

# 2019 Compliance Plan

UNITY HOUSE OF TROY, INC.

## INTRODUCTION

This Plan is the blueprint for Unity House’s Compliance Program. It also provides information and guidance to Unity House’s employees, managers, officers, board members, volunteers, interns, professional affiliates, contractors, subrecipients, vendors, business associates, and other agents (“affected individuals”) on its Compliance Program. The Compliance Plan is reviewed and adopted by the Board of Directors on an annual basis.

Unity House’s Compliance Program promotes an organizational culture that prioritizes client care, strives for the highest standards of ethics applied to all facets of operations, and that consistently demonstrates a clear commitment to compliance with the rules, regulations, and laws that govern our work. To that end, the Compliance Program offers training, guidance, resources, and support to affected individuals as they care for our clients and carry out the business of the agency in a manner that is consistent with rules, regulations, laws, and Unity House’s mission and organizational culture. Unity House also provides an environment in which affected individuals can participate in the Compliance Program in good faith without fear of retaliation.

Unity House’s Board of Directors, Executive Office, and Management Team are committed to the success of this program. The Compliance Program is overseen by the Compliance Officer and is guided by this Compliance Plan, the Annual Compliance Workplan, the Code of Conduct, established policies and procedures, and applicable rules, regulations, and laws.

Unity House is committed to conducting its business with integrity, both in the delivery of services and in obtaining payment for those services. This commitment cannot be achieved without the commitment and help of our employees, volunteers, interns, managers, executives, and board of directors and our partners. Our sincerest thanks for joining us in this endeavor.

## COMPLIANCE PROGRAM OVERVIEW

Unity House developed its Compliance Program, including the Compliance Plan, Code of Conduct and policies and procedures, to guide its best efforts to operate within accepted ethical and legal standards. Unity House expects that all aspects of client care and business conduct will be performed in accordance with its Compliance Program, professional standards of conduct, and applicable governmental rules, regulations, and laws.

To demonstrate that Unity House has developed an effective compliance program, Unity House has:

1. Developed written standards, policies and procedures, and a Code of Conduct in order to prevent, detect, and respond to Fraud, waste, abuse, and other improper conduct.
2. Designated a Compliance Officer who is vested with responsibility of the day-to-day operation of Unity House's Compliance Program. The Compliance Officer is a high level position that reports directly to the Chief Executive Officer and the Board of Directors.
3. Taken steps to provide appropriate training and educational materials and to regularly communicate standards to employees, managers, officers, board members, and others as appropriate. Compliance orientation and annual training is mandatory for all affected persons, and compliance educational efforts are ongoing.
4. Established clear, unimpeded lines of communication between all affected individuals and the Compliance Officer.
5. Established and marketed reporting systems that include:
  - A system for employees and others to report fraud, misconduct, or other compliance issues in good faith and without fear of retaliation or retribution. This includes but is not limited to a Confidential Compliance Hotline that offers anonymous reporting.
  - A system to report appropriate compliance issues to the Department of Health and the Office of the Medicaid Inspector General or other applicable governmental agency.
6. Enacted systems to routinely identify compliance issues and risk areas, including but not limited to:

- Self assessments,
  - Formal risk assessments,
  - Rigorous monitoring and testing and other internal controls to prevent and detect billing/payment mistakes and fraud,
  - Internal auditing of fiscal and regulatory compliance,
  - Root cause analyses,
  - Investigations,
  - Monitoring credentialing and exclusion lists, and
  - Tracking and analyzing overpayments, voids, and adjustments to identify trends, weaknesses, and risk areas.
7. Enacted routine systems to respond to compliance issues, prevent future violations, and improve systems, which include but are not limited to:
- Investigations,
  - Corrective action plans and follow up,
  - Procedure to refund and self-disclose overpayments, and
  - Procedure for reporting to the Unity House Board of Directors, NYS Department of Health, and NYS Office of the Medicaid Inspector General, other appropriate governmental agency, and/or law enforcement when appropriate.
8. Developed disciplinary policies to encourage good faith participation in the Compliance Program by all affected individuals and taken appropriate disciplinary action against individuals found to have violated the Compliance Program, Code of Conduct, and related policies and procedures.
9. Developed and strictly abides by a policy of Non-Retaliation and Non-Intimidation to encourage good faith participation in the Compliance Program and reporting of suspected issues.
10. Completed risk assessments that are used to inform a comprehensive annual Compliance Work Plan.
11. Completed an Annual Compliance Program Assessment to identify any potential gaps and maximize the opportunity to meet the annual December certification obligation.

12. Established Compliance Workgroups to gather all those who serve a compliance-related function to formally and collectively focus on compliance and quality.

Unity House believes that its commitment and adherence to high standards of ethics and compliance creates buy-in from our constituency and sustains faith in our services, professional practices, and operations.

