Palsy of Westchester's legal counsel is warranted.
- If legal counsel is warranted, the executive leadership then reviews the particular matter with counsel to determine whether there has been any activity inconsistent with legal requirements, or Cerebral Palsy of Westchester's billing policies or service documentation standards.

7. A System for Responding to Compliance Issues with an Appropriate Response that will Diminish Re-occurrence of the Offense.

Whenever non-compliance is identified by the Compliance Coordinator, corrective action will be taken.

If non-compliance is detected through an internal investigation:
- The Compliance Coordinator will meet with the Compliance Committee to review the findings of the investigation & develop a corrective action plan within the department.
- The Compliance Coordinator will present the corrective action plan to the Program Director.
- The Executive Director will review the final report of the investigation and corrective action plan.
- A copy of the corrective action plan will be forwarded to the Program Director and a copy will be maintained by the Compliance Coordinator, as well as by the Program Director.
- Implementation of the corrective action plan is the responsibility of the Program Director and the appropriate staff, as designated by the Program Director.
- When corrective actions have been implemented, the Program Director will forward a report to the Compliance Coordinator, confirming implementation of the actions.

8. A Policy of Non-intimidation and Non-retaliation for Good Faith Participation in the Compliance Program.

Employees who report possible compliance issues will not be subject to retaliation or harassment as a result of the report, as per the False Claims Act Whistleblower Provisions, 31 U. S. Code 3730(h)(1). Concerns about possible retaliation or harassment will be reported to the Compliance Coordinator.
Due Diligence in Delegating Substantial Discretionary Authority

Personnel with substantial discretionary authority include positions with “substantial control” over the organization, such as the Executive Director, Associate Executive Director, Directors, and positions in charge of major business units of the organization. Persons in such positions have the authority to set policy, negotiate prices and contracts, etc.

Any Cerebral Palsy of Westchester position that involves substantial discretionary authority within Cerebral Palsy of Westchester is required to disclose whether he/she has changed their name, and whether he/she has ever been convicted of a crime, including health care related crimes. In addition, Cerebral Palsy of Westchester does reasonable inquiries into the status of such applicants including inquiries during the job interview process.

Cerebral Palsy of Westchester will implement procedures to remove from direct responsibility or involvement in any federally or state funded health care program any personnel in the above-mentioned positions with pending criminal charges related to health care, or proposed exclusion from participation in federally or state funded health care programs.

Revisions to the Plan

This compliance plan is intended to be flexible and readily adaptable to changes in regulatory requirements. The plan shall be regularly reviewed and modified as necessary. To facilitate appropriate revisions to the plan, the Compliance Coordinator shall prepare a report at least annually that describes the general compliance efforts that have been undertaken during the preceding year. This report shall be circulated to the Corporate Compliance Committee, the Executive Director, and the executive leadership for their input. The annual report will be presented to the Cerebral Palsy of Westchester Board of Directors. Revisions to the Corporate Compliance Plan require review and approval by the Executive Director.

Closing Statement

The Compliance Program detailed in this document is intended to establish a framework for effective regulatory and billing compliance by Cerebral Palsy of Westchester. It is not intended to set forth all the substantive programs and policies of Cerebral Palsy of Westchester that are designed to achieve compliance. Cerebral Palsy of Westchester has already established various compliance policies and these policies, as well as future policies, will be a part of its overall compliance enforcement program.