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**Corporate Compliance Policy and Procedures**

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**Corporate Compliance Policy and Procedures**

# Topic: Business Courtesies for Referrals

**Purpose:** Confidential Help For Alcohol & Drugs recognizes that there are legitimate and lawful reasons to accept or provide reasonable business courtesies. However, in healthcare, business courtesies pose a risk for conflict of interest or fraud and/or abuse related to anti-kickback laws and regulations. The Anti-Kickback law prohibits the offer of payment, solicitation, or receipt of any form of remuneration for the referral of Medicare or Medicaid recipients. The purpose of this policy is to assure that Confidential Help For Alcohol & Drugs complies with federal Anti-Kickback laws. The policy provides guidance for providing business courtesies. For the purpose of this policy, the following definitions apply:

Business Courtesies: Business courtesies include items of value given to another free of cost. Examples include gifts, entertainment, and/or Confidential Help For Alcohol & Drugs sponsored or hosted social events.

Immediate Family Member: An immediate family member of a person includes:

* The person’s parent or parent-in-law
* Spouse or Significant Other
* Children
* Siblings or Sibling-in-law
* Grandparent
* Similarly related family as indicated above.

Potential Referral Source: A source of referral of patients to Confidential Help For Alcohol & Drugs for services or treatment.

**Policy:** It is the policy of Confidential Help For Alcohol & Drugs that gifts, entertainment, and other benefits will not be provided to potential referral sources and/or to his or her immediate family, except as permitted by this policy. These guidelines only pertain to relationships with individuals and entities outside Confidential Help For Alcohol & Drugs and do not pertain to actions between Confidential Help For Alcohol & Drugs and its employees nor actions between employees. Any business courtesies involving physicians or other individuals or entities in a position to refer patients for services to Confidential Help For Alcohol & Drugs must strictly follow Confidential Help For Alcohol & Drugs policies and be in conformance with all federal and state laws, regulations, and rules regarding these practices.

**Procedures:**

* All referrals will be accepted in accordance with the referral policy and procedure.
* Confidential Help For Alcohol & Drugs employees may not offer a potential referral source and his or her immediate family members business courtesies.

# Topic: *Executive Director Performance and Compensation Review*

**Purpose:** Confidential Help For Alcohol & Drugshas an established process with the Board of Directors for the Executive Director performance and compensation review. The purpose of the process is to discharge the responsibilities of the Board relating to compensation of the Executive Director, to oversee the evaluation of the Executive Director, and to advise the full Board with respect to Executive Leadership succession planning.

**Policy:**

## I. Duties and Responsibilities The Board of Directors duties and responsibilities include the following:

1. Review and recommend with respect to executive compensation and executive retirement plans.
2. Annually, review and approve performance goals and objectives with respect to the compensation of the Executive Director.
3. Annually, oversee the performance evaluation of the Executive Director against approved goals and objectives.
4. Based on the evaluation, set the compensation of the Executive Director.
5. Review and approve employment, severance, change-in-control, termination, and retirement arrangements for the Executive Director, as applicable.
6. Consult with the Executive Director and advise the Board with respect to the Management Team succession planning.
7. Must be adequate in scope to satisfy the Internal Revenue Service requirements regarding excessive compensation in its Intermediate Sanction Regulations.
8. Administer and interpret executive compensation plans within regulatory accordance.

## II. Structure and Operation

1. The Board shall meet, in person or telephonically, minimally annually at such times and places determined by the President of the Board.
2. The Board shall meet in executive session without the presence of any members of management as often as it deems appropriate.
3. The Board may request that any directors, officers, or employees of Confidential Help For Alcohol & Drugs, or other persons whose advice and counsel are sought by the Board, attend any meeting of the Board to provide such pertinent information.

III. CEO Performance and Compensation Review

1. Selection of the Executive Director

The Board is responsible for identifying potential candidates for, and selection of, Confidential Help For Alcohol & Drugs’ Executive Director. In identifying potential candidates for and selecting the Executive Director, the Board considers, among other things, a candidate’s experience, and understanding of Confidential Help For Alcohol & Drugs’ business environment, leadership qualities, knowledge, skills, expertise, integrity, and reputation in the business community.

1. Evaluation of Executive Director

The Board is responsible for overseeing the evaluation process for the Executive Director. The process is intended to formally assess the Executive Director’s past performance as well as to help the Board determine future developmental needs for the Executive Director. Consequently, there are two types of measures: a) Financial Performance Measures, which track accountability for past performance, and b) Leadership Effectiveness Measures, which identify the key objectives that will assure the future success of Confidential Help For Alcohol & Drugs. Leadership Effectiveness Measures include, but are not limited to, the following:

* Leadership
* Building Team Spirit
* Managing Vision and Mission
* Organizational Flexibility
* Approachability and Accessibility
* Effective Decision Making
* Business Acumen
* Accountability
* Developing People
* Integrity and Trust
* Results
* Presentation Skills
* Maintaining Organizational Values
* Community Involvement

The following steps are utilized to carry out this review:

* The Board reviews performance measures and targets and submits these for the Board members approval on or before the start of the first meeting of the fiscal year.
* The Executive Director provides a self-evaluation to the Board within seventy-five days of the end of the fiscal year.
* Board Members will provide their individual assessments of the Executive Director performance. These assessments should include the Board Member’s appraisal of the Financial Performance Measures and the Leadership Performance Measures approved by the Board as well as any other aspect of the Executive Director’s performance that the Board deems relevant. In addition, Board members should identify any future developmental needs they deem necessary for the Executive Director.
* The Board accumulates this information and recommends annual compensation to the Executive Director based on the evaluation.
* After agreement by the Board to the evaluation, the President of the Board will meet with the Executive Director to discuss the Board’s assessment of performance and developmental needs for the Executive Director. The Executive Director may then take the opportunity to discuss his or her reaction to the evaluation.

1. Succession Planning

The Board shall plan for the succession to the position of the Executive Director. To assist the Board, the Executive Director shall conduct an annual succession planning session with the Board at which time an assessment of Executive Leaders will be conducted including their potential to succeed the Executive Director and other Management Team positions.

**Topic:** Code of Conduct

**Purpose:** Confidential Help For Alcohol & Drugs is committed to conducting its business ethically and in conformance with all Federal and State laws, regulations, interpretations thereof, and the Code of Conduct. To support this commitment, Confidential Help For Alcohol & Drugs will maintain and update as appropriate a written Code of Conduct to provide guidance on employee and organizational responsibilities related to compliance. The Code of Conduct addresses specific issues related to reimbursement, financial relationships, quality of care, and other critical areas.

**Policy:**

* Confidential Help For Alcohol & Drugs will develop, maintain, and update as appropriate a written Code of Conduct to provide employees, Board members, and agents with guidance on requirements for conduct related to employment and operations by Confidential Help For Alcohol & Drugs.
* The Code of Conduct will describe important parts of the compliance program including, but not limited to, the problem resolution process and non-retaliation policy.
* All employees, Board members and agents will be provided a copy of the Code of Conduct and participate in training sessions on an annual basis that include a thorough review of the document.

**Procedures:**

1. The Compliance Officer or Designee is responsible for the development and periodic update of Confidential Help For Alcohol & Drugs’ Code of Conduct.
2. Confidential Help For Alcohol & Drugs’ Compliance Committee and the Board of Directors will be responsible for oversight and final approval of the Code of Conduct.
3. The Code of Conduct will be written at a basic reading level, avoiding complex language and legal terminology. At a minimum, it should address critical areas such as compliance with laws and regulations, human resource practices, quality of care/service, conflicts of interest, proprietary rights, confidentiality, safety, and reimbursement practices.
4. The Code of Conduct will address specific areas of potential fraud or similar wrongdoing (e.g., claims development, submission processes, diagnostic/procedural code selections).
5. The Code of Conduct will address major issues identified by the Federal Sentencing Guidelines and the Office of Medicaid Inspector General (OMIG).
6. The Code of Conduct will address human resources related compliance issues such as sexual harassment and discrimination, as well as Confidential Help For Alcohol & Drugs’ commitment to quality of care and service.
7. Confidential Help For Alcohol & Drugs’ Corporate Compliance Plan, applicable policies, and the Code of Conduct will be provided to all Board members, executive personnel, managers, employees, independent contractors, and those with whom business is conducted. Copies will be provided to all new employees as part of the new employee orientation. All recipients of the document will sign and date an attestation (*Attachment A*) that acknowledges: (a) receiving a copy of the Compliance Plan and Code of Conduct, (b) reading and understanding the contents, and (c) agreeing to abide by the provisions of the documents.
8. The Compliance Officer or Designee will ensure that all employees and agents receive training annually related to the contents of the Code of Conduct to help them understand how it applies to everyday work situations. The Compliance Officer or designee will ensure that records are maintained to document the receipt of training.
9. The Compliance Officer or Designee will ensure that each Board member is provided with a copy of the Compliance Plan and the Code of Conduct at the time of Board orientation and annually.
10. The Compliance Officer or Designee will ensure that all independent contractors will be provided a copy of the Code of Conduct upon entering into a contractual agreement with Confidential Help For Alcohol & Drugs.
11. The Compliance Officer or Designee will include in his or her report to Confidential Help For Alcohol & Drugs’ Compliance Committee the status of training, along with any recommendations for updating or improving the contents of the Code of Conduct.
12. The Compliance Officer is responsible for investigations of possible violations of the Code of Conduct and ensuring disciplinary action has been taken when necessary.
13. Written confidentiality and non-retaliation policies will be referenced and included as part of the Code of Conduct for the purpose of encouraging communication and the reporting of incidents of suspected fraud or other wrongdoing.
14. The Code of Conduct will include instructions to report fraud, abuse, suspected violations of the Code of Conduct, or other suspected wrongdoing directly to the Compliance Officer or other supervisory personnel.
15. The Code of Conduct will provide written guidance on how employees and agents may report suspected violations of Federal or State law, regulations, interpretations thereof, or the Code of Conduct without fear of retribution or retaliation to an organization hotline or other mechanism that bypasses management.
16. The Code of Conduct will include a description of disciplinary mechanisms utilized by the Agency and the procedures for addressing disciplinary actions.