In an effort to continually enhance Unity House's Compliance Program, the following are areas under consideration for future development:

- Distribution of a compliance training evaluation that will be given to all trainees and used to assess the quality of training efforts.
- Creation and implementation of an exit interview to be completed by the Compliance Officer with employees to inquire about any possible compliance or quality of care issues the employee may have observed during employment including any potential cases of intimidation or retaliation observed or experienced by the departing employee. The exit interview could also be used to help assess the effectiveness of compliance education, policies, and reporting procedures.
- Creation of education materials for clients that includes information on how to identify examples of Medicaid fraud as well as how to report any compliance concerns to Unity House's Compliance Program.

## POLICY AND PROCEDURE OVERVIEW

Unity House's commitment to compliance is underscored throughout the Compliance Program's materials, the Employee Handbook, and Unity House's programs' and departments' operations policies and procedures. Collectively, these documents establish the standards and procedures that must be followed by Unity House's employees, volunteers, interns, managers, and officers and, as applicable, the Board of Directors and other agents. Understanding and following these standards will promote the prevention and detection of unethical, fraudulent, wasteful, abusive, illegal, and criminal conduct and support a culture that prioritizes ethics, compliance, and the highest standards of care.

### **CORPORATE COMPLIANCE**

Unity House of Troy, Inc.  
Board Approval: 12.13.2018  
Effective Date: 1.1.2019

Compliance Plan  
2019

Unity House provides and bills for services that fully comply with all rules, regulations, and laws and that adhere to explicit ethical standards throughout all facets of the organization's operations. Unity House will ensure these conditions of operation are met through an organized and active Compliance Program.

Unity House's Compliance Program seeks to meet the following overall goals:

1. Maintain and enhance the quality of services and care provided to our clients.
2. Promote an organizational culture of ethics, compliance with the law, and high standards of care that are embraced and demonstrated by all affected individuals and that supports integrity in operations at all times.
3. Establish, broadly distribute, and consistently enforce policies, procedures, and practices that promote a culture of compliance and ethics where affected individuals:
  - Act in way that meets the expectations and requirements of the Compliance Program, rules, regulations, and laws.
  - Understand their roles in preventing, detecting, reporting, and resolving conduct that does not conform to applicable rules, regulations, and laws, the organization's ethical standards, and the code of conduct.
  - Understand that conduct contrary to the Code of Conduct, policies and procedures, and/or rules, regulations, or laws is considered a violation of the Compliance Program, and such violations will result in fair and firm enforcement of sanctions, and
  - Who raise questions/concerns or report compliance issues, are appropriately addressed without fear of retaliation or intimidation.
4. Maintain training and education efforts that are relevant to the board, management, employees, volunteers, interns, and others on compliance issues related to their respective roles/functions.

5. Ensure that the Unity House Board of Directors and Chief Executive are knowledgeable about the content and operation of the Compliance Program and exercise reasonable oversight of its implementation and effectiveness.
6. Communicate with and educate management-level personnel to maximize their support in the implementation and effectiveness of the Compliance Program.
7. Continue communications with governmental entities to ensure compliance with applicable rules, regulations, and laws.

As part of the orientation process and once annually, Unity House disseminates and provides training on the Compliance Plan, Code of Conduct, and Compliance Program policies and procedures to employees, volunteers, interns, managers, officers, board members, and other agents as appropriate. Training records and an acknowledgment of receipt and understanding are signed and filed. Compliance Program documents are also available on Unity House's website and the board's portal. Unity House requires that a copy of the Compliance Plan and Code of Conduct be provided to all independent contractors, vendors, and subrecipients that are required to receive such by law.

Unity House will review, revise, develop, and adopt new policies and procedures as necessary to ensure that agency operations are conducted in accordance with any changes in law or identified areas of significant risk. The Compliance Plan and Workplan are reviewed and adopted by the Board of Directors annually.

The Compliance Officer also presents the findings of the annual risk assessment and internal audits to the board.

Compliance education efforts are provided in a variety of forms and are a continuous undertaking.

## **COMPLIANCE EXPECTATIONS**

As integral members of Unity House's team, employees, volunteers, interns, managers, officers, and board members must accept certain responsibilities, adhere to acceptable business practices in matters of personal conduct, and exhibit a high degree of personal integrity at all times. This requires a sincere respect for the rights and feelings of others and demands that they refrain from

any behavior that might be viewed unfavorably or harmful to themselves, their coworkers, their clients, and/or the agency.

The Code of Conduct emphasizes the shared common values and culture Unity House cultivates to guide the agency's operations. Employee conduct reflects on Unity House, and employees are, consequently, expected to observe the highest standards of ethics and professionalism at all times.

Listed below are some of Unity House's expectations. This list should not be considered exhaustive.

Affected individuals shall:

- Treat our clients fairly and with dignity and provide services that are of high quality, medically necessary, allowable, in accordance with a Service Plan, responsive to an identified need, and in a professional, compassionate, non-judgmental manner;
- Exercise diligence, care, and integrity when submitting Medicaid claims or vouchers to funders for payment;
- Maintain honest, fair, and accurate billing practices;
- Report reasonable suspicions of fraud, waste, abuse, and other misconduct;
- Comply with applicable policies, procedures, rules, regulations, laws, accounting standards and rules, and procurement rules; and
- Document the provision of services and transactions in an accurate, honest, and timely manner.

