

Corporate Compliance Plan Autism Services, Inc.

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PURPOSE

Autism Services, Inc. (“ASI”) has developed this Corporate Compliance Plan (the “Plan”) to further its mission, values, and legal duty to promote adherence to all applicable federal, state, and local laws and regulations as well as compliance with all ASI policies and procedures. ASI expects every person who provides services to our participants to adhere to the proper ethical standards and to promote ethical behavior. The Plan establishes internal controls to exercise appropriate due diligence to assure business is conducted in a professional and proper manner and to protect, detect, correct, and report conduct that is not in compliance with federal, state, or local data and information as evidenced by its accuracy, reliability, timeliness, and validity. The plan established herein demonstrates ASI’s commitment to honest and responsible conduct in all areas as it carries out its mission.

SCOPE

This Plan will apply to all facilities, programs, departments, activities and residences operating under ASI’s Certificate of Incorporation. The Corporate Compliance Plan has been prepared to outline the broad principles of legal and ethical business conduct embraced by Autism Services Inc. It is not a complete list of legal or ethical questions you might face in the course of business, and therefore this plan must be used together with your common sense and good judgment. In addition, for specific guidance in certain areas covered by this plan, ASI has adopted detailed policy and procedures manuals. If you are in doubt or have a specific question, you should contact your supervisor or the Agency Corporate Compliance Officer.

METHODS

ASI has established and will maintain the following 8 essential elements in its Corporate Compliance Plan to assure its goal of honest and responsible conduct in delivering quality services:

1. Code of Business Ethics and Conduct of Employee/Volunteer: The Plan adopts and incorporates herein the policies and procedures set out in ASI’s “Code of Business Ethics and Conduct”, “Discipline Policy”, “Conflict of Interest Policy”, “False Claims Act Policy” and “Whistleblower Policy” which can all be found in the Agency’s employee handbook. These policies communicate to all employees, volunteers, contractors/consultants and board members ASI’s commitment to high

standards for ethical practices and compliance with all applicable laws and regulations.

2. Compliance Program Oversight: ASI has designated and defined the role of the Corporate Compliance Officer and the Corporate Compliance Committee to operate and monitor the compliance program.
3. Education and Training: ASI has an on-going education and training program for all affected employees, directors, Compliance Committee members, and agents.
4. Effective and Confidential Communication: ASI has established and maintains an anonymous “hotline” and/or other maintenance process to receive complaints and protect whistle blowers from retaliation.
5. Enforcement of Compliance Standards: ASI has developed and disseminates a Code of Business Ethics and Conduct that addresses specific areas of potential compliance problems.
6. Auditing and Monitoring of Compliance Activities: ASI has established and implements procedures to audit and evaluate ASI’s compliance, to reduce identified problem areas, and to measure effectiveness of corrective actions.
7. Detecting and Response: ASI has a system to respond to compliance issues and enforce disciplinary action where appropriate.
8. Whistleblower Provisions and Protection: ASI investigates and remedies systemic problems and assures sanctioned individuals are not engaged as employees, volunteers, and/or agents.
9. In addition to the Corporate Compliance Plan, all policies and procedures must be adhered to.

THE PLAN

To further its commitment to compliance with all relevant federal, state, and local statutes and regulations, ASI has established the following guidelines outlined below:

- 1) **Code of Business Ethics and Conduct**: - All officers, directors, employees, volunteers, and contractors/consultants must adhere to all ethical and legal standards outlined in this Plan. All employees are expected to adhere to ASI’s Discipline Policy found in the Agency’s Employee Handbook.
 - I. Policy Statement: All staff are required to strictly adhere to the Agency’s Code of Business Ethics and Conduct and refrain from any improper or irresponsible behavior. In particular, staff are required to carry out their duties in strict conformance with all applicable laws – including those relating to protection of individuals from abuse and mistreatment. The Code of Business Ethics & Conduct lists some examples of unacceptable behavior. The policy for the typical process for administering corrective action when such infractions occur is detailed in the Discipline Policy.
 - II. Practice: Occurrences of any of the violations listed below, because of their seriousness, may result in discipline up to and including immediate termination of employment, without additional warning. The Agency may also impose an unpaid disciplinary suspension of one or more full days for serious misconduct. This practice applies to all employees, whether exempt or nonexempt.