**Topic:** Conflict of Interest

**Purpose:** All employees and Board members of Confidential Help For Alcohol & Drugs have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy is established to ensure that services and business activities are conducted in an objective manner and are not motivated by desire for personal or financial gain.

**Policy:**

1. Employees and Board members are required to disclose any actual or potential conflict of interest and seek guidance on how to handle the situation.

Conflict of Interest: Any situation in which financial or other personal considerations may compromise or appear to compromise (1) an employee or Board member’s business judgment; (2) delivery of services; or (3) ability for an employee to do their job. An actual or potential conflict of interest occurs when an employee or Board member is in a position to influence a decision that may result in a personal gain for that employee, Board member, or for a relative as a result of business dealings.

1. Business dealings with outside entities should not result in unusual gain for those entities, Confidential Help For Alcohol & Drugs, Board member, or an employee. Unusual gain refers to gifts, bribes, product bonuses, special fringe benefits, unusual price breaks, and other windfalls designed to ultimately benefit the employer, the employee, or both or that would reasonably be determined to influence the employer, employee, or both.
2. The materials, products, designs, plans, ideas, and data are the property of Confidential Help For Alcohol & Drugs and should never be given to an outside firm or individual except through normal channels with appropriate prior authorization. Any improper transfer of material or disclosure of information, even though it is not apparent that an employee has personally gained by such action, is prohibited.

**Procedures**: An employee or Board member with questions or concerns about potential conflicts of interest will promptly address the issue with appropriate management staff and/or the Compliance Officer. Management staff will consult with the Compliance Officer before responding to a concern or question about a potential conflict of interest.

1. Actual or potential conflicts of interest must be disclosed to appropriate management personnel, or the Compliance Officer.
2. Employees must disclose any potential conflicts of interest upon hire and when a potential conflict arises.
3. Employees will complete a Conflict-of-Interest Disclosure Form (attached to this Policy) to report any potential conflict of interest.
4. Members of management, the Board of Directors and Staff members will complete a Conflict-of-Interest Disclosure Statement annually.
5. Employees must seek guidance and approval from appropriate management personnel prior to pursuing any business or personal activity that may constitute a conflict of interest.
6. Outside employment may not interfere with the employee’s ability to perform his or her job with Confidential Help For Alcohol & Drugs. In addition, Confidential Help For Alcohol & Drugs employees may not compete against Confidential Help For Alcohol & Drugs, work for its competitors, or have any ownership interest in a competitor.
7. The Compliance Officer will investigate any violations of this policy.

## **Topic:** Employee, Board, and Contractor Exclusion Screening

**Purpose:** Confidential Help For Alcohol & Drugs is committed to maintaining high quality care and service as well as integrity in its financial and business operations. Therefore, Confidential Help For Alcohol & Drugs will conduct appropriate screening of key providers, employees, independent contractors, and business vendors to ensure that they have not been sanctioned by a Federal or State law enforcement, regulatory, or licensing agency.

**Policy:**

1. It is the policy of Confidential Help For Alcohol & Drugs not to employ, contract with, or conduct business with an individual or entity excluded from participation in federally sponsored health care programs, such as Medicare and Medicaid.
2. Confidential Help For Alcohol & Drugs will conduct exclusion (sanction) screening of all current and proposed employees, Board members, and designated contractors.
3. Confidential Help For Alcohol & Drugs will verify that individual contractors and entities that provide and/or perform services for the Agency have not been the subject of adverse governmental actions and/or excluded from the Federal or State healthcare programs.
4. Confidential Help For Alcohol & Drugs will verify that any physician or other healthcare practitioner ordering or prescribing goods or services under a federally sponsored healthcare program, such as Medicaid, has not been excluded from participation from Federal or State healthcare programs.

**Procedures:** Applicable to Employees, Board Members and Agents of the Organization to include Physicians, Contractors/Vendors:

1. Confidential Help For Alcohol & Drugs will conduct exclusion checks to verify that all employees and Board members have not been excluded from Federal or State healthcare programs. An exclusion check is a search of the following sources to determine if the individual or entity’s name appears on any of the lists:

* U. S. Department of Health and Human Services, Office of Inspector General (OIG)’s List of Excluded Individuals and Entities (LEIE) available on the website at [http://exclusions.oig.hhs.gov](http://exclusions.oig.hhs.gov/)
* Staff and Vendor background check: [Vālenz: Provider and Client Login Portals (valenzhealth.com)](https://www.valenzhealth.com/login/)

1. An exclusion check will be performed on all applicants for employment as part of the pre-employment screening process. If the exclusion check indicates that any individual has been excluded from Federal or State healthcare programs, the applicant will not be offered employment.
2. An exclusion check will be performed for potential Board members as part of the screening process. If the exclusion check indicates that a potential Board member has been excluded from Federal or State healthcare programs, the individual will not be considered for Board affiliation.
3. The Compliance Officer will ensure that exclusion screening is conducted on all employees, Board members and Contractors at least monthly.
4. The Compliance Officer will maintain the results of all exclusion checks.
5. If any Confidential Help For Alcohol & Drugs employee or Board member is charged with a criminal offense related to healthcare or is proposed or found to be subject to exclusion from Federal healthcare programs, the employee must be removed from direct responsibility or involvement in any federally funded healthcare program while the matter is pending. If the matter results in conviction or exclusion, Confidential Help For Alcohol & Drugs will immediately terminate the employee’s or Board member’s affiliation with the agency.
6. In addition to exclusion screening, the credentials of medical/healthcare and other professionals employed by Confidential Help For Alcohol & Drugs will be verified with appropriate licensing and disciplining authorities, including any adverse actions taken against the individuals that might impair his or her performance of duties, or fiduciary responsibilities on behalf of the agency. The process is applicable to all employees for which the license/certification is required for the performance of their duties. The screening and verification will be conducted as part of the hiring process and at least monthly thereafter.

**Topic:** Employee, Board, and Independent Contractor Compliance Training

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

**Policy:**

1. All employees, Board members, and independent contractors will receive training related to the organization’s overall compliance program.
2. Employees, independent contractors, and members of the Board of Directors will receive more detailed education related to their function and responsibilities.
3. Attendance at training sessions is mandatory and is a condition of continued employment or contracting.

**Procedures:**

1. The Compliance Officer in conjunction with the Compliance Committee is responsible for developing the compliance education curriculum, monitoring, and ensuring that compliance training and orientation meet the policy standards on this subject.
2. Compliance education training must include an explanation of the structure and operation of the compliance program. They will introduce the Compliance Officer to the organization.
3. Comprehensive education materials will be developed to facilitate the compliance sessions and ensure that a consistent message is delivered to all employees, Board members, and independent contractors. Education protocols and materials must be standardized, so as to evidence that everyone receiving training receives the same instruction.
4. As part of their initial orientation, each employee, independent contractor, and Board member shall receive training. Each employee, independent contractor, and Board member will receive an introduction to Confidential Help For Alcohol & Drugs’ compliance program and objectives, and a written copy of the Code of Conduct, compliance plan, and compliance policies. Each new employee, independent contractor, and Board member will sign an acknowledgement form (attached to this Policy) that they are aware of and will abide by the Compliance Program and Code of Conduct.
5. All existing employees will receive training at least once per year that includes a review of the existing Compliance Program, the Code of Conduct, and any applicable policies and procedures. The training will also focus on any changes in Federal or State laws and regulations.
6. All education and training relating to the Compliance Program will be verified by attendance and a signed acknowledgement of receipt of training. The Compliance Officer will maintain a file of attendance forms for all training sessions.
7. Employees, independent contractors, and Board members will be provided with the opportunity to seek clarification or more information on any aspect of the compliance program.
8. Compliance program trainers must be knowledgeable of the (a) compliance program; (b) applicable State and Federal laws and regulations; (c) requirements of the State Sentencing Guidelines; (d) relevant organization policies/procedures; (e) operations of the compliance program; and (f) content of the Code of Conduct.
9. Confidential Help For Alcohol & Drugs will ensure that the Compliance Officer has sufficient opportunities to receive training on compliance issues.
10. The Compliance training will include the following topics:

* Confidential Help For Alcohol & Drugs’ Compliance Plan
* Code of Conduct
* Federal and State Regulatory Enforcement Agencies and Their Functions
* Regulatory History
* False Claims Act
* NY False Claims Act
* Whistleblower Provisions and Non-retaliation Policy
* Expectations for Reporting Problems and Concerns
* Communication Channels (including name of Compliance Officer and methods to report).

## **Topic:** Enforcement of Compliance Standards

**Purpose:** Confidential Help For Alcohol & Drugs is committed to conducting its business ethically and in conformance with all Federal and State laws, regulations, interpretations thereof, and Confidential Help For Alcohol & Drugs Code of Conduct. To support this commitment, Confidential Help For Alcohol & Drugs has developed procedures for disciplinary actions to be taken for violations of the Compliance Program and/or Code of Conduct by employees, Board Members and/or independent contractors.

**Policy:**

* Employees, Board Members, and independent contractors who, upon investigation, are found to have committed violations of applicable laws and regulations, the Compliance Program, the Code of Conduct, or Confidential Help For Alcohol & Drugs policies and procedures will be subject to appropriate disciplinary action including:

1. supervision
2. verbal warning
3. written warning
4. suspension with or without pay
5. termination of employment
6. Other disciplinary measures

* Discipline will be appropriately documented in the disciplined employee’s personnel file (or in the independent contractor’s file), along with a written statement of reason(s) for imposing such discipline. Such documentation will be considered during regular and promotional evaluations.
* The Compliance Officer and the Human Resources Department will be responsible for assuring that disciplinary actions related to non-compliance with the law, regulations, and Compliance Program, including the Code of Conduct, are consistent with actions taken in similar instances of non-compliance.

