

		DEPARTMENT(S):	REVISION #:	POLICY #:
		ALL	01	01
SPONSORED BY:	PREPARED BY:	APPROVED BY:	DATE ISSUED:	EFFECTIVE:
DSRIP Compliance Committee	Melissa DeJohn, DSRIP Compliance Officer	DSRIP Compliance Committee	November 1, 2015	November 1, 2015
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KEY WORDS:

1. Delivery System Reform Incentive Payment (DSRIP)
2. Performing Provider System (PPS)
3. Medicaid
4. Compliance Hotline
5. External audit
6. Internal audit
7. New York State Office of Medicaid Inspector General (NYSOMIG)

A. GENERAL POLICY STATEMENT

It is the policy of The Mary Imogene Bassett Hospital doing business as Bassett Medical Center (Bassett) acting as the lead entity (Lead Entity) of the Mohawk Valley PPS (PPS) to comply with all applicable laws, regulations, and standards governing its operations under the Delivery System Reform Incentive Payment Program (DSRIP Program). This policy creates a Compliance Program which is administered by the DSRIP Compliance Officer, in conjunction with the DSRIP Compliance Committee that has been created to advise this position. It is the policy of Bassett that the DSRIP Program is not connected to waste, fraud or abuse associated with the use of DSRIP funds.

B. SCOPE

This Policy applies to Bassett and its assigns, acting as the Lead Entity, and all DSRIP PPS Partners (PPS Partners).

C. ACCOUNTABILITY

This policy will be administered by the DSRIP Compliance Officer. The DSRIP Compliance Officer shall consider in furtherance of this Compliance Program the distribution of DSRIP funds and the New York State Department of Health requirements set forth in Delivery System Reform Incentive Payment - Measure Specification and Reporting Manual at [https://www.health.ny.gov/health\\_care/Medicaid/redesign/docs/dsrp\\_measure\\_specification\\_and\\_reporting\\_manual\\_for\\_public\\_comment.pdf](https://www.health.ny.gov/health_care/Medicaid/redesign/docs/dsrp_measure_specification_and_reporting_manual_for_public_comment.pdf)

D. POLICY ELEMENTS

1. The Lead Entity shall not be responsible for how PPS Partners use their respective DSRIP distributions. The Lead Entity will develop adequate processes to be able to identify when PPS Partners obtain DSRIP distributions in a way inconsistent with approved DSRIP project plans.
2. Employees and affected persons of Bassett and PPS Partners including, but not limited to executives, their governing board members (collectively, *All Affected Individuals*) shall receive training and education concerning the appropriate use of DSRIP funds for DSRIP project plans, the reporting of compliance issues in accordance with

this policy and compliance with relevant laws and regulations and DSRIP Program requirements.

3. All Affected Individuals of Bassett and PPS Partners having knowledge of deficiencies in DSRIP compliance with laws, regulations and requirements of the DSRIP Program are expected to report them to the DSRIP Compliance Officer.

4. Overview of Compliance Program:

- a. The Compliance Program is focused on those areas of the DSRIP Program that involve legal and regulatory issues that are specific to the payment of DSRIP funds to Bassett and PPS Partners and that present risk of non-compliance. The purpose of the compliance function includes:
- i. Developing and implementing, in conjunction with PPS Partners, plans to assure Bassett and each PPS Partner is in compliance with applicable laws, regulations, standards and DSRIP Program requirements.
  - ii. Developing and implementing, in conjunction with PPS Partners, program and materials for Bassett and PPS Partners to train and educate All Affected Individuals at Bassett and PPS Partners.
  - iii. PPS Partners who fail to participate in training and education as required will be referred to the governing board of the Lead Entity for further action and follow up including, but not limited to, the withholding of DSRIP funds.
  - iv. Conducting auditing/monitoring according to an approved annual workplan associated with Bassett and PPS Partner's receiving DSRIP funds to ensure adherence to DSRIP program requirements, training, and performance toward meeting DSRIP milestones.
  - v. Staying abreast of significant legal and regulatory developments, and communicating those to All Affected Individuals at Bassett and each PPS Partner to ensure continued adherence to DSRIP program requirements.
  - vi. Providing a means for All Affected Individuals who detect improper activity to confidentially report it to the DSRIP Compliance Officer without retribution or fear of reprisal.
  - vii. Investigating situations of potential wrongful activity; DSRIP Compliance Officer will follow self-disclosure protocol to the New York State Department of Health (NYSDOH) and/or NYSOMIG where it is applicable and appropriate.
  - viii. Recommending to the PPS Lead Entity's Chief Executive Officer (CEO) remedial steps and/or disciplinary action with respect to individuals and PPS Partners if warranted.

- ix. Reporting to the CEO of the Lead Entity and at least quarterly to the governing body of the Lead Entity.
- x. Maintaining a monitored confidential Compliance Hotline that provides access for All Affected Individuals to report on an anonymous basis any compliance issue.