Types of behavior and conduct that Unity House considers inappropriate and that could lead to disciplinary action up to and including immediate termination of employment without prior warning and at the sole discretion of the agency include but are not limited to:

- Falsifying employment or other agency records, including but not limited to billing documentation, progress notes, and contact records;
- Knowingly presenting or causing to be presented a false or fraudulent claim for payment to a federal or state governmental agency or private insurance providers;

- Knowingly making, using, or causing to be made or used, a false statement to get a false or fraudulent claim paid by a federal or state governmental agency or private insurance provider;
- Improper or fraudulent billing for health care or other grant funded services or goods;
- Preparation of inaccurate or incomplete cost reports;
- Payment in cash or in-kind or receipt of kickbacks in return for client referrals;
- Misuse of agency funds or resources;
- Inaccurate documentation;
- Violating the agency's policy on sexual harassment and workplace violence;
- Soliciting or accepting gratuities or gifts (without prior approval) from vendors or participants;
- Engaging in any activity that may constitute actual or potential conflicts of interest;
- Misrepresentation in conducting the agency's business affairs;
- Engaging in excessive, unnecessary, or unauthorized use of the agency's supplies and resources, particularly for personal purposes;
- Reporting to work intoxicated or under the influence of controlled substances;
- Illegally manufacturing, processing, possessing, using, selling, distributing, or transporting drugs;
- Bringing or using alcoholic beverages on agency property or using alcoholic beverages while engaged in the agency's business off agency premises, except where authorized;
- Engaging in any type of violence or using obscene, abusive or threatening language or gestures, or other intimidating behavior;
- Disregarding safety or security regulations;



- Engaging in any activity that constitutes abuse or neglect of participants as defined by state and federal regulations;
- Failing to maintain confidentiality of client information and/or failing to utilize such information in a professional manner at all times. To the extent employees or volunteers obtain personal health information, domestic violence status, and/or HIV-related information concerning a client, such information shall be maintained in confidence and in strict accordance with applicable law and agency policy;
- Engaging in personal financial transactions between employees, volunteers, and clients without disclosure and approval by a supervisor;
- Participating in, or encouraging directing, facilitating, or permitting non-compliant behavior;
- Intimidating, threatening, coercing, discriminating against, or taking other retaliatory actions against an employee who:
  - reports a compliance issue or concern,
  - participates in a Compliance Program investigation, audit, or other proceeding, or
  - engages in reasonable opposition to any act or practice that the employee in good faith believes to be unlawful or in violation of the Compliance Program.

The Unity House Compliance Program forms the foundation of Unity House’s overall compliance efforts, which seek to ensure continuing compliance with all applicable laws, rules, regulations, contractual obligations, and policies and procedures that govern operations. Unity House is committed to providing quality services to individuals while observing the highest standards of professional, clinical, legal, and business ethics. Employees are expected and trained to treat all clients with dignity and respect while complying with all applicable privacy and security laws, including but not limited to Health Information Portability and Accountability Act (HIPAA), Health Information Technology for Economic and Clinical Health Act (HITECH), New York State Mental Hygiene and Public Health laws, and the Violence Against Women Act (VAWA). Training on these

items, among others, is provided as part of the orientation process and on-going professional development curriculum and is detailed in agency policy and procedure.

All affected individuals including board members, officers, managers, employees, professional affiliates, contractors, subrecipients, volunteers, interns, and other agents are informed of Unity House's Code of Conduct and sign an acknowledgment indicating their adherence to it. However, the Code of Conduct does not replace sound ethical and professional judgment. If you have any questions regarding Compliance Expectations, the Code of Conduct, or need assistance in determining whether particular conduct is acceptable, please inquire with your supervisor or the Compliance Officer.

The Code of Conduct is available on the board's portal, Unity House's intranet, and the agency's website at <https://www.unityhousesny.org/about/compliance/>.

## **CONFLICT OF INTEREST**

Affected individuals may not engage in any activity that constitutes a conflict of interest without full disclosure and a documented determination that the activity may proceed.

All potential conflicts of interest will be disclosed according to the Conflict of Interest Policy and Procedure for board members, executives, and management and applicable law. For employee and other agents, potential conflicts should be disclosed in accordance with the policies set forth in the Employee Handbook (Matters of Disclosure and Fraternalization Policy). Employees involved in procurement or other sensitive job duties are required to submit the Conflict of Interest Disclosure form on an annual basis. The manager and/or the Compliance Officer will review the employee disclosures and make a determination regarding the conflict and its resolution. These policies are also available on the Board of Director's Portal and in the Employee Handbook located on the agency's intranet.

## **SARBANES OXLEY**

Unity House is committed to maintaining corporate honesty in all facets of its business, including in its financial reporting practices. Unity House requires affected individuals who reasonably suspect misconduct or wrongdoing to report such suspicion to Unity House; failure to report reasonably suspected misconduct is itself a violation of the Compliance Program. To that end, any individual

who has knowledge of or questions the integrity of any Unity House financial reporting or accounting procedure (including but not limited to the independence of external auditors, internal auditing controls, or other auditing matters) must report such conduct to the Compliance Officer, the Compliance Hotline, or directly to the Board of Director's Audit Committee. Please see reporting methods on pages 23 - 24 of this document.