**Procedures:** Refer to Confidential Help For Alcohol & Drugs Employee Handbook - Section 1007 (Corrective Discipline)

**Topic:** False Claims Act and Whistleblower Provisions

**Purpose:** Confidential Help For Alcohol & Drugs is committed to prompt, complete, and accurate billing of all services provided to individuals. Confidential Help For Alcohol & Drugs and its employees, contractors, and agents shall not make or submit any false or misleading entries on any claim forms.

**Policy:** It is the policy of Confidential Help For Alcohol & Drugs to detect and prevent fraud, waste, and abuse in Federal healthcare programs. This policy explains the Federal False Claims Act (31 U.S.C. §§ 3729 – 3733), the Administrative Remedies for False Claims (31 USC Chapter 38 §§38013812), the New York State False Claims Act (State Finance Law §§187-194), and other New York State laws concerning false statements or claims and employee protections against retaliation. This policy also sets forth the procedures Confidential Help For Alcohol & Drugs has put into place to prevent any violations of Federal or New York State laws regarding fraud or abuse in its healthcare programs. This policy applies to all employees, including management, contractors, and agent. For purpose of this policy, a contractor or agent is defined as:

* A person who engages in Medicare and/or Medicaid health care items or services, and/or performs billing or coding functions; or
* Any person who provides administrative or consultative services, goods or services that are significant and material, are directly related to health care provision, and/or are included in or are a necessary component of providing items or services of Medicaid-funded programs; or
* Any person who is involved in the monitoring of health care provided by Confidential Help For Alcohol & Drugs.

**Overview of Relevant Laws:**

**The False Claims Act (31 U.S.C. §§ 3729-3733)**

The False Claims Act is a Federal law designed to prevent and detect fraud, waste, and abuse in Federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties of $5,000 to $10,000 for each false claim submitted.

The law was revised in 1986 to expand the definition of “knowingly” to include a person who:

• Has actual knowledge of falsity of information in the claim.

• Acts in deliberate ignorance of the truth or falsity of the information in the claim; and

• Acts in reckless disregard of the truth or falsity of the information in a claim.

False Claims suits can be brought against individuals and entities. The False Claims Act does not require proof of a specific intent to defraud the Government. Providers can be prosecuted for a wide variety of conduct that leads to the submission of a false claim. Some examples include:

• Knowingly making false statements.

• Falsifying records.

• Submitting claims for services never performed or items never furnished.

• Double billing for items or services.

• Using false records or statements to avoid paying the Government.

• Falsifying time records used to bill Medicaid; or

• Otherwise causing a false claim to be submitted.

**Whistleblower or “Qui Tam” Provisions**

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower provision.

The Government, or an individual citizen acting on behalf of the Government, can bring action under the False Claims Act. An individual citizen, referred to as a whistleblower or “Relator,” who has actual knowledge of allegedly false claims may file a lawsuit on behalf of the U.S. Government. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered.

Employee Protections: The False Claims Act prohibits discrimination by Confidential Help For Alcohol & Drugs against any employee for taking lawful action under the False Claims Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in False Claims actions is entitled to all relief necessary to make the employee whole. Such relief may include reinstatement, double back pay, and compensation for any special damages, including litigation costs and reasonable attorney fees.

**Administrative Remedies for False Claims (31 USC Chapter 38. §§3801-3812)**

This Federal statute allows for administrative recoveries by Federal agencies including the Department of Health and Human Services, which operates the Medicare and Medicaid Programs. The law prohibits the submission of a claim or written statement that the person knows or has reason to know is false, contains false information, or omits material information. The agency receiving the claim may impose a monetary penalty of up to $5,500 per claim and damages of twice the amount of the original claim.

Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also, unlike the False Claims Act, the determination of whether a claim is false, and imposition of fines and penalties is made by the administrative agency, and not by prosecution in the Federal court system.

**New York State Laws**

1. Civil and Administrative Laws

New York State False Claims Act (State Finance Law §§187-194)

The New York State False Claims Act closely tracks the Federal False Claims Act. It imposes fines on individuals and entities that file false or fraudulent claims for payment from any state or local government, including health care programs such as Medicaid. The penalty for filing a false claim is $6,000 - $12,000 per claim and the recoverable damages are between two and three times the value of the amount falsely received. In addition, the false claim filer may be responsible for the government’s legal fees.

The Government, or an individual citizen acting on behalf of the Government (a “Relator”), can bring actions under the New York State False Claims Act. If the suit eventually concludes with payments back to the government, the party who initiated the case can recover 15% - 30% of the proceeds, depending upon whether the government participated in the suit. The New York State False Claims Act prohibits discrimination against an employee for taking lawful actions in furtherance of an action under the Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in furtherance of an action under the False Claims Act is entitled to all relief necessary to make the employee whole.

Social Service Law §145-b False Statements

It is a violation to knowingly obtain or attempt to obtain payment for items or services furnished under any Social Services program, including Medicaid, by use of a false statement, deliberate concealment, or other fraudulent scheme or device. The State or the local Social Services district may recover up to three times the amount of the incorrectly paid claim. In the case of non-monetary false statements, the local Social Service district or State may recover three times the amount incorrectly paid. In addition, the Department of Health may impose a civil penalty of up to $2,000 per violation. If repeat violations occur within five years, a penalty up to $7,500 may be imposed if they involve more serious violations of the Medicaid rules, billing for services not rendered, or providing excessive services.

Social Service Law §145-c Sanctions

If any person applies for or receives public assistance, including Medicaid, by intentionally making a false or misleading statement, or intending to do so, the person’s and the person’s family needs are not taken into account for a period of six months to five years, depending upon the number of offenses.

**Criminal Laws**

Social Service Law §145 Penalties

Any person who submits false statements or deliberately conceals material information in order to receive public assistance, including Medicaid, is guilty of a misdemeanor.

Social Service Law § 366-b, Penalties for Fraudulent Practices

Any person who, with intent to defraud, presents for payment any false or fraudulent claim for furnishing services or merchandise, knowingly submits false information for the purpose of obtaining Medicaid compensation greater than that to which he/she is legally entitled to, or knowingly submits false information in order to obtain authorization to provide items or services shall be guilty of a Class A misdemeanor.

Any person who obtains or attempts to obtain, for himself or others, medical assistance by means of a false statement, concealment of material facts, impersonation, or other fraudulent means is guilty of a Class A misdemeanor.

Penal Law Article 155, Larceny

The crime of larceny applies to a person who, with intent to deprive another of property, obtains, takes, or withholds the property by means of a trick, embezzlement, false pretense, false promise, including a scheme to defraud, or other similar behavior. This law has been applied to Medicaid fraud cases.

Penal Law Article 175, Written False Statements

There are four crimes in this Article that relate to filing false information or claims. Actions include falsifying business records, entering false information, omitting material information, altering a district’s business records, or providing a written instrument (including a claim for payment) knowing that it contains false information. Depending upon the action and the intent, a person may be guilty of a Class A misdemeanor or a Class E felony.

Penal Law Article 176, Insurance Fraud

This Article applies to claims for insurance payment, including Medicaid or other health insurance. The six crimes in this Article involve intentionally filing a false insurance claim. Under this article, a person may be guilty of a felony for false claims in excess of $1,000.

Penal Law Article 177, Health Care Fraud

This Article establishes the crime of Health Care Fraud. A person commits such a crime when, with the intent to defraud Medicaid (or other health plans, including non-governmental plans), he/she knowingly provides false information or omits material information for the purpose of requesting payment for a health care item or service and, as a result of the false information or omission, receives such a payment in an amount to which he/she is not entitled. Health Care Fraud is punished with fines and jail time based on the amount of payment inappropriately received due to the commission of the crime.

New York Labor Law §740

An employer may not take any retaliatory personnel action against an employee if the employee discloses information about the employer’s policies, practices, or activities to a regulatory, law enforcement, or other similar agency or public official. This law offers protection to an employee who:

* discloses, or threatens to disclose, to a supervisor or to a public body an activity, policy, or practice of the employer that is in violation of law, rule, or regulation that presents a substantial and specific danger to the public health or safety, or which constitutes health care fraud (knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions).
* provides information to, or testifies before, any public body conducting an investigation, hearing, or inquiry into any such violation of a law, rule, or regulation by the employer; or
* objects to, or refuses to participate in, any such activity, policy, or practice in violation of a law, rule, or regulation.

The employee’s disclosure is protected under this law only if the employee first mentioned the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. The law allows employees who are the subject of a retaliatory action to bring a suit in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys’ fees. If the employer is a health care provider and the court finds that the employer’s retaliatory action was in bad faith, it may impose a civil penalty of $10,000 on the employer.

New York Labor Law §741

Under this law, a health care employer may not take any retaliatory action against an employee if the employee discloses certain information about the employer’s policies, practices, or activities to a regulatory, law enforcement, or other similar agency or public official. Protected disclosures are those that assert that, in good faith, the employee believes constitute improper quality of patient care.

The employee’s disclosure is protected under this law only of the employee first mentioned the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action. If the employer takes a retaliatory action against the employee, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys’ fees. If the employer is a health care provider and the court finds that the employer’s retaliatory action was in bad faith, it may impose a civil penalty of $10,000 on the employer.

**Policy:**

1. Confidential Help For Alcohol & Drugswill provide training/education on this policy and procedure to all its employees, contractors, and agents. This training will be provided to all new employees as part of the new employee orientation.
2. Confidential Help For Alcohol & Drugswill perform billing activities in a manner consistent with the regulations and requirements of third-party payors, including Medicaid and Medicare.
3. Confidential Help For Alcohol & Drugswill conduct regular auditing and monitoring procedures as part of its efforts to ensure compliance with applicable regulations.
4. Any employee, contractor, or agent who has any reason to believe that anyone is engaging in false billing practices or false documentation of services is expected to report the Corporate Compliance Officer or Privacy Officer.
5. Any form of retaliation or intimidation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
6. Any employee who commits or condones any form of retaliation or intimidation will be subject to discipline up to, and including, termination.