5. DSRIP Compliance Officer responsibilities:

- a. The DSRIP Compliance Officer will oversee and monitor the DSRIP Compliance Program.
- b. The DSRIP Compliance Officer, in conjunction with the governing body of the Lead Entity and assisted by the Compliance Committee, will:
  - i. Ensure that the Compliance Program, which includes this Policy, is being implemented.
  - ii. Monitor and evaluate the implementation and progress of the Compliance Program.
  - iii. Revise the Compliance Program.
  - iv. Co-chair the Compliance Committee.
  - v. Monitor significant regulatory developments that may have an impact on the PPS's ability to comply with laws, regulations and DSRIP Program requirements and recommend changes to these policies as appropriate.
  - vi. Assess Bassett and the PPS Partner's compliance with laws and regulations and DSRIP Program requirements.
  - vii. Investigate all issues brought forward.
  - viii. Recommend to the Compliance Committee and governing board of the Lead Entity remedies, consistent with existing policies and procedures where needed, that may include:
    - 1) sanctioning Bassett or PPS Partner;
    - 2) reporting to government agencies;
    - 3) promptly refunding overpayments to the NYSDOH;
    - 4) Identifying opportunities for improvement in policies, procedures, controls or performance toward meeting identified DSRIP milestones.
    - 5) seeking recovery of overpayments from Bassett and/or PPS Partners;
    - 6) seeking a credit against future DSRIP fund payments resulting from prior overpayments to Bassett and/or PPS Partners; and
    - 7) Termination of contracts and payments.

- ix. Organize and implement education and training to aid All Affected Individuals of Bassett and PPS Partners in complying with laws, regulations and DSRIP Program requirements.
- x. Maintain records of the activities of the Compliance Program.
- xi. Develop an annual work plan which will include areas of high priority and embodying the functions described above. This includes review of the annual work plan of the New York State Medicaid Inspector General (NYSOMIG). Work plan items identified by both the NYSDOH and NYSOMIG. May be recognized as risk areas and incorporated into the annual compliance work plan.
- xii. Maintain a system that will ensure that the organization does not employ, partner with, do business with, appoint or reappoint sanctioned providers or other entities excluded from participation in the Medicare or Medicaid programs by checking them at least monthly against the following exclusion lists and such other lists selected by the DSRIP Compliance Officer:
  - 1) New York State Office of Medicaid Inspector General list of Medicaid Terminations and Exclusions;
  - 2) Office of Inspector General for the U. S. Department of Health and Human Services List of Excluded Individuals/Entities.
- xiii. Publicize at Bassett and the PPS Partners organizations via the PPS website the telephone number and instructions for use of a compliance hotline and maintain documentation of all calls and the results of investigations, if applicable. Reports of calls and actions taken will be summarized by category and by operational area, and will be provided to the DSRIP Compliance Committee at least annually to identify any significant trends or patterns.

6. Compliance Committee:

- a. The purpose of the DSRIP Compliance Committee is to provide guidance and insight, from a compliance perspective. The Committee is expected to help identify areas requiring the attention of the DSRIP Compliance Officer (e.g. where a weakness is perceived in the organization or a new law or regulation is introduced, compliance with which may require adjustments in the organization). The Compliance Committee may advise on any other areas of the DSRIP Compliance Officer's responsibility.
- b. The DSRIP Compliance Committee will consist of members of Bassett and PPS Partners.

Code of Conduct:

The Code of Conduct has been developed as part of the DSRIP Compliance Program. The Code provides a framework for making the right decisions and taking appropriate action. It demonstrates the Lead Entity's commitment to ethics and compliance with the law. The Code applies to All Affected Individuals of Bassett and PPS Partners.

The Code of Conduct is updated annually.

7. External Consultants and Auditors; Internal Audit:

An internal or external audit may be recommended by the CEO of the Lead Entity, or the DSRIP Compliance Officer for the purpose of reviewing compliance with laws and regulations and requirements of the DSRIP Program. This includes, but is not limited to, consultants and auditors. Engagement of outside consultants or auditors will be at the recommendation of the compliance or finance committees and subject to approval of the CEO of the Lead Entity.

8. Reporting:

All Affected Individuals of the Lead Entity or PPS Partners who detect or suspect wrongdoing such as incorrect reporting, improper billing or coding, payment for referrals, or misuse of restricted funds, are required to bring it to the attention of the DSRIP Compliance Officer. The procedure for doing so is by telephone to the Compliance Hotline at 607-547-3017. All Affected Individuals may report anonymously.

E. COMMUNICATION

This policy will be posted on the PPS website.

F. DISTRIBUTION

To All Affected Individuals at Bassett and each PPS Partner.

G. ENFORCEMENT

The DSRIP Compliance Officer is responsible for compliance to this policy.

H. REVISIONS

The DSRIP Compliance Officer is responsible for making revisions to this policy that must be approved by the DSRIP Compliance Committee.