

# THE CENTER FOR DISCOVERY

SUBJECT: Compliance Education and Training Policy	MANUAL: Corporate Compliance
	SECTION: Section 7

**Purpose:** The development and implementation of regular, effective education and training seminars is an integral part of the Corporate Compliance Program. Compliance education is divided into two general components. First, all Affected Individuals must receive an introduction to the Corporate Compliance Program. Second, those parties whose work is linked to identified risk areas should receive specialized compliance education pertaining to their function and responsibilities.

For purposes of this Policy, the term “Affected Individuals” includes all employees including the Chief Executive Officer, administrative personnel, and Board members as well as any person associated with TCFD (this applies to any person or affiliate who is involved in any way with TCFD such that the person or affiliate contributes to the agency’s entitlement to payment under the Medical Assistance Program and who is not an employee, executive, or governing body member e.g. independent contractors, interns, students, volunteers, and vendors).

**Policy:** It is the Policy of The Center for Discovery (“TCFD”) to ensure that all Affected Individuals receive formal training relating to the TCFD’S Corporate Compliance Program. TCFD will ensure that all trainings are provided in a way that is accessible to all Affected Individuals and that they are in alignment with the required State and Federal laws, rules, and regulations.

It is the Policy of TCFD to ensure that Affected Individuals in identified risk areas, and members of the Board of Directors and Management, receive more detailed education related to their function and responsibilities.

This Policy applies to all Affected Individuals. Successful completion of the training sessions is mandatory and a condition of continued employment, contract, appointment, or assignment with the Organization.

## **Regulatory Reference:**

Social Service Law 363-D

18 NYCRR Part 521

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## **Procedures:**

1. The Corporate Compliance Officer (“CCO”) is responsible for developing the compliance education curriculum and monitoring and ensuring that compliance training and orientation meet the Policy standards on this subject.
2. Compliance education and training seminars must include an explanation of the structure and operation of the Compliance Program. They will introduce the CCO and the roles and responsibilities of the Corporate Compliance Committee (“CCC”) to Affected Individuals.
3. Compliance education and training seminars will include, at a minimum, information on the following aspects of the Compliance Program:
  - TCFD’S Compliance Plan;
  - Standards of Conduct and other related written guidance;
  - Federal False Claims Act;
  - New York False Claims Act;
  - Whistleblower Protections;
  - Risk areas and organizational experience;
  - The role and responsibilities of the CCO and the CCC;
  - Communication channels (name of CCO, reporting mechanisms, anonymous reporting mechanism);
  - TCFD’S expectations for reporting known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct, the Corporate Compliance Program, and TCFD’S policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as “compliance concerns” for purposes of this Policy);
  - How the Organization responds to reports of compliance concerns, including the investigation process and corrective actions;
  - TCFD’S disciplinary policy and standards;
  - Prevention of fraud, waste, and abuse; and
  - Non-retaliation and non-intimidation policy.

Specialized areas for education will include, but not be limited to, the following risk areas:

- Improper or fraudulent billing for services;
- Preparation of inaccurate or incorrect cost reports;
- Misuse of TCFD’S funds;
- Payment or receipt of remuneration or gifts in return for referrals of service recipients or business contracts;

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- Medicaid requirements specific to TCFD’S services and programs;
  - Coding and billing requirements and best practices, if applicable;
  - Claim development and the submission process, if applicable;
  - Government and private payor reimbursement principles; and
  - Government initiatives related to the services provided by the Organization, if applicable.
4. Comprehensive education materials will be developed to facilitate the compliance sessions and ensure that a consistent message is delivered to all Affected Individuals. Education protocols and materials must be standardized, so as to evidence that everyone attending a seminar receives the same instruction.
  5. As part of their initial orientation, each employee, including the Chief Executive and other senior administrators, and Board members shall receive a training session within the first \_\_\_ days of employment or association with the TCFD. Each party will receive an introduction to TCFD’S Corporate Compliance Program and objectives, and written copies of the Standards of Conduct and Corporate Compliance Plan, and be provided access to Corporate Compliance Program policies and procedures. Each party will sign an acknowledgement form (attached to this Policy), or equivalent, that they are aware of and will abide by the Corporate Compliance Plan and Standards of Conduct.
  6. All Affected Individuals will receive training and/or education at least once per year that includes a review of the existing Corporate Compliance Plan, the Standards of Conduct, and any applicable policies and procedures. The session will also focus on any changes in Federal or State laws and regulations.
  7. All education and training relating to the Corporate Compliance Program will be verified by attendance and a signed acknowledgement of receipt of training. Training records will include the date, start and end time of the training, and the content of the material presented. The CCO will maintain records of attendance for all training sessions.
  8. Only properly trained individuals will be used to provide compliance education and training seminars. The Corporate Compliance Program trainers must be knowledgeable of the (a) Corporate Compliance Plan; (b) applicable Federal laws and regulations; (d) relevant TCFD’s policies/procedures; (e) operations of the Corporate Compliance Program; and (f) content of the Standards of Conduct.
  9. The CCO is responsible for coordinating with Management to ensure that specialized compliance education occurs in identified risk areas.
  10. The CCO will ensure that all contractors and vendors meeting the criteria below are provided with a copy of the Corporate Compliance Plan and the False Claims Act and Whistleblower Protections Policy upon entering into a contractual agreement with TCFD. For purposes of this Procedure, contractor and vendor are defined as:
    - Any independent contractor, contractor, subcontractor, or other person who, on behalf of the Organization, furnishes or otherwise authorizes the

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furnishing of Medicare, Medicaid, or other federally-funded healthcare items or services, or performs billing or coding functions; or

- Any independent contractor, contractor, subcontractor, or other person who provides administrative or consultative services, goods, or services that are significant and material, are directly related to healthcare provision, and/or are included in or are a necessary component of providing items or services reimbursed by Medicare, Medicaid, or other federally funded healthcare program; or
- Any independent, contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by the Organization.

11. TCFD will ensure that the CCO has sufficient opportunities to receive training on compliance issues. Compliance training will be secured and made available to new Compliance Officers as part of the orientation to the role.
12. The CCO responsible for submitting periodic reports to the CCC and Board of Directors on all education seminars related to the Corporate Compliance Program. This information will be trended and analyzed to evaluate and ensure that the Organization has an effective Corporate Compliance Program.
13. All education and/or training related to the Corporate Compliance Program will be incorporated into the Organization's training plan. The training plan shall, at a minimum, outline the subjects or topics for training and education, the timing and frequency of the training, which Affected Individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated. The training plan will be reviewed by the CCO and CCC and updated as needed, but at minimum on an annual basis.
14. **HAVE HR CHECK THE FORMS TO MAKE SURE THEY COMPLY**

## **Sanction Statement:**

Non-compliance with this policy may result in disciplinary action, up to and including termination.

## **Compliance Statement:**

As part of its ongoing auditing and monitoring process in its Corporate Compliance Program, TCFD will review this policy based on changes in the law or regulations, as TCFD's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with TCFD's Corporate Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all Affected Individuals, as well as notified of any updates or changes.

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Tracking of the criteria above and results of this testing will be completed by the CCO, or designee. Additionally, results will be reported to the CCC and Governing Body on a regular basis.

**Record Retention Statement:**

TCFD will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

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