**Procedures:** The Compliance Officer or designee will ensure that all employees and agents receive training/education related to the contents of this policy and the False Claims Act. The Compliance Officer or designee will ensure that records are maintained to document the receipt of training.

**Topic**: Internal Auditing and Monitoring

**Purpose:** Confidential Help For Alcohol & Drugs developed and implemented a compliance program in an effort to establish, in part, effective internal controls that promote adherence to applicable Federal and State laws and requirements. An important component of the compliance program is the use of audits and/or other evaluation techniques to monitor compliance and assist in the reduction of identified problem areas. Confidential Help For Alcohol & Drugs will audit and monitor risk areas effectively and efficiently as indicated below:

**Policy:**

1. Confidential Help For Alcohol & Drugs will conduct ongoing auditing and monitoring of identified risk areas related to compliance including but not limited to billing, fiscal management, clinical operations, and service provision.
2. The Executive Leadership team will ensure that ongoing auditing and monitoring is properly conducted, documented, and reported.
3. The Compliance Officer will be responsible for oversight of the agencies internal auditing system and is authorized to delegate auditing duties to other Confidential Help For Alcohol & Drugs personnel, accountants, consultants, and attorneys, as necessary and appropriate.

**Procedures:**

1. On an annual basis, the Compliance Officer and Compliance Committee will determine the scope and format of routine audits of Confidential Help For Alcohol & Drugs’ operations. The scope and format of the audits will be reported to the Executive Director and Executive Leadership team.
2. The Compliance Officer and designated compliance personnel will recommend and facilitate auditing and monitoring of the identified risk areas related to compliance with laws and regulations, as well as Confidential Help For Alcohol & Drugs policies, procedures, and standards of conduct. Risk areas may be identified through the regular course of business, external alerts, or internal reporting channels.
3. The audits and reviews will examine Confidential Help For Alcohol & Drugs compliance with specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), clinical record reviews to support claims for reimbursement, and documentation reviews. The Compliance Officer will conduct and/or oversee compliance reviews with assistance from management staff, the quality assurance department, and designated audit staff with the requisite skills to carry out the audit.
4. A written report of audit findings will be reviewed by the Compliance Officer.
5. The Program Director will submit a written Plan of Corrective Action to the Compliance Officer for review. The Program Director is responsible for ensuring that corrective measures are implemented and monitored for effectiveness.
6. The results of all internal auditing and monitoring activities, including records reviewed, audits results, and corrective actions, will be recorded and maintained by the Compliance Officer.
7. The Compliance Officer or Designee will be responsible for reporting to the Compliance Committee on the general status of compliance reviews, the outcome of compliance auditing and monitoring, and the corrective actions taken.
8. The Compliance Officer will be responsible for reporting the results of auditing and monitoring activities and corrective actions at least annually to the Board of Directors. The report will also include an assessment of any compliance risks to the agency.
9. On an annual basis, the Compliance Officer in conjunction with the Corporate Compliance Committee will monitor the effectiveness of the Compliance Plan and will update compliance policies and procedures, as necessary, to comply with regulatory changes or industry trends. The Compliance Officer will provide a report of this review to the Board of Directors.

**Topic:** Investigation and Resolution of Compliance Issues

**Purpose:** Confidential Help For Alcohol & Drugs implemented a Compliance Program in an effort to establish a culture within the organization that promotes prevention, detection, and resolution of misconduct. This is accomplished, in part, by establishing communication channels for employees to report problems and concerns. Employees are encouraged to report issues via the traditional chain of command, starting with their immediate supervisor and up to the Executive Director, or directly to the Compliance Officer. The supervisor who received the concern will report the issue to the Compliance Officer. At that point, the Compliance Officer is responsible for responding to compliance issues that are raised. This policy is designed to establish a framework for managing and responding to compliance issues that are raised to the Compliance Officer.

**Policy:** Confidential Help For Alcohol & Drugs will respond to reports or reasonable indications of suspected non-compliance by commencing a prompt and thorough investigation of the allegations to determine whether a violation has occurred.

**Procedures:**

1. The Compliance Officer will conduct or oversee all internal investigations involving compliance-related issues in collaboration with the compliance personnel and the Corporate Compliance Committee. The outcome of the investigation will be shared with the Executive Director and/or the Board of Directors.
2. Before conducting an investigation of any compliance-related issue, the Compliance Officer shall ensure a full understanding of the relevant laws, regulations, and government issuances.
3. Upon report or notice of alleged non-compliance, the Compliance Officer or designee will conduct an initial inquiry into the alleged situation. The purpose of the initial inquiry is to determine whether there is sufficient evidence of possible non-compliance to warrant further investigation. The initial inquiry may include documentation review, interviews, audit, or other investigative techniques. The Compliance Officer or designee should: (a) conduct a fair impartial review of all relevant facts; (b) restrict the inquiry to those necessary to resolve the issues; and (c) conduct the inquiry with as little visibility as possible while gathering pertinent facts relating to the issue.
4. If deemed appropriate, the Compliance Officer will recommend the cessation of internal activities that may be the cause of or contribute to the alleged non-compliance.
5. If, during the initial inquiry, the Compliance Officer determines that there is sufficient evidence of possible noncompliance of any criminal, civil, or administrative law to warrant further investigation, the issue should be turned over to legal counsel. A memorandum to this effect should be directed to legal counsel with a copy to the Executive Director. The memorandum should state whether legal counsel or the Compliance Officer will be leading the investigation. All documents produced during the investigation by legal counsel to be possibly protected from disclosure should include the notation: “Privileged and Confidential Document; Subject to Attorney-Patient Privileges; AttorneyDirected Work Product.”
6. The Compliance Officer, in consultation with legal counsel, the Executive Director, and the Compliance Committee, will evaluate the violation to determine if a voluntary self-disclosure of the violation is appropriate. In the event voluntary disclosure is appropriate or required, the Compliance Officer will consult with external counsel on the notification of appropriate government officials, private payors, or other entities.
7. For investigations that do not involve legal counsel, the Compliance Officer will utilize the compliance personnel and further determine if additional personnel are needed and if they possess the requisite skills to examine the particular issue(s) resulting in the assembly of a team of investigators, as needed. The Compliance Officer will also decide whether Confidential Help For Alcohol & Drugs has sufficient internal resources to conduct the investigation or whether external resources are necessary.
8. The Compliance Officer shall work with the investigation team to develop a strategy for reviewing and examining the facts surrounding the possible violation. The Compliance Officer will consider the need for an audit of billing practices and determine the scope of interviews.
9. The Compliance Officer will maintain all notes of the interviews and review documents as part of the investigation file.
10. The Compliance Officer should ensure that the following objectives are accomplished:

* Fully debrief complainant.
* Notify appropriate internal parties.
* Identify cause of problem, desired outcome, affected parties, applicable guidelines, and possible regulatory or financial impact.
* Provide a complete list of findings and recommendations.
* Determine the necessary corrective action measures, (e.g., policy changes, operational changes, system changes, personnel changes, training/education)
* Document the investigation.

1. Upon receipt of the results of the investigation, depending upon the scope and severity of the identified violations, the Compliance Officer may consult with the Executive Director, and/or the Compliance Committee to determine: (a) the results of the investigation and the adequacy of recommendations for corrective actions; (b) the completeness, objectivity, and adequacy of recommendations for corrective actions; and/or (c) further actions to be taken as necessary and appropriate.
2. Upon conclusion of the investigation, the Compliance Officer will organize the information in a manner that enables Confidential Help For Alcohol & Drugs to determine if an infraction did, in fact, occur. The Compliance Officer will track the investigation, responsible parties, and due dates in a compliance log. The log will include the resolution of the investigation as closed or fully resolved.
3. The Compliance Officer will be responsible for reporting the results of all investigations to the Executive Director, Compliance Committee, and the Board.
4. The Compliance Officer or the Executive Director will inform the reporter, if known, of the conclusion of the investigation and the outcome, if appropriate.

## **Topic:** Reimbursement Practices and Billing Errors

**Purpose:** Confidential Help For Alcohol & Drugs is committed to accuracy and integrity in all its billing, coding, and other reimbursement operations. To reinforce this commitment, the Compliance Officer is responsible for general oversight of billing, coding, and other reimbursement operations in accordance with this policy.

**Policy:** Confidential Help For Alcohol & Drugs is committed to ensuring that its reimbursement practices comply with all Federal and State laws, regulations, guidelines, and policies. Confidential Help For Alcohol & Drugs prohibits the intentional submission for reimbursement of any claim that is false, fraudulent, or fictitious. Furthermore, Confidential Help For Alcohol & Drugs is committed to ensuring against the accidental submission of any claim that is false or inaccurate. This commitment includes a policy of ensuring accurate billing of claims for services that are actually rendered and deemed medically necessary. This policy and the following procedures were adopted to ensure that general guidance is available for all employees.

**Procedures:**

1. The Compliance Officer in collaboration with the finance department is responsible for ensuring that all reimbursement and billing procedures contained in this policy are integrated into the operations of the organization.
2. The Compliance Officer is responsible for ensuring that the Code of Conduct provides adequate general guidance concerning appropriate reimbursement practices.
3. The Compliance Officer will ensure that specialized training is provided to all reimbursement personnel as part of their new employee orientation.
4. Claims will be submitted only when appropriate documentation supports the claim and only when such documentation is maintained for audit and review. The documentation, which may include service recipients’ records, shall include the identity and title or professional certification of the individual providing or ordering the service.
5. Each Confidential Help For Alcohol & Drug program will develop and maintain written procedures for the documentation of services.
6. If a billing error is discovered, the billing error will be immediately addressed and if not able to be addressed, then it will be documented on the held billing report. In the event a billing issue needs to be paid back or voided, it will be entered on the Compliance Log and will be reviewed in the Corporate Compliance Committee meeting on a quarterly basis.
7. The Compliance Officer is responsible for the investigation of any billing errors or irregularities. Appropriate steps will be taken to prevent recurrence.
8. Any overpayment received as a result of such billing error will be promptly repaid to the appropriate payer, with interest, if appropriate, within 60 days.
9. The Compliance Officer will work with the management staff responsible for overseeing the reimbursement functions to verify on an annual basis that all reimbursement and billing manuals and materials are current and accurate.

