

## **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 outlines 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 found on Paylocity. If you are in doubt or have a specific question, you should contact your chain of command, Senior Director of Human Resources or the Chief Quality Officer.

### **Elements of the Compliance Plan**

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:

- Code of Business Ethics and Employee Code of Conduct
- Compliance Program Oversight:
- Education and Training:
- Effective and Confidential Communication:
- Enforcement of Compliance Standards:
- Auditing and Monitoring of Compliance Activities
- Detecting and Response
- Whistleblower Provisions and Protection

In addition to the Compliance Plan, all policies and procedures must be adhered to.

### **THE PLAN**

1. Code of Business Ethics and Conduct and Employee Code of Conduct:

- a. All board members, officers, directors, employees, volunteers, and contractors/consultants, referred to as “representatives” or “representatives of ASI” herein, must adhere to all applicable ethical and legal standards outlined in this Plan. The Plan adopts and incorporates herein the policies and procedures set out in ASI’s “Code of Business Ethics and Conduct” and “Employee Code of 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.
- b. Policy Statement: All representatives of ASI are required to strictly adhere to the Agency’s Code of Business Ethics and Conduct below and refrain from any improper or irresponsible behavior. In particular, representatives are required to carry out their duties in strict conformance with all applicable laws – including those relating to protection of people from abuse and mistreatment. In addition to the Code of Business Ethics and Conduct, all Employees are expected to adhere to the “Employee Code of Conduct” found in the employee handbook, which lists some examples of unacceptable behavior. The policy for the typical process for administering corrective action when infractions occur is detailed in the Discipline Policy.
- c. Practice: Occurrences of any of the violations listed below in the Code of Business Ethics and Conduct, 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 representatives, whether exempt or nonexempt and volunteers.
- d. Code of Business Ethics and Conduct:
  - i. Report any instances of suspected or known noncompliance to your chain of command, Chief Executive Officer or Chief Quality 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.
  - ii. Disclose any actual or potential conflict of interest and seek guidance on how to handle address the situation. See Conflict of Interest policy.
  - iii. It is prohibited to offer any remuneration(payment/compensation), including kickbacks, bribes, 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 suppliers to ASI.
  - iv. Report any lease, contract, purchase agreement or order for goods or services for any amount other than fair market value immediately to the Corporate Compliance Officer.
  - v. All contracts must include language that requires the other party to adhere to all applicable federal, state, and local statutes, rules, and regulations.
  - vi. Knowledge or discovery of any claim billed in error or billed for an amount in excess of permitted rates must be reported to the Corporate Compliance Officer immediately.
  - vii. Knowledge or discovery of any claim billed for services that are not medically necessary must be reported to the Corporate Compliance Officer immediately.
  - viii. Any behavior that constitutes abuse or neglect of persons as defined by statute regulation and/or ASI Policy (example, but not limited to: physical abuse, sexual abuse, neglect, mistreatment, sleeping while on duty, not respecting the dignity of the people we support, etc.) is prohibited.

- ix. Immediately stop and report known, suspected or observed abuse, neglect or mistreatment of people receiving services.
- x. Maintain strict confidentiality of all information regarding persons receiving services and/or 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.
- xi. Refrain from disclosing confidential information when confidentiality is required by law, Agency policy or particular circumstance including confidential agency information or information related to an investigation.
- xii. Refrain from 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.

2. Compliance Program Oversight:

- a. Corporate Compliance Officer and Corporate Compliance Committees: The Corporate Compliance Officer is appointed by the Chief Executive Officer and has a direct line of communication to the Board of Directors as needed. ASI has designated the Chief Quality Officer with the responsibilities of Corporate Compliance Officer. The Corporate Compliance Officer oversees the agency's Corporate Compliance Plan and functions as an independent body that reviews and evaluates compliance issues/concerns within the agency. The Board of Directors has established a board level committee called the Board Quality Improvement/Corporate Compliance Committee. The Board QICC Committee meets regularly with the Chief Quality Officer for updates on the status of both the quality improvement plan/processes and compliance plan/processes within the agency.
- b. The Agency Corporate Compliance Committee: In addition to the Board QICC Committee, there is an internal Agency Corporate Compliance Committee comprised of the CEO, chief officers, senior management and selected directors. This committee oversees the implementation of the Compliance Plan. The Agency Corporate Compliance Committee shall meet at least bi-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.
- c. The Agency Corporate Compliance Committee shall:
  - i. Monitors 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 protocols on how the committee internally receives, documents and handles compliance and ethics referrals or “hotline” calls and cases to ensure 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.
- d. The Corporate Compliance Officer shall:
  - i. Act as chairperson of the Agency Corporate Compliance Committee.
  - ii. Present reports on a regular basis to ASI’s Board of Directors Quality Improvement/Compliance Committee and the Chief Executive Officer on the progress of implementation, monitoring, and compliance activities and provide such additional reports as the Board of Directors and/or the Chief Executive Officer shall request.
  - iii. Collaborates with the human resource department and other departments to develop, revise and maintain policies and procedures for the general operation of the compliance plan and its related activities, including periodic review and updating of the Code of Business Ethics and Conduct and the Employee Code of Conduct.
  - iv. In conjunction with ASI’s human resource department and policy and procedure committee, ensure that all policies are kept current and made available to agency personnel.
  - v. Ensures QI Department personnel conducts regular, routine audits and other monitoring techniques including but not limited to site visits and review of program participant files necessary to ensure compliance with regulations, rules, policies and procedures.
  - vi. Identifies potential areas of compliance risk and collaborates with other departments as needed to develop an action plan intended to resolve and correct the identified problem.
  - vii. 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.
  - viii. Ensure 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.
  - ix. Ensures the agency has an effective compliance training program, including initial and ongoing training for employees and board members.
  - x. Institutes and maintains an effective compliance communication program to include a variety of methods to report compliance concerns including an agency hotline, a Staying on Target compliance complaint form and compliance email address.

### 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.

Each new employee must complete ethics and compliance training, as well as HIPAA information privacy and security training in Agency Orientation prior to beginning employment in their home department/program. Certain job functions may require additional program specific compliance training which shall be completed by the supervisor of the program within 30 days of starting in their home department/program. Each year all employees shall receive updated ethics and compliance training and HIPAA information privacy and security training. Employees performing certain job functions may be required to receive additional program specific compliance training on an annual basis.

- b. 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 access to 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 agency representatives have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, and 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](mailto: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, Chief Executive Officer 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 Chief Executive Officer 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):
  - h. 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:
    - i. Meet with department staff to discuss the main points within this policy; and
    - j. Provide all department staff with a copy of this policy.
  - k. Procedures that apply to the Compliance Officer:
    - l. 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.
  - m. 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:
  - b. Failing to report suspected problems,
  - c. Participating in non-compliant behavior, and/or
  - d. Encouraging, directing, facilitating or permitting non-compliant behaviors.

- e. 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:
  - b. The Agency Compliance Committee and the Corporate Compliance Officer are responsible for ensuring that internal compliance auditing occurs on a regular basis as a proactive measure in an effort to monitor areas of risk or potential risk. Compliance auditing is also conducted as a result of an investigation or complaint.
  - c. 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.
  - d. Auditing is intended to monitor that:
    - i. claims are submitted only when appropriate documentation supports the claims.
    - ii. account credit balances or overpayments are properly refunded to program participants, governmental agencies, guarantors and/or third-party payers.
    - iii. documentation supporting submitted claims is maintained, organized and available for audit and review.
    - iv. all services appearing on the reimbursement claim are based on the program participant's record.
    - v. the documentation necessary for accurate billing available to the billing staff.
    - vi. 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 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.