Please direct Board of Director's correspondence to:

Board of Directors  
Unity House of Troy, Inc.  
2431 6<sup>th</sup> Avenue  
Troy, NY 12180

Attn: Audit Committee Chair

*Personal & Confidential*

Like all compliance reports, reports concerning questionable accounting, auditing, or other financial matters may be made anonymously and confidentially via the Compliance Hotline. Unity House strictly prohibits intimidation or retaliation against any employee for reporting, in good faith, any financial or accounting wrongdoing or other misconduct or for participating in any investigation or audit resulting from such a report.

Information on how to make a report, including confidential and anonymous report options, is available on the agency's website at <https://www.unityhouseny.org/about/compliance/>.

## **FALSE CLAIMS**

The federal False Claims Act helps prevent fraud by those who do business with the federal government. Unity House prohibits the knowing preparation and/or submission of a false or fraudulent claim for payment to a government-funded health care program, private healthcare payer, or other government program.

In accordance with the Federal False Claims Act (31 USC §§3729-3733), the requirements of Section 6032 of the federal Deficit Reduction Act – 42 USC § 1396a(a)(68), NYS Social Services Law § 363-d, and other applicable federal and state laws related to filing false claims, Unity House

adopted the Compliance Program's False Claims and Reporting policy, which includes detailed information on the federal False Claims provisions, New York State False Claims provisions, their remedies, and their whistleblower provisions and protections. This policy is applicable to all affected individuals and requires the reporting of reasonable suspicions of fraud, waste, and abuse and other misconduct.

This policy is distributed to all affected individuals including employees, managers, officers, board members, volunteers, contractors, subrecipients, vendors, business associates, and other agents who conduct business on behalf of Unity House.

Information related to making a report is located on pages 23- 24 of this document. The False Claims and Reporting Policy and Procedure is available on the board's portal and on Unity House's website at <https://www.unityhousesny.org/about/compliance/>.

#### **NON-RETALIATION & NON-INTIMIDATION**

All employees have an affirmative duty and responsibility for reporting reasonably suspected misconduct and wrongdoing, including actual or potential fraud, waste, abuse, other violations of laws, rules, regulations, policies, procedures, and the Code of Conduct. In turn, Unity House has a legal and ethical obligation to protect from acts of retaliation and/or intimidation all individuals who, in good faith, participate in the Compliance Program, including but not limited to: reporting potential issues, investigating issues, self-evaluations, audits, remedial actions, and reporting to appropriate officials as provided in sections 740 and 741 of NYS Labor Law.

The Non-Retaliation & Non-Intimidation Policy applies to all affected individuals. It is equally applied to supervisory and non-supervisory personnel.

The Non-Retaliation and Non-Intimidation Policy is available on the board's portal, Unity House's intranet, and the agency's website at <https://www.unityhousesny.org/about/compliance/>.

#### **DISCIPLINARY ACTIONS**

Unity House has established a disciplinary policy to encourage good faith participation in the Compliance Program and to underscore the expectation that all affected individuals must report compliance issues and assist in their resolution. In accordance with the Discipline Policy, failure to

comply with the Compliance Program, the Code of Conduct, and/or the laws, regulations, and rules applicable to Unity House and its operations may result in disciplinary action up to and including termination. Among other things, the Discipline Policy applies to affected individuals who:

- Fail to comply with the Compliance Program's expectations and standards
- Fail to report suspected compliance violations
- Fail to assist in the investigation and resolution of compliance issues
- Participate in other misconduct or wrongdoing
- Encourage, direct, facilitate or permit, either actively or passively, non-compliant behavior, or
- Commit or condone any form of intimidation or retaliation toward an individual for good faith participation in the Compliance Program.

The degree of discipline may range from retraining/additional training, counseling, verbal warnings, written warnings, termination of employment or removal from a particular position or function. The Discipline Policy will be enforced firmly and fairly and will apply equally to all affected persons regardless of status.

Unity House also seeks to acknowledge the efforts of employees who foster a culture of compliance.

In instances of a vendor, subcontractor, or subrecipient's failure to comply with the Compliance Program, Unity House reserves the right to terminate the contract and/or seek other relief under the law.

The Disciplinary Policy is available on the board's portal, Unity House's intranet, and the agency's website at <https://www.unityhouseny.org/about/compliance/>.

## COMPLIANCE RISK AREAS

Below are some of the most significant areas of risk identified by the Compliance Program. This list is not intended to be exhaustive; rather, it is designed to make employees and others aware of key areas that effect day-to-day operations and require our continued attention and care to ensure compliance. Employees should contact their supervisors or the Compliance Officer if they have any questions or concerns regarding these risk areas or other potential compliance issues.