## **Topic: Reporting of Compliance Concerns and Non-Retaliation**

**Purpose:** Confidential Help For Alcohol & Drugs recognizes that a critical aspect of its compliance program is the establishment of a culture that promotes prevention, detection, and resolution of instances of conduct that do not conform to Federal and State requirements, as well as the agencies ethical and business policies.

To promote this culture, Confidential Help For Alcohol & Drugs established a compliance reporting process and a strict non-retaliation and non-intimidation policy to protect employees and others who report problems and concerns in good faith from retaliation and intimidation. Any form of retaliation, intimidation or retribution could undermine the compliance resolution process and result in a failure of communication channels in Confidential Help For Alcohol & Drugs.

**Policy:**

1. All employees have an affirmative duty and responsibility for promptly reporting any known or suspected misconduct, including actual or potential violations of laws, regulations, policies, procedures, Confidential Help For Alcohol & Drugs Compliance Plan, or Confidential Help For Alcohol & Drugs Code of Conduct.
2. The “open-door policy” will be maintained at all levels of management to encourage employees to report problems and concerns.
3. Employees may report their compliance concerns confidentially to the Compliance Officer and/or the Executive Director through inter-office mail or confidential voicemail or anonymously through the use of the Compliance Drop Box. All reports will remain anonymous and/or confidential to the extent possible, if desired.
4. Any form of retaliation or intimidation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
5. Any employee who commits or condones any form of retaliation or intimidation will be subject to discipline up to, and including, termination.
6. Employees cannot exempt themselves from the consequences of their own misconduct by reporting the issue, although self-reporting may be taken into account in determining the appropriate course of action.

**Procedures:**

1. Knowledge of misconduct, including actual or potential violations of laws, regulations, policies, procedures, or Confidential Help For Alcohol & Drugs Code of Conduct, must be immediately reported the employee’s direct supervisor, the Compliance Officer and/or the Executive Director.
2. Employees have the same reporting obligations for actual or suspected violations committed by the Agency’s vendors or subcontractors.
3. Confidentiality will be maintained to the extent that is practical and allowable by law. Employees should be aware that Confidential Help For Alcohol & Drugs is legally required to report certain types of crimes or potential crimes and infractions to external governmental agencies.
4. Employees may report their compliance concerns confidentially to the Compliance Officer and/or the Executive Director. Concerns can be reported anonymously through the use of the Compliance Drop Box. Employees should be aware, however, that it may not be possible to preserve anonymity.
5. Confidential Help For Alcohol & Drugs will not impose any disciplinary or other action in retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate Confidential Help For Alcohol & Drugs Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which Confidential Help For Alcohol & Drugs is governed. “Good faith” means that the individual believes that the potential violation actually occurred as he or she is actually reporting.
6. Confidential Help For Alcohol & Drugs strictly prohibits its employees from engaging in any act, conduct, or behavior which results in, or is intended to result in, retaliation or intimidation against any employee for reporting his or her concerns relating to a possible violation of Confidential Help For Alcohol & Drugs Compliance Plan, Code of Conduct, its Compliance Policies and Procedures, or any of the laws, rules, or regulations by which Confidential Help For Alcohol & Drugs is governed.

1. If an employee believes that they have been retaliated against for reporting a compliance complaint or concern in good faith, or for participating in any investigation of such a report or complaint, the employee should immediately report the retaliation to the Compliance Officer and/or the Executive Director. The report should include a thorough account of the incident(s) and should include the names, dates, specific events, the names of any witnesses, and the location or name of any document that supports the alleged retaliation.

## **Topic:** Response to Governmental Investigations

**Purpose:** Federal and State law enforcement and regulatory agencies routinely conduct interviews to gather information during audits, inquiries, and investigations. It is important that Confidential Help For Alcohol & Drugsresponds to any official requests for information consistently and appropriately. Therefore, this policy has been established to provide guidance on how to handle any unannounced visits by government representatives. This policy does not address visits by regulatory agencies to perform program certification or quality assurance functions.

**Policy:**

1. Confidential Help For Alcohol & Drugs is committed to appropriately responding and not interfering with any lawful audit, inquiry, or investigation.
2. Employees will remain courteous and professional when dealing with investigators or agents.

**Procedures:**

1. Announcement of an impending visit by any government investigator or auditor should be immediately reported to the Executive Director, who is responsible for notifying the Compliance Officer and legal counsel as identified in the Compliance Plan.
2. Procedures for handling the receipt of a search warrant or subpoena are covered by separate policies. Please refer to specific policies.

**Visits to any of Confidential Help For Alcohol & Drugs’ facilities:**

1. If an individual arrives at any Confidential Help For Alcohol & Drugs facility and identifies themselves as a government auditor, investigator, or other representative, treat them with respect and courtesy. Request identification (do not attempt to photocopy credentials, as this is a violation of Federal law) and the reason for the visit.
2. Ask the individual to wait in an unused office or a location where business is not conducted.
3. Immediately contact the Executive Director/designee, who will contact the Compliance Officer and legal counsel identified in the Compliance Plan. The Executive Director will identify one employee to be responsible for responding to the agent’s questions.
4. Await direction from legal counsel. Do not submit to questioning or an interview. Do not provide documents or other information.
5. Refer to policy on Search Warrants, if applicable.
6. Other than providing information to direct the agents to information requested, do not submit to any form of questioning or interviewing.

**Visits to any location outside Confidential Help For Alcohol & Drugs (e.g., personal residence):**

Note: Employees are free to speak to government investigators or auditors; however, you are not required to submit to questioning. The following is provided as general information regarding off-site visits:

1. Individuals have the right to decline an interview or to postpone an interview until they have had an opportunity to seek legal counsel or other advice.
2. Employees who agree to be interviewed should always be truthful. If they do not know the answer to a question, they should say so.
3. Employees should report any off-site visits by government agents, investigators, or auditors to the Executive Director. The Executive Director will notify the Compliance Officer and legal counsel identified in the Compliance Plan.
4. Refer to policy on Search Warrants, if applicable.

**Topic:** Search Warrants

**Purpose:** A search warrant permits agents to immediately seize documents and other types of information. The execution of a search warrant can be seriously disruptive and frightening for many employees. Furthermore, if not handled properly, an organization subject to a search warrant may compound its problems. Therefore, Confidential Help For Alcohol & Drugs has established this policy to advise all employees how to appropriately respond to an official search warrant.

**Policy:**

* Employees will remain courteous and professional when dealing with agents executing a search warrant.
* Employees will not interfere with the lawful execution of a search warrant.
* The senior staff member present is responsible for contacting the Executive Director who will contact the Compliance Officer and legal counsel identified in the Compliance Plan and carry out the response procedures.

**Procedure:**

* Obtain and record the name of the lead agent and the agency they represent. Do not attempt to photocopy the credentials of an agent – it is a violation of Federal law.
* Request to view and photocopy the search warrant document.
* Immediately contact the Executive Director and provide them with details of the search warrant. The Executive Director will contact the Compliance Officer and legal counsel identified in the Compliance Plan and provide details of the search warrant. The Executive Director will identify one employee to be responsible for responding to the agent’s questions.
* Request an “inventory list” of the documents and items seized by the agents. Ensure that it is detailed enough to properly identify the documents and items taken by the agents.
* Maintain a separate record of the areas searched, listing the documents/items seized from the area.
* Other than providing information to direct the agents to information requested, do not submit to any form of questioning or interviewing
* Always remain present while the agents are conducting the search.

## **Topic:** Role and Responsibilities of the Compliance Committee

**Purpose:** Confidential Help For Alcohol & Drugs, in accordance with the Office of the Medicaid Inspector General (OMIG) demonstrates the organizations compliance program is well-integrated into the agency’s operations and supported by the highest levels of the organization by ensuring there is an active compliance committee consisting of senior managers. The committee benefits from the perspectives of members with varying responsibilities in the organization, such as senior managers from operations, finance, audit, human resources, utilization review, social work, discharge planning, medicine, coding, and legal, as well as managers of key operating units.

**Policy:**

1. The Compliance Committee is appointed by the Executive Director and Compliance Officer to advise and assist the Compliance Officer with the implementation of the Compliance Plan.
2. The Compliance Committee will provide oversight of the Compliance Officer’s activities.
3. The Compliance Committee will meet on a regular and routine basis. Minutes will be recorded. The Compliance Officer will maintain the minutes of all meetings.

**Procedures:** The Corporate Compliance Committee members will adhere to the following Duties and Responsibilities:

* The Committee will meet at minimum on a quarterly basis. Committee members are responsible for attending meetings as scheduled.
* Coordinating with the compliance officer to ensure that the written policies and procedures, and standards of conduct are current, accurate and complete, and that the training topics required are completed on a timely basis.
* Coordinating with the compliance officer to ensure communication & cooperation by affected individuals on compliance related issues, internal or external audits, or any other function or activity required.
* Advocating for the allocation of sufficient funding, resources, and staff for the compliance officer to fully perform their responsibilities.
* Ensuring that C.H.A.D. has effective systems & processes in place to identify compliance program risks, overpayments & other issues, & effective policies & procedures for correcting & reporting such issues.
* Advocating for adoption and implementation of required modifications to the compliance program.
* Membership on the committee shall, at a minimum, be comprised of senior managers. The compliance committee shall meet no less frequently than quarterly and shall, no less frequently than annually, review and update the compliance committee charter.
* Coordinates with the compliance officer to ensure that all Affected Individuals complete compliance training and education during orientation and annually
* The compliance committee shall report directly and be accountable to C.H.A.D.’s Executive Director and governing body.

### **Management Team Responsibilities** The Management team will carefully examine the search warrant (with legal counsel, if possible) to:

* Determine the specific areas or locations it covers.
* Ensure that it is being executed during the hours indicated on the document (most warrants should limit the hours they can be executed, e.g., “daylight hours”).
* Ensure that it has not expired (all warrants should have an expiration date); and
* Ensure that it is signed by a Judge (all warrants should be signed by a Judge).