Management reserves the right to discipline for any reason, whether listed below or not:

1. All officers, directors, employees, volunteers, contractors and vendors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor, the Executive Director or the Corporate Compliance Officer. Reports may be made anonymously without fear of retaliation or retribution. Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action up to and including termination. Reports related to harassment or other workplace-oriented issues will be referred to Human Resources.
2. Board members and employees are required to disclose any actual or potential conflict of interest and seek guidance on how to handle the situation. See Conflict of Interest policy in the Employee Handbook.
3. Officers, directors, and employees may not offer any remuneration (payment/compensation), including kickbacks, bribes, or rebates, in cash or in kind, in any manner or form to any physician or other party in order to induce referrals from any health care business, patients, providers or supplier to ASI.
4. Any officer, director, or employee who becomes aware of any an improper remuneration (payment/compensation) must immediately report such information to the Corporate Compliance Officer.
5. Any officer, director, or employee who becomes aware of a lease, contract, purchase agreement or order for goods or services for any amount other than fair market value must immediately notify the Corporate Compliance Officer.
6. All contracts must include language that requires the other party to adhere to all applicable federal, state, and local statutes, rules, and regulations.
7. Any officer, director, or employee who knows of or discovers any claim billed in error or billed for an amount in excess of permitted rates must report such information to the Corporate Compliance Officer immediately.
8. Any officer, director, or employee who knows of or discovers any claim billed for services that are not medically necessary must report such information to the Corporate Compliance Officer immediately.
9. Any behavior that constitutes abuse or neglect of persons as defined by statute regulation and/or ASI Policy (example, but not limited to: sleeping while on duty, not respecting the dignity of the people we support, etc.).
10. Failing to immediately stop and report known, suspected or observed abuse, neglect or mistreatment of individuals receiving services.
11. Use of corporal punishment upon persons receiving services. Corporal punishment is the use of physical force upon a person receiving services for the purpose of disciplining or chastising that person.
12. Encouraging persons receiving services to perform the duties of employees unless such tasks are described in the person's plan of services by the program planning team for the purpose of increasing the person's skills.
13. Discriminatory activity directed towards persons receiving services or others for any reason, including race, color, religion, national origin, age, sex, sexual orientation, ethnic background, marital status, veteran status, military status, disability or health condition, genetic predisposition or any other classification protected by law.

14. Engaging in criminal conduct or acts of violence, making threats of violence toward anyone on Agency premises or when representing the Agency; fighting or horseplay or provoking a fight on Agency property; negligent damage of property.
15. Threatening, intimidating or coercing people on or off the premises at any time, for any purpose.
16. Distributing, manufacturing, selling, possessing, purchasing or consuming illegal substances or alcohol while at the workplace or while performing in work-related capacity.
17. Reporting to work with the ability to perform your job impaired due to the use of alcohol, a controlled substance, illegal substance, or prescribed medication.
18. Possessing, carrying or concealing firearms, weapons or explosives in or on the grounds of the facility, in Agency vehicles, at Agency-sponsored events or in the presence of individuals being served.
19. Engaging in an act of sabotage; undermining programs/services; willfully or with gross negligence causing the destruction or damage of Agency property, or the property of fellow employees, individuals, suppliers or visitors in any manner.
20. Engaging in personal financial transactions between employees or volunteers and persons receiving services which can be construed as exploitation.
21. Modeling inappropriate or unacceptable behavior to the individuals receiving services. You must conduct yourself in a professional manner in front of individuals and with co-workers at all times.
22. Failing to maintain strict confidentiality of all information regarding persons receiving services and/or failing to utilize such information in a professional manner at all times. To the extent employees and volunteers obtain HIV-related information concerning a person, such information must be maintained in confidence as required by 10 NYCRR Part 63 and the provisions of Section 633.19 of Client Protection Regulations.
23. Taking, displaying or using any photographs or digital images of the individuals in any manner without express written authorization as outlined in the HIPAA and/or FERPA regulations as applicable, is prohibited.
24. Theft of Agency property or the property of employees or people we support; unauthorized possession or removal of any Agency property including documents and electronic information from the premises without prior permission from management. You must immediately report any missing property to your supervisor or a supervisor in your chain of command, for further guidance.
25. Conducting any personal business or business not related to the immediate operations/programs of Autism Services, Inc. during one's shift or while utilizing any of the Agency resources (supplies, phones, fax machines, computers, facilities, etc.) or personal belongings of the individuals to pursue such business. Disregard of this policy is a violation of the individuals' right to receive active treatment.
26. Removing or borrowing from any Agency site any supplies or individuals' personal property or money. Disregard of this policy is a direct violation of the individual's right to their property and services. Employees and volunteers shall understand that all supplies (paper products, cleaning products, food, equipment, money, and all personal belongings of the individuals, etc.) are for the use of providing services to

our individuals and for their own personal enjoyment. You must immediately report any missing property to your supervisor for further guidance.

