

Central New York Care Collaborative, Inc. (CNYCC)
Corporate Compliance Plan

I. Purpose and Scope of the Compliance Program

The CNYCC Performing Provider System (“CNYCC”) is committed to complying with the requirements of the Delivery System Reform Incentive Payment Program (DSRIP) and applicable federal, state and local laws and regulations in all its activities. CNYCC has adopted a corporate compliance program (Compliance Program) to reflect its commitment to high ethical standards, to compliance with applicable legal requirements, and to a culture that supports prevention, detection and remediation of compliance concerns. The Compliance Program has been designed to meet the requirements for compliance programs set forth in New York State Social Services Law § 363-d and applicable regulations.

This Compliance Plan provides an overview of CNYCC compliance procedures to structure, administer, enforce, and otherwise effectively implement the Compliance Program. This Plan lays out procedures to implement each element of the Compliance Program. The CNYCC Compliance Program will also be carried out in accordance with more detailed policies and procedures (Compliance Policies and Procedures).

CNYCC Directors, staff and contractors and Partner Organizations in the CNYCC Network (Network) are required to comply with the Compliance Program. As used throughout this Plan, reference to “Partner Organization” includes the governing body members, staff and contractors of each organization that delivers health care services and will participate in CNYCC DSRIP projects, or has signed a Partner Organization Agreement that covers participation in the CNYCC Network and projects.¹

The CNYCC Compliance Program does not replace the compliance programs of the health care and social service providers who are our Partner Organizations. Instead, the CNYCC Compliance Program supplements the compliance programs and activities of our Partner Organizations, providing a Code of Conduct and compliance policies that apply to the operations, activities, and projects of CNYCC as a Performing Provider System (PPS). Partner Organizations should continue to rely upon their own codes of conduct and compliance programs to set and implement high standards for ethical conduct and legal compliance within their own organizations and activities.

In addition to this Compliance Plan, the CNYCC Board of Directors has adopted a Code of Conduct for CNYCC and its Partner Organizations and a Code of Conduct for CNYCC Directors, Staff and Contractors² (CNYCC Staff). The CNYCC and Partner Organization Code of Conduct identifies principles and standards to guide implementation of the CNYCC Compliance Program and the conduct of CNYCC and

¹ “Partner Organization” as used throughout this Plan does not include community-based organizations that do not or will not receive DSRIP funds, provide services, or participate in a PPS project pursuant to a written agreement with CNYCC.

² As used throughout the Compliance Plan, CNYCC “contractors” does not include Partner Organizations.

our Partner Organizations. The Code of Conduct for Directors, Staff and Contractors provides principles and standards for conflicts of interest, use of CNYCC resources, and workplace conduct.

II. Oversight and Implementation of the Compliance Program

A. Compliance Officer

The CNYCC Compliance Officer is responsible for the day-to-day operation of the Compliance Program. The Compliance Officer reports directly to the CNYCC Executive Director and to the Board of Directors, and will report about activities and findings of the Compliance Program to the Compliance Committee and periodically to the Board of Directors. The Compliance Officer will also have direct access to CNYCC senior management and legal counsel and will have sufficient education, training, resources and authority to develop and manage an effective compliance program.

The Compliance Officer will be responsible for implementing and managing the Compliance Program within CNYCC and across the Network of its Partner Organizations. These responsibilities will include: developing a program for compliance training for CNYCC staff and Partner Organizations; managing the Compliance Hotline and following up on complaints and compliance risks; managing or conducting audits, monitoring and investigations to identify and resolve compliance violations; developing corrective action plans in consultation with CNYCC senior staff, Partner Organizations and the Compliance Committee, as appropriate; managing sanctions for compliance violations, and such other responsibilities as are identified in Compliance Policies and Procedures or assigned from time to time by the Executive Director or the Board of Directors. The identity of the Compliance Officer will be disseminated periodically to CNYCC Staff and Partner Organizations.

B. Compliance Committee

The CNYCC Board of Directors appoints the members of the Compliance Committee. The Compliance Committee will be advisory to the Board of Directors. It will oversee implementation and operation of the Compliance Program, review the annual compliance plan and budget and make a recommendation about adoption to the Board of Directors, review the findings of compliance audits, reports, investigations and government enforcement actions, oversee the response to significant identified compliance concerns and violations, and carry out other duties as specified in the charge from the Board of Directors, in Compliance Policies and Procedures, and as identified from time to time by the Board of Directors.

The Compliance Committee will meet as often as necessary, but in no event less than four times annually. Special, unscheduled meetings of the Compliance Committee may be held at the request of the Board of Directors, Committee Chairperson, the Executive Director, the Compliance Officer, or three members of the Compliance Committee. The Compliance Committee will report its findings to the Board of Directors and will make recommendations for action by the Board.

