

THE CENTER FOR DISCOVERY

SUBJECT: Summary of the False Claims Act and Non-Retaliation Policies	MANUAL: Corporate Compliance
	SECTION: Section 3

Policy:

As a participant in the Medicaid program, The Center for Discovery is required to comply with the terms and conditions of the Deficit Reduction Act of 2005 (the “Act”). In accordance with the Act, The Center has established written policies for all affected individuals that provide information about the federal False Claims Act. This summary of the federal False Claims Act as well as the New York State Laws related to submitting false claims is reviewed with all employees upon hire and annually thereafter. Additionally a summary is available within the Corporate Compliance Plan on the Center for Discovery Website www.thecenterfordiscovery.org and all members of the CFD community are directed to this site.

THE FALSE CLAIMS ACT

Under the federal and state False Claims Acts (the “FCA”), the government and private citizens are entitled to bring lawsuits against organizations or other individuals who defraud the government. The federal FCA applies when a company or person knowingly presents to the federal government false or fraudulent claims, or records or statements in support of a payment. Violations can also occur for conspiring to submit false claims or for failure to repay funds wrongfully obtained. Persons or agencies found to have violated the FCA may be required to pay triple damages done to the government, as well as face a fine and criminal penalties.

New York State has its own version of the FCA that punishes much of the same conduct as the federal law.

With both federal and state laws, a private citizen may institute an FCA claim. This type of case is called a “qui tam” action, and the citizen who initiates such a claim is called a “relator”. Private citizens who institute an FCA claim must provide to the government all of the information he or she has about the claim. If the government intervenes in the case, the relator may be entitled to a share in the eventual recovery.

The FCA provides protection to shield private citizens from retaliation for starting a qui tam case in good faith.

If any member of The Center for Discovery community suspects any activity that may be considered a violation of the federal or New York State law, he or she should report it immediately to any appropriate supervisor or administrator, or the Corporate Compliance Hotline at (845) 707-8811.

NON-INTIMIDATION NON-RETALIATION POLICY STATEMENT

The Center for Discovery encourages its employees and agents and all other affected individuals to disclose and report concerns regarding perceived violations of federal and state laws and regulations and/or financial irregularities. Reports may be made by any affected individual openly or confidentially, and may be made in writing, by telephone (to an individual or to the

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Corporate Compliance Hotline), or in person without fear of reprisal. Employees who wish to remain confidential may do so in writing by sending his/her concerns by US Mail or by interoffice mail to the Corporate Compliance Officer marked “personal and confidential”, or by leaving a message on the Corporate-Compliance Hotline at (845) 707-8811.

No intimidation or retaliation will be tolerated against an individual who in good faith participates in the compliance plans and practices, 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 the NYS Labor Law

An individual may also report his/her concerns about perceived violations of federal and state laws and regulations and/or financial irregularities of federal and state laws and regulations to appropriate governmental agencies without fear of reprisal, intimidation, or retaliation.

The Center may take appropriate action in the event that, after investigation, it is determined that a complaint was false and malicious, or it is determined that the reporting person was a participant in the wrongful activity.

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