27. Willful violation of any Agency rule; any deliberate action that is extreme in nature and is obviously detrimental to Agency image, reputation or well-being.
28. Dishonesty; willful falsification or misrepresentation on an employment application or other work records; lying about sick or personal leave; falsifying reason for a leave of absence or other data requested by the Agency; alteration of Agency records, timecards, billing or tracking sheets or other Agency documents.
29. Disclosing confidential information when confidentiality is required by law, Agency policy or particular circumstance including confidential agency information or information related to an investigation.
30. Giving legally confidential or proprietary Agency information to competitors or other organizations or to unauthorized Agency employees, working for a competing Agency while employed or volunteering, or any other conflict of interest.
31. Engaging in employment outside of the Agency that interferes or results in conflict of interest with your employment with the Agency. You must inform the Agency of all outside employment.
32. Insubordination or refusing to comply with reasonable instructions issued by a superior, including refusal to help out on a special assignment or refusal to participate in an investigation.
33. Malicious gossip and/or spreading rumors, interfering with another employee on the job; willfully restricting work output or encouraging others to do the same.
34. Immoral conduct or indecency on Agency property or at Agency-sponsored activities.
35. Sexual advances toward, and any actual or attempted sexual relationship with, the individuals in our care or service network, or with employees, volunteers or vendors while at work.
36. Any act of harassment (including actions motivated for sexual, racial or other reason) with or directed toward an employee, volunteer, vendor or an individual in our care or service network.
37. Using obscene or abusive language, being indifferent or rude or any disorderly, antagonistic conduct while on duty or on any Agency property/function.
38. Conducting a lottery or gambling on Agency premises.
39. Unsatisfactory or careless or untimely work; failure to meet quality standards; mistakes due to carelessness or failure to get necessary instructions. Wasting time, loafing or loitering.
40. Failure to maintain a neat and clean appearance.
41. Failing to report to work without excuse or approval of management for three consecutive days, or repeated failures to report to work without notice, regardless of duration of time missed.
42. Repeated absences, tardiness or early quits. Abuse of meal periods.
43. Leaving the work area during working hours without proper permission.
44. Violation of the Agency's Non-solicitation Policy.
45. Breach of the duties of trust or loyalty.

2) **Compliance Program Oversight**

- a) **Corporate Compliance Officer and Corporate Compliance Committee:** To further its commitment to compliance with all applicable federal, state, and local statutes and regulations, the Board of Directors has established a Compliance Committee. The Board of Directors has also established a board level committee called the Quality Assurance/Corporate Compliance Committee. The Corporate Compliance Officer is appointed by the Executive Director and has a direct line of communication to the Board of Directors as needed.
- b) **The Corporate Compliance Committee:** The role of the Corporate Compliance Committee is to oversee the implementation of the Plan in a way that enables ASI to maintain the proper standards of ethical practices and compliance with all applicable laws and regulations. The Corporate Compliance Committee shall meet at least semi-annually, but may meet with greater frequency as deemed necessary by the membership of the Committee. Regular agenda items shall include the status of implementation of the Plan, potential compliance violations that have been detected, investigations and responses to reported offenses, risk areas and plans for risk reduction, internal prospective audit reports, evaluation of the Plan and any other agenda items deemed necessary. The Corporate Compliance Committee shall:
- i) Oversee implementation of the Corporate Compliance Plan and policies and procedures therein.
 - ii) Detect, correct, and report conduct that is not in compliance with federal, state, or local statutes and regulations.
 - iii) Promote compliance with the Code of Business Ethics and Conduct.
 - iv) Ensure compliance and ethics policies and standards are reviewed and updated on a regular basis to ensure they are comprehensive, understandable, and readily accessible by all Agency representatives.
 - v) Periodically review the protocols on how the committee internally receives, documents and handles compliance and ethics referrals or “hotline” calls and cases to assure it is:
 - (1) protecting the privacy of the person reporting.
 - (2) investigating referrals in a timely manner.
 - (3) conducting investigations with persons who have sufficient expertise and knowledge regarding the issues contained in the referral.
 - (4) recommending appropriate disciplinary or corrective action in response to substantiated allegations.
- c) **The Corporate Compliance Officer shall:**
- i) Be an employee of ASI who is delegated authority by the Executive Director to oversee and monitor the Plan.
 - ii) Oversee and monitor the implementation of the Plan.
 - iii) Present an annual report to ASI’s Board of Directors and the Executive Director on the progress of implementation, monitoring, and compliance activities and provide such additional reports as the Board of Directors and/or the Executive Director shall request.
 - iv) In conjunction with ASI’s human resource department and policy and procedure committee, assure that the Code of Business Ethics and Conduct is distributed to all employees and signed by them indicating that they have read the Code of Business Ethics and Conduct and that they understand that disciplinary action in

line with ASI's personnel policies and procedures may result in the event of misconduct.