C. CNYCC Officers and Managers

CNYCC officers and supervisors will assist the Compliance Officer in implementing the Compliance Program. In particular, management personnel will share responsibility in the following areas:

- Incorporating compliance as part of the employee and contractor evaluation process;
- Evaluating, developing, and maintaining compliance policies and procedures for the areas within the officer's or supervisor's responsibility; and
- Cooperating fully in any compliance investigation and remedial action.

D. Partner Organizations

Partner Organizations are responsible for implementing the CNYCC Network Code of Conduct and Compliance Policies and Procedures, as applicable to the participation of their organizations, staff and contractors (Staff) in CNYCC projects and activities. In particular, Partner Organizations will:

- Comply with the CNYCC Compliance Program;
- Provide information and training to governing body members about the CNYCC and Partner Organizations Code of Conduct and Compliance Program, and to Staff consistent with their involvement in CNYCC projects and activities;
- Inform governing body members, Staff and patients about how they can report compliance violations and complaints related to CNYCC operations, performance, and projects to CNYCC;
- Report violations of the CNYCC and Partner Organization Code of Conduct and compliance concerns to CNYCC;
- Cooperate fully with any investigation of compliance concerns by CNYCC and development of corrective action plans that apply to their conduct in participating in PPS projects or activities; and
- Enforce compliance with the Compliance Program with appropriate discipline of staff when violations occur.

III. Training and Education

CNYCC will provide compliance training to the CNYCC Board of Directors and Staff, and will provide training or training materials in written, video or digital format for Partner Organizations and their governing body members and staff, consistent with the need for training arising from their participation in CNYCC activities and projects. CNYCC Staff

with compliance-related responsibilities will receive compliance training as part of their employee orientation and thereafter on an annual basis.

In consultation with the Compliance Committee, the Compliance Officer will develop recommendations for identifying employees and contractors at Partner Organizations who will receive training in the CNYCC Compliance Program. Consistent with guidance from CNYCC, Partner Organizations will identify their Staff members who require and will receive training about the CNYCC and Partner Organization Code of Conduct and Compliance Program. The Compliance Officer will identify CNYCC contractors with compliance-related duties or services that require training and those that should receive the Code of Conduct or other information about the Compliance Program.

The Compliance Officer, in consultation with the Compliance Committee, will determine the subject matter of the compliance training and education program for Partner Organizations and CNYCC governing body members and Staff. Training will cover the Code of Conduct, the Compliance Program, DSRIP requirements and other laws and regulations applicable to CNYCC activities and projects. Training will encompass any particular issues identified as high risk by the New York State Department of Health (DOH) or the New York State Office of Medicaid Inspector General (OMIG) for PPS organizations.

In addition to routine annual compliance training, more intensive training may be provided or required for certain CNYCC Staff or Partner Organization staff based on their compliance-related responsibilities. The Compliance Officer will be available on a continuing basis to answer questions from Partner Organizations and CNYCC Directors and Staff who seek clarification regarding compliance issues.

IV. Reporting and Open Communication

A. Reporting Suspected Problems

CNYCC and Partner Organization governing body members and Staff must report compliance issues, concerns, or violations related to CNYCC projects, activities or performance of which they become aware to the CNYCC Compliance Officer, to the Compliance Hotline, or through other lines of communication to CNYCC. The failure to report a compliance violation or problem may itself violate the Compliance Program.

Reports of suspected or actual violations can be made to the Compliance Officer in person, by any written communication, by telephone or via the CNYCC Compliance Hotline. Reports by Staff at Partner Organizations should first be made, if possible, to the Staff member's supervisor or department manager or the organization's compliance officer. If this avenue for reporting would not be effective or is not feasible for any reason, reports may also be made directly to the CNYCC Compliance Officer by written communication, by a direct phone line, or through the CNYCC Compliance Hotline.

If a potential violation relates to the code of conduct or compliance policies of a Partner Organization, or a risk of patient safety as a result of conduct by Staff at a Partner Organization outside the context of a CNYCC project or activity, Staff at the Partner

Organization should report the concern to their supervisor or otherwise in accordance with the procedures at their organization.

Retaliation against a Partner Organization, their Staff or CNYCC Directors or Staff members for reporting a compliance issue or potential violation will not be tolerated. Anyone who deliberately makes a false report to retaliate against or harm an individual or organization will be subject to sanction.

B. Compliance Program Hotline

The Compliance Officer will operate and implement a plan to publicize a Compliance Hotline that enables CNYCC Staff, Partner Organizations, Medicaid beneficiaries and uninsured individuals cared for in the CNYCC Network to report problems and concerns or obtain clarification about compliance issues confidentially on an anonymous or non-anonymous basis. The CNYCC Compliance Officer will maintain a log of Hotline calls, including the nature of any subsequent follow up or investigation, the result of any investigation, and the resolution of the Hotline call.

C. Routine Monitoring and Audits

In consultation with the Compliance Committee, the Compliance Officer will identify priorities for audits and monitoring to detect compliance concerns or violations and will develop a process for such monitoring and audits. The findings of the audits will be presented to the Compliance Committee for review and analysis. The Compliance Officer will recommend action to address any significant identified concerns or violations to the Compliance Committee.