Politely object if there is any overt flaw in the search warrant (as described above) or if the agents are searching for anything deemed to be outside the scope of the warrant. Do not interfere should agents proceed and search. Note the fact for legal counsel to support a future protest.

**Topic:** Subpoenas

**Purpose:** A subpoena is an official demand for testimony or the disclosure of documents or other information. They may originate from law enforcement or administrative agencies. Every subpoena requires a careful legal review prior to response. In view of this and the serious legal implications of the receipt of a subpoena, Confidential Help For Alcohol & Drugs has established standing policies and procedures to ensure that legal counsel reviews any subpoena immediately and coordinates Confidential Help For Alcohol & Drugs response. This will apply to matters not affiliated with patient records.

**Policy:** This policy refers only to subpoenas related to Confidential Help For Alcohol & Drugs business matters.

Confidential Help For Alcohol & Drugs is committed to full compliance with any lawful subpoena. Employees will remain courteous and professional when dealing with investigators or agents delivering a subpoena. No one is to impede in any way efforts to deliver a subpoena.

**Procedures:**

* If a subpoena related to Confidential Help For Alcohol & Drugs business is received, either in person or via the mail, it must be delivered immediately to the Executive Director.
* If delivered in person, the senior staff on duty must be provided with any information obtained during the service of the subpoena (e.g., the name, title, and telephone number of the serving agent/investigator, information provided by the agent/investigator).
* Provide the agent/investigator with directions or information so they may deliver the subpoena to the appropriate or requested individual. Do not volunteer information to an agent/investigator or submit to any form of questioning or interviewing.
* The Executive Director shall be immediately notified of the receipt or delivery of a subpoena. The Executive Director will promptly notify the Compliance Officer and determine who is most qualified and available to assist legal counsel in responding to the subpoena.
* Await direction from legal counsel.

**Topic:** Travel and Other Expense Reimbursement

**Purpose:** The Board of Directors of Confidential Help For Alcohol & Drugs recognizes that Board members, officers, and employees of the Agency may be required to travel or incur other expenses from time to time to conduct Agency business. The purpose of this Policy is to ensure that (a) adequate cost controls are in place, (b) travel and other expenditures are appropriate, and (c) to provide a uniform and consistent approach for the timely reimbursement of authorized expenses incurred by Personnel. It is the policy of the Agency to reimburse only reasonable and necessary expenses actually incurred by employees.

When incurring business expenses, the Agency expects employees to:

* Exercise discretion and good business judgment with respect to those expenses.
* Be cost conscious and spend the Agency’s money as carefully and judiciously as the individual would spend their own funds.
* Report expenses, supported by required documentation, as they were actually spent.

**Policy:**

1. Employees will be reimbursed for allowable expenses in accordance with OASAS fiscal regulatory guidance.
2. Expenses will not be reimbursed unless the individual requesting reimbursement submits a written Reimbursement Form. The form, which shall be submitted at least monthly or within two weeks of the completion of travel, the form must include:

* The individual’s name.
* The date, origin, destination, and purpose of the trip, including a description of each Agency-related activity during the trip.
* An itemized list of all expenses for which reimbursement is requested.
* Reimbursement form must be submitted and approved by the employee’s supervisor and routed to the Finance Director.
* Reimbursement forms of the Executive Director must be approved by the President of the Board or Treasurer of the Board.
* Falsification of expenses: Submission of fraudulent receipts or falsifying reimbursement forms will result in disciplinary action, up to and including termination.

1. Receipts are required for all expenditures billed directly to the Agency, such as airfare and hotel charges. No expense in excess of OASAS approved rates will be reimbursed to Personnel. The individual requesting reimbursement must submit, with the reimbursement form, written receipts from each vendor (not a credit card receipt or statement) showing the vendor’s name, a description of the services provided (if not otherwise obvious), the date, and the total expenses including tips, if applicable.

1. Mileage - Confidential Help For Alcohol & Drugs Inc. will reimburse all staff when traveling as defined below:

Confidential Help For Alcohol & Drugs will reimburse employees for work related travel in their personal vehicles at the federally approved mileage rate in alignment with the following:

* Employees are in travel mode when they are traveling from their designated place of work for that day. (Mileage expenses from the employee’s home to their work site will not be reimbursed). If an employee is traveling to a site different than their typical work location, the standard miles from home to work will be subtracted.
* Mileage expenses to any conference / training that the employee asks to attend but is not considered a necessary / required element of their job will not be reimbursed.
* Where several employees are traveling to one conference/meeting, carpooling must be used.
* See employee handbook for detailed information on mileage and travel.

1. General Travel Requirements

1. Advance Approval: All trips involving air travel or at least one overnight stay must be approved in advance by the employee’s supervisor.
2. Necessity of Travel: In determining the reasonableness and necessity of travel expenses, Personnel and the person authorizing the travel shall consider the ways in which the Agency will benefit from the travel and weigh those benefits against the anticipated costs of the travel. The same considerations shall be taken into account in deciding whether a particular individual’s presence on a trip is necessary. In determining whether the benefits to the Agency outweigh the costs, less expensive alternatives, such as participation by telephone or video conferencing, or the availability of local programs or training opportunities, shall be considered.
3. Meals/Lodging:

Confidential Help For Alcohol & Drugs aligned with OASAS guidelines when considering reimbursement for meals and lodging. Meals and lodging are permitted under OASAS only when an employee is in “travel status.” OASAS defines travel status as follows: when an employee is on assignment at a work location more than 35 miles (one way) from both their home and designated work location.

Confidential Help For Alcohol & Drugs Inc. will reimburse for meals/lodging in accordance with federal guidelines using the current per diem rates as determined by accessing the OSC website at <http://www.gsa.gov/perdiem>.

Lodging- allows for reimbursement of actual lodging costs up to a specific amount. The per diem amount is based on the area of the employee’s work assignment. Receipts are required for lodging. The reimbursement amounts are based on rates established by the Federal Government by accessing the OSC website at <http://www.gsa.gov/perdiem> . The rates are set depending on the County in which travel is occurring, so the County (as well as the city) must be indicated on the Reimbursement Form. No taxes should be paid within New York State and employees will be provided with tax exempt forms. For out-of-state travel, local and state taxes will be reimbursed in addition to the per diem amount.

Meals- allows reimbursement of meals and incidentals based on rates established by the Federal Government by accessing the OSC website at <http://www.gsa.gov/perdiem>. No receipts are required for meals.

1. Entertainment and Business Meetings

Reasonable expenses incurred for business meetings or other types of business-related entertainment will be reimbursed only if the expenditures are approved by the employee’s supervisor and qualify as tax-deductible expenses. Detailed documentation for any such expense must be provided, including:

* Date and place of entertainment.
* Nature of expense.
* Names, titles, and business affiliation of those entertained.
* A complete description of the business purpose for the activity including the specific business matter discussed.
* Vendor receipts (not credit card receipts or statements) showing the vendor’s name, a description of the services provided, the date, and the total expenses, including tips, if applicable.

1. Other Expenses

Reasonable Agency-related telephone and fax charges due to absence of Personnel from the individual’s place of business are reimbursable or in a remote work location. In addition, reasonable and necessary gratuities that are not covered under meals may be reimbursed. Finally, emergency secretarial work and/or postal charges incurred are reimbursable for the purpose of work on behalf of the Agency.

1. Cell Phones

All employees are provided an agency cell phone for business purposes.

1. Non-Reimbursable Expenditures

The Agency maintains a strict policy that expenses in any category that could be perceived as lavish or excessive will not be reimbursed, as such expenses are inappropriate for reimbursement by a non-profit, charitable organization. Expenses that are not reimbursable\* include but are not limited to:

* Travel insurance.
* First class tickets or upgrades.
* When lodging accommodation has been arranged by the Agency and the individual elects to stay elsewhere, reimbursement is made at an amount no higher than the rate negotiated by the Agency. Reimbursement shall not be made for transportation between the alternate lodging and the meeting site.
* Limousine travel.
* Movies, liquor, or bar costs.
* Membership dues at any country club, private club, athletic club, golf club, or similar recreational organization.
* Participate in or attendance at golf, tennis, or sporting events, without the advance approval of the Executive Director.
* Purchase of golf clubs or any other sporting equipment.
* Traffic citations.
* Credit card interest charges.
* Laundry or dry-cleaning.
* Spa, massage, or exercise charges.
* Clothing purchases.
* Business conferences and entertainment which are not approved by a designated officer of the Agency.
* Valet service.
* Car washes.
* Toiletry articles.
* Expenses for spouses, friends, or relatives. If a spouse, friend, or relative accompanies Personnel on a trip, it is the responsibility of the Personnel to determine any added cost for double occupancy and related expenses and to make the appropriate adjustment in the reimbursement request.
* Overnight retreats without the prior approval of the Executive Director or their designee.
* Political or charitable contributions.

**\* The Attorney General offers this list of non-reimbursable expenses by way of example only, and in no way means implying that categories of expenses not included on this list should automatically be eligible for reimbursement. Each agency should develop an expense reimbursement policy that is tailored to those agencies particular situation.**

# Confidential Help For Alcohol & Drugs

# CODE OF CONDUCT

**Mission and Values:** Confidential Help For Alcohol & Drugs works with community partners to promote health, focusing on addictive behaviors, through training, prevention, treatment, and recovery supports.

**Intent:** Confidential Help For Alcohol & Drugs’ Code of Conduct (the Code) applies to all employees and independent contractors.

The Code of Conduct was approved by Confidential Help For Alcohol & Drugs’ Board of Directors and is a formal statement of Confidential Help For Alcohol & Drugs commitment to the standards and rules of ethical conduct.

Confidential Help For Alcohol & Drugsis committed to preventing the occurrence of unethical or unlawful behavior, stopping such behavior as soon as possible after discovery, and to discipline employees who violate the Code, including employees who neglect to report a violation.