- v) In conjunction with ASI's human resource department and policy and procedure committee, ensure that all policies are distributed, kept current and followed by appropriate individuals.
- vi) Conduct regular audits and other monitoring techniques necessary to ensure compliance with all federal, state, and local laws and regulations.
- vii) Conduct on-site visits.
- viii) Review ASI program participants' files, including but not limited to medical treatment, education, IEP and/or ISP files.
- ix) Interview personnel involved in management, operations, billing, fundraising, purchasing, referrals, and other related activities.
- x) Compliance officer or designees will investigate promptly any potential violation or misconduct to determine whether a material violation has in fact occurred, and, if so, take action to rectify the violation, report it to the government if necessary, and make any appropriate payments to the payer.
- xi) Assure individuals who have been convicted of a criminal offense related to health care or who are listed by a federal agency as debarred, excluded or otherwise ineligible for participation in federal or state funded health care programs will not be employed by ASI or become an officer, director, or employee of ASI.
- xii) Assure all records required by federal or state law or regulation or by this compliance plan are properly created and maintained while complying with participant confidentiality requirements under federal and state law.

3) **Education and Training**

- a) The Corporate Compliance Officer has developed and maintains, with the assistance of the Corporate Compliance Committee, formal and informal education and training programs to be provided to employees to strengthen their ability to conduct themselves in compliance with high standards for ethical practices and with all applicable laws and regulations. The Corporate Compliance Officer shall ensure that employee education and training is provided to all new employees within the first 45 working days of employment and is ongoing thereafter. The training and education program provided to all employees shall include the following:
 - i) Current statutes, regulations, areas of risk, Agency policies and procedures, billing procedures, and/or documentation requirements including, but not limited to compliance requirements that apply to each employee's individualized job duties.
 - ii) Billing procedures specific to the False Claims Act.
 - iii) "Compliance tips" containing information and issues designed to help employees reduce risk, improve compliance practices, and report noncompliant conduct within their particular area of responsibility.
 - iv) Notice that failure to comply with any part of the compliance program may result in disciplinary action, including termination.
 - v) An opportunity to ask questions for the purpose of clarification.

- vi) Development and distribution of a regularly updated Employee Handbook that reflects current statutes, regulations, areas of risk, Agency policies and procedures, billing procedures and/or documentation requirements.
- vii) The retention of attendance sheets and all training materials and handouts for at least 6 years from the date of offering.

4) Effective and Confidential Communication

- a) All employees have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, procedures, Agency's Corporate Compliance Plan or the Agency's Code of Business Ethics and Code of Conduct.
- b) The "open-door policy" will be maintained at all levels of management to encourage employees to report problems and concerns.
- c) Autism Services will maintain a 24-hour Corporate Compliance Hotline. Anyone with concerns may report their compliance concerns confidentially to the Corporate Compliance Officer through use of the Compliance Hotline. The number is (716) 631-5777 ext. 644.
- d) Autism Services also provides a "Staying on Target" form which is made available to all staff to report compliance concerns confidentially to the Corporate Compliance Officer. These forms are handed out to employees at orientation and are made readily accessible at all program sites. The form may be mailed to the Corporate Compliance Officer.
- e) Concerns may also be reported via email to the Corporate Compliance Officer at: complianceofficer@autism-services-inc.org; however, there is no guarantee of anonymity when using the email address.
- f) **Procedures that apply to all employees:**
 - i) Knowledge of misconduct, including actual or potential violations of laws, regulations, policies, procedures or the organization's Code of Business Ethics and Conduct of Employee/Volunteer, must be immediately reported to management, Executive Director or designee, Director of Human Resources, the Corporate Compliance Officer or the Compliance Hotline/Staying on Target/Compliance Officer email.
 - ii) If the complaint is in regard to an employee's direct supervisor, that individual should utilize the chain of command to immediately report their concern.
 - iii) If the complaint is in regard to the Corporate Compliance Officer, the employee is directed to contact the Executive Director immediately to report their concern.
 - iv) Confidentiality will be maintained to the extent that is practical and allowable by law. Employees should be aware that ASI is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies. Callers should be aware, however, that it may not be possible to preserve anonymity if they identify themselves, provide other information that identifies them, the investigation reveals their identity or if they inform others that they have called the Corporate Compliance Hotline.
 - v) Employees may report their compliance concerns confidentially to the Corporate Compliance Hotline and not provide his or her identity. If the caller wishes to make the report anonymously to the Corporate Compliance