## BILLING

The submission of accurate and appropriate bills to Medicaid and other third-party payers including our grantors is one of Unity House's most important legal obligations. While this Plan does not reference every potential billing issue that may arise, critical billing compliance issues that carry significant risk include the following:

- Billing for items or services not actually rendered or that are not allowed.
- Billing for medically unnecessary services.
- Duplicate billing, such as billing for the same service multiple times.
- Upcoding claims to reflect a higher level of service intensity than was actually provided.
- Unbundling two or more services that must be billed together under applicable reimbursement rules.
- Billing for more than a single visit on the same day to the extent prohibited by applicable reimbursement rules.
- Failure to refund credit balances that are due to clients.
- Failure to maintain sufficient documentation to demonstrate that the services were performed and support reimbursement.
- Billing for services provided by unqualified personnel who lack the level of licensure required by applicable law or the relevant payer. This includes ensuring that:
  - A sufficient percentage of all mental health services are provided by licensed individuals in accordance with New York State Office of Mental Health regulations and other applicable laws;
  - Services that must be provided by a licensed professional are not billed for if the professional's license has been suspended, revoked, or otherwise excluded.
- Failure to provide a sufficient level of professional supervision for services as required by applicable reimbursement rules.

- Untimely, absent, or forged physician certifications on plans of care or authorizations.
- Inadequate management and oversight of subcontracted services and subrecipient expenses, which results in improper billing.
- Duplication of services provided by physicians or other providers.
- Failure to bill other payers prior to billing Medicaid.
- Failure to return and self-disclose overpayments of which Unity House becomes aware.

Failure to monitor these risks and adhere to proper standards may subject Unity House to substantial liability. Improper billing may also trigger civil and criminal liability under federal laws, NY State criminal laws, and Medicaid statutes.

## **COST REPORTS**

Unity House may be required to submit cost reports to government agencies as a condition of receiving reimbursement under the Medicaid program or as a result of an external financial audit. All cost reports must be accurate and complete. Any expenses reflected on cost reports must have actually been incurred and properly allocated among relevant programs. To the extent the submissions of inaccurate or incomplete cost reports result in payment of excessive reimbursement, it may trigger liability under the Civil False Claims Act and other statutes and regulations.

Unity House may also be required to submit cost reports as a condition of receiving government or private grants. The same obligations of timeliness, accuracy, and completeness are applicable to the submission of cost reports for these purposes.

## **PAYMENTS**

Unity House is responsible for ensuring the reimbursement amounts are accurate based on proper billing. This means monitoring for both underpayments and overpayments from Medicaid, third-party payers, and grantors. Overpayments must be returned and self-disclosures made when appropriate.

## **KICKBACKS AND REFERRALS**

Unity House and its representatives shall not knowingly and willfully solicit, offer to pay, pay, or receive any remuneration, directly or indirectly, overtly or covertly, in cash or in-kind, in return for:

- Referring an individual to a person for the furnishing or arranging furnishing of any item or service for which payment may be made in whole or in part under any federal health care program or other federal funds.
- Purchasing, leasing, ordering, or arranging for or recommending the purchasing, leasing, or ordering of any good, facility, service, or item for which payment may be made in whole or in part under any federal health care program or other federal funds.

The payment of remuneration for the referral of individuals, items, or services covered by any federal health care program violates the federal Anti-Kickback Statute (42 U.S.C. §1320a7b (b)). New York law contains a similar prohibition applicable to Medicaid (N.Y. Social Services Law §366f).

Remuneration not only includes kickback payments and bribes but also rebates, refunds, educational grants, and other benefits to consumers. Certain legally permitted practices, such as group purchasing agreements and price reductions to health plans, among others, are excluded from this prohibition.

The anti-kickback laws also prohibit the routine waiver of clients' cost sharing obligations. Cost sharing may be waived only on a case-by-case basis due to a client's inability to pay or Unity House's inability to collect payment after reasonable efforts.

## **TAX EXEMPTION REQUIREMENTS**

Unity House is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code and NYS law. Accordingly, Unity House must carry out its activities in a manner that is consistent with the charitable purpose upon which its tax exemption is based. It is improper and thus prohibited for any Unity House employee, manager, executive, or board member to receive or use the organization's funds for any private purpose. Unity House representatives will strive to ensure that the agency sales tax exemption is used only for legitimate agency business and service transactions in accordance with federal and state law and Unity House's policies and procedures.

## **PROCUREMENT PROCEDURES**



Unity House will ensure that any acquisition or leasing of goods or services is carried out in accordance with the organization's best interests and the Procurement Standards set forth in Uniform Guidance (2 CFR 200.317-.326) and other applicable law. Employees, managers, executives, and other agents of Unity House must not solicit nor accept gratuities, favors, or anything of monetary value from contractors or parties to subcontracts, nor shall they fail to disclose an actual or potential conflict of interest related to procurement.

A conflict of interest would arise when the employee, manager, executive, board member, or agent, or any member of his or her immediate family, partner, or an organization which employs or is about to employ any of the parties herein, has a financial or other interest in or a tangible personal benefit from a firm considered for a contract.

