



Corporate Compliance Training

Kulanu's Corporate Compliance Overview

- The Corporate Compliance (CC) Plan is developed in accordance with Kulanu Academy's mission of providing quality services to individuals with disabilities.
- The CC plan articulates Kulanu's commitment to provide services in full compliance with all federal, state and local laws and regulations.
- In addition, the CC plan sets forth a plan for proactively preventing, detecting, and reporting violations of the laws and regulations which govern the services that Kulanu provides.
- Affected individuals- all persons who are affected by the required provider's risk areas including the required provider's employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers.

Seven Elements of Kulanu's CC Plan

1. Written Policies and Procedures
2. Designation of a Compliance Officer
3. Training and Education
4. Communication Lines to the Compliance Department
5. Disciplinary Policies
6. Identification of Compliance Risk Areas and Non-Compliance
7. Responding to Compliance Issues

Written Policies and Procedures

- The Kulanu Code of Conduct is the foundation of the CC program.
- Each affected individual must read the Code of Conduct and sign an attestation that they have read and will abide by the Code of Conduct and The CC Plan.
- Policies and Procedures have been developed for Kulanu as a whole.

Designation of a Compliance Officer

- Kulanu designates a Compliance Officer to be responsible for all aspects of CC activities, policies, and programs designed to maintain corporate integrity and compliance with all internal and external requirements, regulations, and laws.

Training and Education

- Newly hired employees will receive training related to Kulanu's overall Compliance Program during orientation.
- All affected individuals will receive compliance training on an annual basis.
- At a minimum, compliance training sessions will include information on the following aspects of the compliance program:
 - Code of Conduct and other related written guidance
 - False Claims Act
 - Whistleblower Act
 - Anti-Kick Back Statute
 - Communication channels including the anonymous Compliance Hotline
 - Organizational expectations for reporting problems and concerns
 - Non-retaliation Policy

Communication Lines to the Compliance Department

Corporate Compliance Hotline

516-596-8851

Corporate Compliance Email

Compliance@kulanukids.org

Compliance Officer

Nicole Rios

Nicole.Rios@Kulanukids.org

Disciplinary Policies

- Any affected individual who violates or knowingly fails to report any violation of the Code of Conduct, any applicable law or regulation, Kulanu policy, procedure or practice is subject to appropriate disciplinary action, up to and including termination.
- Disciplinary action may range from a warning to suspension or discharge, depending upon the nature of the incident and the relevant surrounding circumstances.

Identification of Compliance Risk Areas and Non-Compliance

- Through auditing and monitoring activities, areas of regulatory non-compliance, quality of life concerns, and/or procedural irregularities that impact the quality of services are identified.
- All audit findings are reported to the Corporate Compliance Committee.

Responding to Compliance Issues

- Once an allegation is brought to the attention of the Compliance Officer, a thorough investigation will be conducted using standard investigative practices.
- The individual providing initial information should refrain from obtaining evidence for which they do not have a right to access.
- Intentional filing of a false report is itself considered an improper activity.
- Kulanu will make every effort to maintain the anonymity of individuals making allegations but cannot guarantee anonymity.
- A whistleblower's right to protection from retaliation does not extend to immunity for any complicity in the matters that are the subject of the allegations.

Policy of Non-Intimidation and Non-Retaliation

- A critical aspect of Kulanu's CC 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.
- Kulanu has an established compliance reporting process and a strict non-retaliation policy:
 - All affected individuals have a duty and responsibility to promptly report any known or suspected misconduct, including actual or potential violation of laws, regulations, policies and procedures, Kulanu's Compliance Plan, or Kulanu's Code of Conduct.
 - Kulanu has an "open-door policy" where any employee may discuss with their upline questions, complaints, suggestions, and challenges.
 - Kulanu maintains the Compliance Hotline and a dedicated email address.
 - Any form of retaliation against any affected individual who reports a perceived problem or concern in good faith is strictly prohibited.
 - Any affected individual who commits or condones any form of retaliation will be subject to discipline up to, and including, termination, discharge from contracting services, or restrictions from serving on the Board of Trustees.
 - Affected individuals cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be considered in determining the appropriate course of action.

False Claims Act

- The False Claims Act, 31 U.S.C. & 3729 et seq., is a federal law designed to prevent and detect fraud, waste and abuse in federal healthcare programs, including Medicaid and Medicare.
- Under the False Claims Act, anyone who knowingly submits false claims to the government is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties of \$5,500 to \$11,000 for each false claim submitted.
- False Claims suits can be brought against individuals or entities.

Suspected improper activities could include but are not limited to:

- Misuse of cash and other assets, whether tangible or intangible, real or personal property. This includes accepting gifts of a value greater than \$50 individual or \$100 cumulative in a year or in any way influencing participants or their families to provide gifts either monetarily or in kind.
- Providing services by staff or consultants who are unqualified according to their job description such as failure to renew license or credentials, loss of license, or credentials
- Providing differential care based on participant's race, religion, payer source, etc. rather than their needs
- Violation of HIPAA privacy policies.
- Use of confidential organization information for personal gain
- Falsified records used as timesheets
- Filing claims to more than one payer (double-billing) except in cases where there are legitimate, multiple funding sources, i.e., a primary and secondary insurance
- Participating in outside activities that could improperly influence your actions, such as consulting with a competitor without first disclosing that relationship to management
- Providing payment, gifts, discounts, or other items of value in exchange for referrals of individuals whose services are funded by Medicaid/Medicare
- Misuse of Kulanu's or a participant's property, including theft or embezzlement
- Misuse of participant records

Whistleblower or “Qui Tam” Provisions:

- To encourage employees to report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower provision.
 - Qui Tam allows persons and entities, called the relator, with evidence of fraud against federal programs or contracts to sue the wrongdoer on behalf of the government. If successful, the relator receives up to 30% of the government’s award.

Anti-Kickback Statute

- The federal Anti-kickback Statute prohibits knowingly and willfully offering, paying, soliciting or receiving anything of value as an inducement or reward to refer items or services for which payment is available under the federal or state healthcare programs, such as Medicare and Medicaid.

Employee & Contractor Exclusion Screening

- It is Kulanu policy not to employ, contract with, or conduct business with an individual or entity excluded from participation in federally sponsored health care programs, such as Medicare or Medicaid.

Corporate Compliance Plan

- All OPWDD employees should access the complete CC Plan and Code of Conduct available on Kulanu's website

<https://kulanukids.org/employee>



Kulanu Corporate Compliance Training Attestation

I have read and understand Kulanu's Corporate Compliance Training. I agree to abide by all rules and regulations described in Kulanu's Corporate Compliance Plan including, but not limited to, my obligation to report any suspected compliance violations and that there shall be no consequences for reporting compliance violations in good faith. I acknowledge and agree that my failure to comply with the Corporate Compliance Materials will subject me to disciplinary action, up to and including termination.

Print Name

Signature

Date