Hotline/Staying on Target form/compliance email, no attempt will be made to trace the source or identity of the person making the report.

vi) If the caller wishes to make the report anonymously to the Corporate Compliance Hotline/Staying on Target form/compliance email, no attempt will be made to trace the source or identity of the person making the report.

vii) The Corporate Compliance Hotline number will be published and visibly posted in a manner consistent with employee notification in locations frequented by ASI employees.

g) Procedures that apply to management (which includes executives, directors, managers, and supervisors):

i) Management must take appropriate measures to ensure that all levels of management support this policy and encourage the reporting of problems and concerns. At a minimum, the following actions should be taken and become an ongoing aspect of the management process:

(a) Meet with department staff to discuss the main points within this policy; and

(b) Provide all department staff with a copy of this policy.

h) Procedures that apply to the Compliance Officer:

i) The Corporate Compliance Officer and/or Human Resource Director will be responsible for the investigation and follow-up of any reported retaliation against an employee for reporting a compliance concern or participating in the investigation of a compliance concern.

ii) The Corporate Compliance Officer and/or Human Resource Director will report the results of an investigation into suspected retaliation to the governing entity deemed appropriate, such as the Corporate Compliance Committee or the Board of Directors.

5) Enforcement of Compliance Standards

a) ASI encourages good faith participation in the compliance program. Appropriate disciplinary action, up to and including termination will be enforced for:

i) Failing to report suspected problems,

ii) Participating in non-compliant behavior, and/or

iii) Encouraging, directing, facilitating or permitting non-compliant behaviors.

b) Such discipline will be determined on a case-by-case basis and be reviewed by the Corporate Compliance Committee.

6) Auditing and Monitoring of Compliance Activities:

a) Claim Development and Submission Process:

i) The Compliance Committee and the Corporate Compliance Officer shall:

(1) Establish, implement, audit, and monitor policies and procedures to provide for the accurate, complete and timely documentation of all professional services prior to billing including documentation showing that the services were appropriate and provided in a timely manner.

(2) Assure that claims are submitted only when appropriate documentation supports the claims.

- (3) Assure account credit balances or overpayments are properly refunded to program participants, governmental agencies, guarantors and/or third-party payers.
- (4) Assure documentation supporting submitted claims is maintained, organized and available for audit and review.
- (5) Base all services appearing on the reimbursement claim on the program participant's record.
- (6) Make the documentation necessary for accurate billing available to the billing staff.
- (7) Assure that compensation for billing department coders and consultants does not provide any financial incentive to improperly code claims.

7) Detecting and Response

- a) The Corporate Compliance Officer and Corporate Compliance Committee shall determine whether there is any basis to suspect that a violation of the Plan has occurred. See the Compliance Plan Oversight for more information.

8) Whistleblower Provisions and Protections:

- a) ASI recognizes that a critical aspect of its 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, as well as the organization's ethical and business policies.
- b) To promote this culture, ASI established a compliance reporting process and a strict non-retaliation policy in adherence to the False Claim Act Policy, found in the Employee Handbook, to protect employees and others who report problems and concerns in good faith from retaliation. Any form of retaliation or retribution can undermine the compliance resolution process and result in a failure of communication channels in the organization.
- c) Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
- d) Any employee who commits or condones any form of retaliation will be subject to discipline up to and including termination.
- e) Employees cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.
- f) ASI will not impose any disciplinary or other action in retaliation against individuals who make a report a complaint in good faith regarding a practice that the individual reasonably believes may violate the Agency's Corporate Compliance Plan, Code of Business Ethics and Conduct, its Compliance Policies and Procedures or any of the laws, rules or regulations by which the ASI is governed. "Good faith" means that the individual believes that the potential violation actually occurred as he or she is actually reporting.
- g) ASI strictly prohibits its employees from engaging in any act, conduct or behavior which results in, or is intended to result in, retaliation against any employee for reporting his or her concerns relating to a possible violation of ASI's Corporate

Compliance Plan, Code of Business Ethics and Conduct, its Compliance Policies and Procedures or any of the laws, rules or regulations by which the Agency is governed.

- h)** If an employee believes in good faith that he/she has been retaliated against for reporting a compliance complaint or concern or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation to the Corporate Compliance Officer or the Compliance Hotline. The report should include a thorough account of the incident(s) and should include the names, dates and specifics events, the names of any witnesses and the location or name of any document that supports the alleged retaliation.
- i)** Knowledge of a violation or potential violation of this policy must be reported directly to the Corporate Compliance Officer or the Compliance Hotline.