While not an exhaustive list, Unity House will:

- Document procurement procedures in accordance with state and local laws and regulations and in accordance with federal guidance (2 CFR 200.317-326).
- Maintain oversight to ensure that contractors perform in accordance with the terms and conditions of their contracts or purchase orders.
- Maintain written standards of conduct covering conflicts of interest and governing the performance of its employees engaged in the selection, award, and administration of contracts. No employee, manager, executive, board member, or other agent with a conflict of interest can participate in the selection, award, or administration of contracts. Disciplinary actions will be taken for failure to disclose the conflict of interest.
- Avoid acquisition of unnecessary or duplicative items.
- Whenever possible, consider consolidating or breaking out procurements to obtain more economical purchases.
- Award contracts only to responsible contractors possessing the ability to perform successfully. Consideration will be given to contractor integrity, compliance with public policy, past performance, and financial and technical resources.

- Maintain records sufficient to document the rationale for the following, though not limited to:
  - Procurement method,
  - Selection of contract type,
  - Contractor selection or rejection,
  - Basis for contract price.
  
- Ensure procurements are conducted in a manner that provides full and open competition. This excludes construction awards under \$2000 subject to the Davis-Bacon Act and micro-purchases of \$3000 or less.
  - Micro-purchases must, to the extent practicable, be distributed equitably among qualified suppliers.
  - Micro-purchases may be awarded without soliciting competitive quotations if Unity House considers the price to be reasonable.

## COMPLIANCE PROGRAM STRUCTURE AND OVERSIGHT RESPONSIBILITIES

### **COMPLIANCE OFFICER**

Unity House has designated a full-time Compliance Officer with overall responsibility for the day-to-day operations of the Compliance Program. Andrea Ryan, the Compliance Officer, reports directly to the Chief Executive Officer (CEO), Christopher Burke, and the Board of Directors. The Compliance Officer may be reached at (518) 274-2607 ext. 4141, or (518) 210-7203, or via email at [ARyan@unityhousesny.org](mailto:ARyan@unityhousesny.org).

The duties and responsibilities of the Compliance Officer include but are not limited to:

- Developing, overseeing, and monitoring the implementation of the Compliance Program, including this Plan, the Workplan, the Code of Conduct, and the Hotline;
- Ensuring that the effectiveness of the Compliance Program is maintained at all times so that Unity House's CEO may certify annually to the Office of Medicaid Inspector General that this Program meets the requirements of New York State Social Services Law Section 363-d and

18 NYCRR Part 52 (SSL certification) and the Federal Deficit Reduction Act of 2005 (DRA certification);

- Developing, coordinating and participating in a multifaceted educational and training program that focuses on the key elements of the Compliance Program and seeks to ensure that all Unity House employees, volunteers, interns, managers, executives, board members, and other agents are knowledgeable of, understand, and comply with, pertinent federal and state legal and regulatory requirements, and understand their responsibilities as it relates to good faith participation in the Compliance Program;
- Developing and implementing specific written policies and procedures that establish processes to facilitate regulatory compliance, as well as disciplinary guidelines for violations of the Compliance Program, and that encourage Unity House employees to report suspected fraud and other improprieties without fear of retaliation;
- Assessing, monitoring, and addressing areas of risk and tailoring the operations of the Program (policies, training, auditing) to those risk areas;
- Creating, coordinating, monitoring, and auditing systems for routine identification of compliance risk areas (i.e. regular internal and external monitoring and auditing, investigations, self-evaluations, etc.);
- Creating and implementing routine systems to respond to areas of risk and non-compliance (i.e. investigations, root cause analysis, audits, corrective actions, etc.).
- Overseeing the return of any overpayments and required self-disclosures;
- Chairing and directing compliance-related workgroups;
- Updating the Board of Director's on the activities of the Compliance Program and reporting the results of audits, investigations, assessments, and general operations to them;
- Reporting, as required, areas of non-compliance to the NYS Department of Health, NYS Office of the Medicaid Inspector General, and other government oversight agencies.

All questions and concerns regarding compliance with the standards set forth in this Plan shall be directed to or brought to the attention of the Compliance Officer. All affected individuals must fully cooperate and assist the Compliance Officer as required in the exercise of his or her duties. If anyone is uncertain whether specified conduct is prohibited, they should contact the Compliance Officer for guidance prior to engaging in such conduct or utilize the established reporting mechanism.

## **COMPLIANCE WORKGROUPS**

Compliance Workgroups have been established to assist the Compliance Officer in the development, implementation, oversight, and evaluation of the effectiveness of its compliance program. Compliance Workgroups are designed to identify and bring together key personnel that serve a compliance function from the various programs and departments within Unity House to focus on and coordinate compliance-related efforts, improve compliance program efficiency, enhance practices and share resources, and monitor compliance-related activities. Workgroup members engender a working relationship and familiarity with the Compliance Officer and become well versed in compliance-related topics, making them resources to their respective programs and departments.

Currently, Unity House has Compliance Workgroups dedicated to Medicaid, HIPAA, IT Security, and HUD programs (with Quality of Care built into each). Workgroups meet regularly.

Written minutes will be kept of all Compliance Committee meetings and actions, and the minutes will be made available to board members upon request.

## **BOARD OF DIRECTORS**

Unity House's Board of Directors will be knowledgeable about the content and operation of the Compliance Program and will be updated by the Compliance Officer or her designee regarding the implementation and effectiveness of the program. The Compliance Officer attends all regularly scheduled board meetings and provides written reports via the CEO report. The Compliance Officer attends at least one executive session annually and more frequently at the request of the Compliance Officer or the board.