All employees must comply with this Code, immediately report any alleged violations of wrongdoing, and assist management and compliance personnel in investigating allegations of wrongdoing.

While these standards addressed in the Code of Conduct are intended to guide employees in the course of their day-to-day responsibilities, they do not replace any Confidential Help For Alcohol & Drugs or program policies and procedures. There may be instances that are not addressed by the Code of Conduct or existing policies and procedures, or activities that may conflict with these standards. Employees must seek direction from their supervisor, other Confidential Help For Alcohol & Drug management staff or the Compliance Officer in these instances.

# Code of Ethics

**Policy Statement** – Confidential Help For Alcohol & Drugs expects all employees to maintain the highest standards of professionalism and integrity in the performance of their job duties and while representing Confidential Help For Alcohol & Drugs. All work must be performed in an ethical manner and in accordance with government regulations and Confidential Help For Alcohol & Drugs’ policy. An employee should never use the employee’s position with Confidential Help For Alcohol & Drugs or relationship with patients for private gain.

* All of our dealings will be based on respect, merit, and fairness. We will work diligently to earn our customer’s (patients, referral sources etc.) business.
* We will deal with all staff members with respect, courtesy, and fairness. We will ensure a workplace environment free of harassment or discrimination.
* We will maintain full and accurate agency records to account for our activities. All assets and property of the agency belong to the agency and will be used only for the benefit of the agency. No staff member’s activities will conflict with the interests of the agency.
* We will educate all staff members concerning our ethics policy and will require their compliance. Each staff member will be responsible for their own compliance with the content and spirit of the policy and for reporting any suspected noncompliance of others to their supervisor or an officer of the company.

**Prohibited Conduct** - An employee is expected to refrain from any illegal, unethical, and/or dishonest business activity. Examples of prohibited conduct include, but are not limited to:

* Directly or indirectly soliciting or accepting a bribe, kickback, loan, gift, service, or entertainment from a current or prospective vendor, supplier, patient, or competitor for the employee's personal gain in return for being influenced in connection with Confidential Help For Alcohol & Drugs business.
* Directly or indirectly giving a bribe, kickback, loan, gift, service, or entertainment to a current or prospective vendor, supplier, patient, or competitor in return for influencing that individual or organization in connection with Confidential Help For Alcohol & Drugs business.
* Having a direct or indirect financial interest or a personal business relationship with any business or person that does business with Confidential Help For Alcohol & Drugs without disclosure to and approval of the Agency.
* Investing in the stocks, bonds, or securities of a vendor, supplier, patient, or competitor if such transactions are based on any “inside information."
* Personal, intimate, and sexual relationships with patients for up to five years after the most recent discharge.
* Staff will not solicit persons served or co-workers for personal causes including but not limited to, soliciting funds for a personal or community cause, political fundraising, selling candy and cookies for their children, friend’s children, or other such fundraising items for the staff’s children.
* Staff involved with a patient’s clinical care will not serve as a witness of any document for that patient.

**Gifts** - An employee who is offered a gift, money, service, travel, entertainment, or other special consideration from any current or prospective vendor, supplier, or patient must politely refuse the gift, advising the giver of Confidential Help For Alcohol & Drugs policy that prohibits its acceptance.

**Employee and Contractor Guidance -**

* You are expected to keep management staff informed of what you are doing; to document or record all services or transactions accurately; and to be honest and forthcoming with the agency, regulatory agencies, and internal and external auditors.
* You are expected to comply with Confidential Help For Alcohol & Drugs policies and procedures, accounting rules, and internal controls.
* You are expected to function with honesty in your work for Confidential Help For Alcohol & Drugs and with customers, providers, suppliers, and all others with whom Confidential Help For Alcohol & Drugs does business.

**Conflict of Interest**

* Employees and contractors must not allow any outside financial interest or competing personal interest to influence their decisions or actions taken on behalf of Confidential Help For Alcohol & Drugs.
* Employees and contractors must avoid any situation where a conflict of interest exists or might appear between their personal interests and those of Confidential Help For Alcohol & Drugs. The appearance of a conflict of interest may be as serious as an actual conflict of interest.

**Guidelines for Employees and Contractors** It is a conflict of interest for you to personally take for yourself opportunities that are discovered through the use of Confidential Help For Alcohol & Drugs property, information, or position with the agency; to use Confidential Help For Alcohol & Drugs property or information for personal gain; or to compete with the agency. There are many types of situations where potential conflicts may arise. You must promptly report any actual or potential conflicts of interest to your immediate supervisor or directly to the Compliance Officer.

Outside Activities and Employment

* You may not conduct outside activities during work time. Such activities interfere with your regular duties and negatively impact the quality of your work.
* You are a representative of Confidential Help For Alcohol & Drugs in your everyday life and must represent Confidential Help For Alcohol & Drugs positively in the community.
* Outside employment must not conflict in any way with your responsibilities to Confidential Help For Alcohol & Drugs or its customers. You may not compete against Confidential Help For Alcohol & Drugs, work for its competitors, or have any ownership interest in a competitor.

Use of Agency Funds and Resources

* Confidential Help For Alcohol & Drugs’ assets are to only be used for the benefit of Confidential Help For Alcohol & Drugs and the customers. Assets include funds, equipment, inventory, and office supplies, but also concepts, business plans and strategies, information about people served, financial information, computer property rights, and other business information about Confidential Help For Alcohol & Drugs.
* You may not use Confidential Help For Alcohol & Drugs assets for personal gain or give them to any other persons or entities, except in the ordinary course of business as part of an approved transaction.

Confidentiality: During your employment, you may acquire confidential information about Confidential Help For Alcohol & Drugs, its staff, and customers that must be handled in strict confidence and not discussed with outsiders. The protection of confidential business, staff, and consumer information is very important.

Business Dealings Between the Agency and Employees**:** Confidential Help For Alcohol & Drugs will not be inappropriately influenced with goods or services from any business in which you or your immediate family members have a substantial interest. Property and resources of Confidential Help For Alcohol & Drugs should only be used for the benefit of Confidential Help For Alcohol & Drugs or the customers.

**Maintenance of Records:** Employees and contractors must record and report all agency, customer, and financial information fully, accurately, and honestly. Records include, but are not limited to, records of the customers, documentation of services, accounting books or records, financial statements, timesheets or records, expense reports, vouchers, bills, payroll, claims payment records, correspondence, and any other method of communication. Employees or contractors must not omit or conceal any relevant information.

**Guidelines for Employees and Contractors:** Many Confidential Help For Alcohol & Drugs forms are legal documents used to prove that a service was provided, to bill for a service, to record a job task, or to record specific happenings. You must document accurately and honestly, and only for those services that you provided or those events in which you were involved.

**Falsification of Records:**

* You must not make any false entries in any of Confidential Help For Alcohol & Drugs records or in any public record for any reason.
* You may not alter any permanent entries in Confidential Help For Alcohol & Drugs records.
* You may only approve payments or receipts on behalf of Confidential Help For Alcohol & Drugs that are described in documents supporting the transaction. “Slush funds” or similar off book accounts, where there is no accounting for receipts or expenditures on Confidential Help For Alcohol & Drugs books, are strictly prohibited.
* You may not create or participate in the creation of any records that are intended to mislead or to conceal anything that is improper.

**Expense Records:** You must always charge expenses accurately and to the appropriate cost center or account, regardless of the financial status of the program, project, or contract, or the budget status of a particular account or line item.

**Retention of Records**

* The retention, disposal, or destruction of records of or pertaining to Confidential Help For Alcohol & Drugs must always comply with legal and regulatory requirements and Confidential Help For Alcohol & Drug policy.
* You may not destroy records pertaining to litigation or government investigations or audit without express written approval of the Compliance Officer.

**Protection of Confidential Information**

Confidential Help For Alcohol & Drugs has developed policies and procedures to assure that the confidentiality of Confidential Help For Alcohol & Drug information and information about the customers is protected and released only with the appropriate authorization or for lawful reasons. All employees and contractors are required to comply with Confidential Help For Alcohol & Drugs’ Dissemination of Confidential Information Policy. If you have any questions concerning confidential information or the Dissemination of Confidential Information Policy, contact your immediate supervisor or the Compliance Officer.

Guidelines for Employees and Contractors

* You must treat all Confidential Help For Alcohol & Drugs records and information as confidential.
* You may not release confidential information without the proper authorization. Confidential information includes not only information about the people that we serve and their families, but also non-public information about Confidential Help For Alcohol & Drugs that may be of use to Confidential Help For Alcohol & Drugs competitors or harmful to Confidential Help For Alcohol & Drugs or its customers if released.
* You must protect Confidential Help For Alcohol & Drug information and avoid discussing or disclosing Confidential Help For Alcohol & Drugs information, purposefully or inadvertently (through casual conversation), to any unauthorized person inside or outside Confidential Help For Alcohol & Drugs. Furthermore, staff may not share confidential Confidential Help For Alcohol & Drug information with anyone, except where required for a legitimate business purpose.
* Confidential Help For Alcohol & Drugs’ information may not be removed from Confidential Help For Alcohol & Drugs property without permission from a supervisor or administrator with proper authority over the information. Ask your supervisor if you are not sure whether certain information is confidential.

**Termination of Employment**

* You may not use any confidential information gained from your employment with Confidential Help For Alcohol & Drugs for your or another company’s benefit. You may not take copies of any reports, documents, or any other property belonging to Confidential Help For Alcohol & Drugs.
* Upon termination of employment with the agency, you must return all Confidential Help For Alcohol & Drugs property including, but not limited to, copies of documents, notes, and other records containing confidential information; IT equipment; keys and credit cards.

**Information Security**

* You are responsible for properly using information stored and produced by all of Confidential Help For Alcohol & Drugs computer systems.
* Computers, Internet access, email, or other office communications systems are intended for business-related purposes only and not for uses that may be disruptive, offensive, harassing, or harmful to others.
* Do not share your system username or password with another person or allow another to access the computer with your password.