V. Responding to Suspected Compliance Problems

In the event a compliance issue or violation of the Compliance Program is identified, the Compliance Officer will respond promptly by initiating a process to gather further information, conducting an investigation, as needed, or pursuing corrective action. The Compliance Officer or the Compliance Committee will report any findings of significant compliance violations to the Board of Directors, with a recommendation for or a report about corrective action undertaken.

A. Internal Investigations

The Compliance Officer, with the assistance of legal counsel as appropriate, will promptly conduct an internal investigation of credible allegations of Compliance Program violations. In some instances, the Executive Director will be informed of a potential compliance problem prior to investigation by the Compliance Officer due to the nature of the preliminary findings. An internal investigation may include interviews and a review of relevant documents. The Compliance Officer will maintain documentation sufficient to describe the nature, scope, findings and outcome of any internal investigation that is undertaken.

B. External Investigations

The Compliance Officer will coordinate responses to government requests for information and records in the possession or control of CNYCC and Partner Organizations on matters related to possible compliance violations arising from CNYCC activities or projects, excluding routine requests that are part of periodic information requests by DOH or organizations retained by DOH for the DSRIP Program. For non-routine government requests or inquiries, the Compliance Officer will seek the assistance of legal counsel, as appropriate. Partner Organizations that receive requests for information from DOH or another government agency related to CNYCC projects or activities, including requests for interviews from government agencies, should report the request promptly to the CNYCC Compliance Officer.

C. Corrective Action and External Reporting

Upon verifying the factual basis of a compliance problem or suspected violation, the Compliance Officer, after consultation as needed with the Compliance Committee and legal counsel, will recommend an appropriate response as soon as practicable to the Executive Director. Corrective action may include: conducting further investigation of the alleged problem; preparing recommendations for corrective action in the form of a corrective action plan; or prevention or appropriate disciplinary action or sanction process against a Partner Organization or CNYCC Staff involved in the problem.

Instances in which the Compliance Officer discovers credible evidence of a potential violation of any law, whether criminal or civil, will be promptly referred to legal counsel to evaluate the seriousness of the allegations and the necessity and timing of any disclosure to DOH, the New York State Office of Medicaid Inspector General, and any other appropriate government authorities.

VI. Enforcing the Compliance Program

It is CNYCC's policy to implement appropriate corrective action and discipline in response to identified compliance problems on a fair and equitable basis. Intentional or reckless actions will subject individuals or Partner Organizations to more significant sanctions than problems or violations resulting from negligence.

A. Discipline for CNYCC Directors and Staff

Violations of the CNYCC Compliance Program by CNYCC Directors or Staff will be subject to appropriate discipline, including the failure to detect and report a compliance problem or violation of which the individual is aware or the failure to participate in remediating compliance problems.

The final decision regarding appropriate sanctions for CNYCC Staff under the Compliance Program rests with the Executive Director in consultation with the Compliance Officer and, as appropriate or necessary, the Compliance Committee. Any such sanction will be imposed in accordance with the applicable personnel policy of CNYCC. Annual performance reviews for each CNYCC Staff member will include an

assessment of adherence to the Compliance Program. A record of any sanction imposed under the Compliance Program will be maintained, both in the Compliance Officer's file and in the individual's personnel record.

B. Sanctions for Partner Organizations

An appropriate sanction for compliance violations by Partner Organizations will be determined in accordance with the CNYCC process to sanction poor performing providers. If a Partner Organization fails to cooperate in a CNYCC investigation of a compliance matter or in a corrective action plan to address an identified compliance risk or violation, such conduct may be subject to sanction in accordance with CNYCC Policies and Procedures.

VII. Policy of Non-Intimidation and Non-Retaliation

Retaliation and/or intimidation against any CNYCC Director or Staff member or Partner Organization or Staff member for participating in good faith in the CNYCC Compliance Program, including seeking advice, raising a concern, reporting an ethical or compliance issue, or participating in an investigation, self-evaluation, audit or corrective action, will not be tolerated. The Compliance Officer will promptly investigate any report of intimidation or retaliation, report the findings of such investigation to the Compliance Committee, and take appropriate remedial action. In addition to this Compliance Plan, the CNYCC Whistleblower Policy also protects good faith reporting of compliance concerns or violations.

VIII. Maintaining and Amending Compliance Program Documents

A. Compliance Program Records

The Compliance Officer will be responsible for retaining and filing information related to the Compliance Program, including documentation of CNYCC Director and Staff training, Hotline calls, investigations, corrective actions, and other matters. Partner Organizations are responsible for keeping records of participation in CNYCC Compliance Program training by their governing body members and Staff.

B. Amendment of Compliance Program Documents

The Compliance Officer will perform an annual review of the Compliance Program documents to determine that they are still current in light of the development of PPS projects, DOH guidance regarding DSRIP, and changes in state and federal law and regulation. Significant changes to the Compliance Program documents are subject to prior approval by the Board of Directors.