The Compliance Officer directly reports to the board on matters pertaining to annual assessments, internal and external audit findings, identified risks, employee reports (within confidentiality), investigation outcomes, disciplinary actions for breaches of the Program, reports of retaliation or intimidation, and self-disclosures.

The Board of Directors exercises oversight of the effectiveness of the Compliance Program. The board reviews and adopts the Annual Compliance Plan, Workplan, and other Compliance Program

policies and procedures. The board also receives compliance education upon orientation and receives an annual Compliance training thereafter.

## DUE CARE IN ASSIGNMENT OF RESPONSIBILITIES

### BACKGROUND CHECKS

Unity House will use due care not to employ, contract with, or delegate substantial discretionary authority to any individual with a propensity to engage in illegal activities or who is excluded from participating in the Medicaid program or SAM. To maintain the integrity of services and financial and business operations, it is critical that Unity House hires and contracts with individuals and entities that have the same respect that the agency has for applicable legal and ethical obligations.

Any individual who has accepted a contingent employment or related offer from Unity House is required to disclose whether he or she has been convicted of any crimes at the time of application.

Prior to the employee's start date, Unity House also requires background checks in accordance with applicable laws, rules, and regulations and agency policies. All employees are checked against the OMIG Exclusion List, LEIF, and ESPL. Potential employees are screened prior to being hired and/or before utilizing their services or supplies to determine if they have been excluded from participation in the federal healthcare programs or other systems. All employees, contractors, vendors, volunteers, and authorizing physicians are rescreened on a monthly basis. If any employee, contractor, vendor, or volunteer, who provides services reimbursed by a federal health care program, appears on any of the above three websites, their services will be terminated immediately.

Additionally, the following background checks are run based on the employee, contractor, or volunteer's service scope and duties: Staff Exclusion List (SEL - Justice Center); YOST/Medicaid Fraud; the Statewide Central Register of Child Abuse and Maltreatment (SCR); Criminal History Background Checks - Office of Mental Health; Criminal History Background Checks - Office of Children and Family Services; and Intellicorp's Criminal Background Checks, which includes Super Search, Identity Verification, Government Sanctions, and County Search; and Department of Motor Vehicle checks are also conducted as required by agency policy, law and/or regulation.

As required, all employees, contractors, vendors, and volunteers, who provide services through a Unity House program that is licensed through NYS OMH, OCFS, or SED, are required to be fingerprinted and cleared through the Justice Center prior to their employment start date. These employees are retained in the state database and the agency is alerted within 24 hours if an arrest occurs. Unity House's Human Resources Department notates employees' start and end dates in the system and monitors all alerts so the agency can act accordingly.

## **EDUCATION AND TRAINING**

In accordance with the Training and Education Policy, Unity House employees, managers, executives, board members, and volunteers will be informed about regulatory requirements, the Compliance Program, and policies and procedures that implement these requirements, as they apply to each individual.

New employees, including management- and executive-level employees, and the board receive training on the Unity House Code of Conduct, this Compliance Program, and those policies and procedures relevant to their duties as part of an orientation program. Unity House tailors its training based on the roles and responsibilities of each group of individuals and presents the material in an accessible and understandable manner. Annual compliance training is provided to all affected individuals. Compliance topics are reinforced as appropriate throughout the agency's mandatory training curriculum. Staff receives additional compliance education through program-level and program-specific training, staff meetings, and supervisory coaching and supports. Additional compliance specific trainings may be mandated as deemed necessary.

Compliance Updates, Reminders, Tips, and Helpful Hints are periodically sent out to all Unity House email mailboxes. OMIG's Medicaid Updates are shared and relevant topics discussed with the Medicaid Workgroup. Guidance issued by OMIG, OIG, OCR, HHS, and other regulatory agencies is reviewed and incorporated into risk assessments and the Compliance Program more broadly as applicable.

## **AUDITING AND REPORTING**

### **AUDITING AND MONITORING**

Unity House is committed to routinely identifying risk areas through investigations, internal and external monitoring and auditing, and self-evaluation. Appropriate individuals in management-level positions are responsible for engaging in regular self-monitoring processes conducted within each of the specific departments and programs and aimed at ensuring compliance with requirements, quality of care, medical necessity, scope of work, identifying issues before billing occurs, and conducting root cause analysis and tracer audit when issues are identified or claims are denied. These individuals coordinate with and report their work to the Compliance Officer. The Compliance Officer analyzes the monitoring reports to identify trends and areas of risk and follows up on any identified issues to ensure an appropriate corrective action plan has been implemented and effective. If an overpayment, instance of fraud, or other liability is uncovered, the Compliance Officer is responsible for the investigation and root cause analysis, overseeing the self-disclosure process, and reporting to the Board of Directors.