**Fair Dealing**

* Conducting business with providers, contractors, suppliers, customers, and competitors may pose ethical problems. Employees and contractors are expected to deal fairly with providers, contractors, customers, and competitors.
* The Code of Conduct and the following guidelines are intended to help you make appropriate, responsible, and correct decisions in these and all matters:

**Kickbacks and Rebate**

* Kickbacks and rebates in cash, credit, or other forms are prohibited. They are not only unethical, but in many cases, illegal.

**Gifts and Gratuities and Entertainment:** Refer to Confidential Help For Alcohol & Drugs Employee Handbook (Gifts).

**Agreements With Contractors and Vendors:** Confidential Help For Alcohol & Drugs must assure that any agreements with contractors and vendors clearly and accurately describe the services to be performed or items to be purchased. Performance standards, and the applicable compensation, if any, must be reasonable in amount, not be excessive in terms of industry practice and must equal the value of the services rendered.

**Improper Use of Funds or Assets:** Use of Confidential Help For Alcohol & Drugs funds or assets for any improper purpose is strictly prohibited. If you are aware of or have reason to believe that funds or assets are being improperly used, you must report this immediately to your supervisor or the Compliance Officer.

**Federal and State Programs**

* Confidential Help For Alcohol & Drugs is committed to complying with the laws and regulations that govern the Federal and State programs that it administers.
* Policies and procedures, the Compliance Program, and this Code of Conduct are developed to provide guidance in your day-to-day work.
* You must abide by the policies and procedures and the standards set by Confidential Help For Alcohol & Drugs.

**Governmental Investigations**

* There may be times that Confidential Help For Alcohol & Drugs is asked to cooperate with an investigation by a Federal or State governmental agency, or to respond to a request for information.
* A request may be formally addressed to Confidential Help For Alcohol & Drugs or an individual within Confidential Help For Alcohol & Drugs.
* Employees and contractors must report any requests for information or cooperation with an investigation to the Compliance Officer immediately.

**Employment Environment**

Confidential Help For Alcohol & Drugs is committed to creating a safe and professional workplace where employees and others are treated with respect and without regard to their race, sex, age, religion, national origin, color, marital status, disability, or other protected characteristics. Business integrity, teamwork, trust, and respect are Confidential Help For Alcohol & Drugs most important values. Unlawful discrimination or harassment of any sort violates these values. All Confidential Help For Alcohol & Drugs employees must exhibit and promote respect, integrity, trust, and teamwork in the workplace and must comply with this policy prohibiting discrimination and harassment in all facets of Confidential Help For Alcohol & Drugs work.

**Guidelines for Employees and Contractors**

* All employees are required to support Confidential Help For Alcohol & Drugs commitment to a safe and professional work environment and to demonstrate appropriate behavior in the workplace.
* All employees are prohibited from joking about another employee’s race, sex, age, religion, national origin, color, marital status, disability, or other protected characteristics.
* All employees are prohibited from considering someone’s race, color, religion, sex, national origin, age, disability, or other protected characteristic in making decisions about hiring, placement, assignment of duties, training, promotion, termination, compensation, benefits, and other work terms.
* Sexual harassment is prohibited. Sexual harassment includes any form of unwelcome sexual advance, request for sexual favors, or other verbal or physical conduct of a sexual or sex-based nature.
* You are responsible for understanding Confidential Help For Alcohol & Drugs’ policy prohibiting discrimination and sexual harassment. You should consult with an appropriate supervisor or administrator if you have questions about your right to a workplace free from unlawful harassment or discrimination or if you have questions about your duty to avoid discrimination.

**Seeking Guidance and Reporting Violations**

* Employees and contractors must report any actual or suspected violations of this Code of Conduct, any applicable law or regulation, or any Confidential Help For Alcohol & Drugs policy and procedure to their immediate supervisor or the Compliance Officer.
* When an actual or suspected violation of this Code of Conduct, any applicable law or regulation, or any Confidential Help For Alcohol & Drugs policy and procedure is reported to any Confidential Help For Alcohol & Drugs employee, it must be promptly referred to the Compliance Officer. Steps will be taken to protect confidentiality and anonymity, when appropriate and warranted. Confidential Help For Alcohol & Drugs will not tolerate any form of retaliation or intimidation against a person who makes a good-faith report in accordance with this Code of Conduct.
* All employees and contractors must cooperate fully and honestly in any investigation into a reported violation of this Code of Conduct, any applicable law or regulation, or Confidential Help For Alcohol & Drugs policy, procedure, or practice.

**Corrective Action and/or Discipline**

* Any employee or contractor who violates or knowingly fails to report any violation of this Code of Conduct, any applicable law or regulation, or Confidential Help For Alcohol & Drugs policy, procedure, or practice is subject to appropriate disciplinary action, up to and including termination.
* Disciplinary action may range from a warning to suspension or discharge, depending upon the nature of the incident and the relevant surrounding circumstances.

**Your Responsibilities**

* Attend required training and read and understand Confidential Help For Alcohol & Drugs’ Compliance Plan, Compliance Policies and Procedures, and Code of Conduct.
* Follow Confidential Help For Alcohol & Drugs Code of Conduct and abide by all policies and procedures, guidelines, and Federal and State laws and regulations.
* Be alert to any situation that could violate agency Code of Conduct, policies and procedures, guidelines, and/or Federal and State laws and regulations.
* Promptly report any issues, concerns, violations or suspected violations to your supervisor, other management staff, Compliance Officer, or the Executive Director.

**Fund Raising**: It is the policy of Confidential Help For Alcohol & Drugs not to engage in fundraising activities.

**Attachments:**

Attachment A

**Confidential Help For Alcohol & Drugs Acknowledgement Form**

**Compliance Policy & Procedure and Code of Conduct**

I acknowledge that I have received, read, and that I understand **Confidential Help For Alcohol & Drugs’** Compliance Plan and Code of Conduct.

I understand that I must comply with **Confidential Help For Alcohol & Drugs’** Compliance Policy & Procedure, the Code of Conduct, and all laws, regulations, policies, procedures, and other guidance applicable to the responsibilities of my position.

I understand that my failure to report any concerns regarding possible violations of the law, regulations, Compliance Plan, or the Code of Conduct may result in disciplinary action, up to and including termination of employment or engagement with **Confidential Help For Alcohol & Drugs**.

**By placing a checkmark in the boxes above I acknowledge that I have read and understand each statement.**

Signature **\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_** Print Name \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Title\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ Date\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Attachment B

# Confidential Help For Alcohol & Drugs

# Conflict of Interest Disclosure Statement

The conflict-of-interest policy includes a provision which sets forth standards of conduct expected and requires Board members, management, and employees to disclose all interests which could result in a conflict.

In accordance with Confidential Help For Alcohol & Drugs’ Conflict of Interest Policy, a conflict of interest is defined as: Any situation in which financial or other personal considerations may compromise or appear to compromise (1) an employee’s business judgment; (2) delivery of services; or (3) ability for an employee to do his or her job. An actual or potential conflict of interest occurs when an employee is in a position to influence a decision that may result in a personal gain for that employee or for a relative as a result of business dealings.

Please complete and return the enclosed conflict of interest disclosure statement. Please be assured that the disclosure requirements are intended to provide the Board and management with a systematic and ongoing method of disclosing and ethically resolving potential conflicts of interest. Although it is impossible to list every circumstance giving rise to a possible conflict of interest, the following will serve as a guide to the types of activities that might cause conflicts and that should be fully reported:

## A. Outside Interests

* To hold, directly or indirectly, a position or a financial interest in any outside concern from which the individual has reason to believe Confidential Help For Alcohol & Drugs secures goods or services (including the services of buying or selling stocks, bonds, or other securities), or that provides services competitive with the system.
* To compete, directly or indirectly, with Confidential Help For Alcohol & Drugs in the purchase or sale of property or property rights, interests, or services.

## B. Outside Activities

* To render directive, managerial, or consultative services to any outside entity that does business with, or competes with the services of the agency, or to render other services in competition with Confidential Help For Alcohol & Drugs, unless authorized by the Executive Director.

### **C.** Inside Information

* To disclose or use information relating to Confidential Help For Alcohol & Drugs business for the personal profit or advantage of the individual or their immediate family.

### **D.** Gifts, Gratuities, and Entertainment

* To accept gifts, excessive entertainment, or other favors from any outside entity that does, or is seeking to do, business with, or is a competitor of, Confidential Help For Alcohol & Drugs- under circumstances from which it might be inferred that such action was intended to influence or possibly would influence the individual in the performance of their duties.
* I have been provided with a copy of Confidential Help For Alcohol & Drugs’ Conflict of Interest

Policy.

* I hereby state that I, or members of my immediate family, have the following affiliations or interest and have taken part in the following transactions that, when considered in conjunction with the position with or relation to Confidential Help For Alcohol & Drugs, might possibly constitute a conflict of interest. (Check “None” where applicable)

Outside Interests: Identify any interests, other than investments, of yourself or your immediate family, as described in paragraph A of the accompanying document.  None

### Investments: List and describe, with respect to yourself or your immediate family, all investments that might be within the category of “financial interest,” as described in paragraph A of the accompanying document. None

Outside Activities: Identify any outside activities, of yourself or your immediate family, as described in paragraph B of the accompanying document.  None

### Other: List any other activities in which you or your immediate family are engaged that may be regarded as constituting a conflict of interest, giving particular attention to the paragraphs

B and C of the accompanying document.  None

I hereby certify that neither I nor any member of my immediate family have accepted gifts, gratuities, or entertainment that might influence my judgment or actions concerning the business of Confidential Help For Alcohol & Drugs, except as listed below:  None

The following circumstances may possibly violate the Code of Conduct:  None

List any family members employed by Confidential Help For Alcohol & Drugs or serving as a member of the Confidential Help For Alcohol & Drugs’ Board of Directors.

|  |  |
| --- | --- |
| **Name** | **Relationship** |
|  |  |
|  |  |

I hereby agree to report to management or the Compliance Officer any future situation that may result in a conflict of interest.

|  |  |
| --- | --- |
| **Name** | **Title:** |
| **Signature:** | **Date:** |