The Compliance Officer or a designee is responsible for internal auditing of Unity House's Medicaid and specific government funded grant programs, billings, and payments in accordance with audit protocols and other guidance issued by the regulatory agency. Generally, the Compliance Officer performs each type of internal audit on at least an annual, semi-annual, or quarterly basis (depending on the program and determined risks) to ensure that the programs are complying with all regulatory and contractual requirements, as well as adding an additional level of verification of the accuracy of the billing information and payment accuracy. If an overpayment, instance of fraud, or other liability is uncovered, the Compliance Officer is responsible for the investigation and root cause analysis, overseeing the self-disclosure process, and reporting to the Board of Directors.

The Compliance Officer is also involved in external monitoring and audits.

Risk assessments performed by the Compliance Officer include frequency of reports of suspected non-compliance, investigation findings, corrective action effectiveness, and findings from internal and external monitoring and audits. Risk assessments are used to identify areas of significant risk so that the Compliance Program can take steps to appropriately and effectively address and reduce risk.

## **REPORTING COMPLIANCE VIOLATIONS**

All employees have an affirmative duty and responsibility for reporting reasonably suspected misconduct and wrongdoing including violations of the federal or state false claims provisions, other applicable rules, regulations or laws, agency policy or procedure, or Unity House's Compliance Program or Code of Conduct. All suspected violations must be reported immediately to the employee's supervisor who will make concurrent notification to the Compliance Officer, to the Compliance Officer alone, or to Unity House's Compliance Hotline.

Unity House offers several methods to report reasonably suspected violations of rules, regulations, and laws, and policy and procedures and Code of Conduct including:

- **Contacting the Compliance Program directly.**
  - **Andrea Ryan, Compliance Officer**  
2431 6<sup>th</sup> Avenue, Troy, NY 12180  
(p) 518.274.2607 ext.4141  
(c) 518.210.7203  
(e) [ARyan@uniythouseny.org](mailto:ARyan@uniythouseny.org)
  
- **Accessing the 24-hour, confidential Compliance Hotline.** This option is available 24 hours/day 365 days/year. The Hotline is operated by Lighthouse Services, an impartial third party vendor, and offers *comprehensive, confidential, and anonymous reporting services*. When a report is made to the Compliance Hotline, Lighthouse notifies the Compliance Officer. All reports to the Compliance Hotline will be kept strictly confidential, unless the matter is turned over to law enforcement. Confidential means the Compliance Officer is the only person who will know the identity of the reporter. If a report made to the Compliance Hotline requires an investigation, the Compliance Officer will not specifically identify the reporter during the course of the investigation.

Reporters may also choose to make an anonymous report to the Compliance Hotline. In such instances, no identifying information about the reporter is collected, and Lighthouse notifies the Compliance Officer of the content of the report only. Anonymous reports will still be investigated as warranted.

- **Lighthouse's Toll-Free Hotline:**



- (800) 401-8004 (English speaking)
- (800) 216-1288 (Spanish speaking)
- **Lighthouse’s Hotline on the Web:**
  - <http://www.lighthouse-services.com/unityhousesny>
- **Lighthouse’s Hotline via E-mail:**
  - [reports@lighthouse-services.com](mailto:reports@lighthouse-services.com) (must include “Unity House” in the report)
- **Lighthouse’s Hotline via Fax:**
  - (215) 689-3885 (must include “Unity House” in the report)

Failure to report suspected fraud, waste, abuse, or other potential wrongdoing is a breach of the employee or agent’s obligation to Unity House and may, in accordance with the Discipline Policy, result in disciplinary action up to and including termination.

#### **INTERNAL INVESTIGATION OF NONCOMPLIANCE**

In accordance with the Investigation Policy, the Compliance Officer or her designee will investigate any conduct that may be inconsistent with the Compliance Program’s Plan, Code of Conduct, and policies or that may violate the rules, regulations, or laws that govern our work. The Compliance Officer arranges for investigations to be conducted under direction of counsel if there are potential civil or criminal penalties. All potential investigative matters are reported to the CEO and the Board of Director’s (within confidentiality). After review and investigation, the Compliance Officer will prepare a written report of findings and report to the appropriate Service Director, CEO, and Board of Directors. All agency employees must cooperate fully with any compliance investigations.

#### **DETECTION AND RESPONSE**

Unity House is committed to fostering a culture of compliance through detecting, correcting, and preventing non-compliant behaviors. Through the compliance reporting structure and the articulation of compliance-related roles and responsibilities at every level of Unity House’s operation, detection and correction of problems is expedited. If an internal investigation substantiates a reported violation, then it is Unity House’s policy to:

- Initiate corrective action, including, as appropriate, making prompt self-disclosures and/or restitution of any overpayment amounts, notifying the appropriate governmental agency as appropriate, and/or instituting appropriate discipline when warranted, and

- Implement systemic changes to prevent a similar violation from recurring in the future.

## **GOVERNMENT INVESTIGATIONS**

Unity House will comply with all external/government investigations as per applicable law.

**Please contact Andrea Ryan, Unity House's Compliance Officer, with any questions regarding compliance or client confidentiality issues at 518.274.2607 ext. 4141, 518.210.7203, or ARyan@unityhousesny.org.**

*On behalf of Unity House, our clients, and our funders, sincerest thanks for your ongoing commitment to compliance.*