

YAI Network Compliance Program Overview



YAI Network Compliance Program

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I. Introduction

The YAI Network prides itself on its reputation for honesty and integrity. We are proud of the high quality of services we provide to the people we support and their families.

The YAI Network consists of:

- YAI
- National Institute for People with Disabilities of New Jersey (NIPD/NJ)
- Manhattan Star Academy (MSA)
- International Academy of Hope (iHOPE)
- Premier HealthCare

As a part of the YAI Network's (hereafter referred to as YAI) ongoing commitment to embody and promote the highest ethical standards, we have an active Compliance and Ethics program. This program furthers our mission of promoting opportunities for people with disabilities to live, love, work, and learn. It promotes adherence to laws, regulations, and the agency's internal policies which are designed to prevent fraud, waste, and abuse in our delivery of services.

YAI's Compliance program covers the eight essential elements of an effective compliance program, which are described in more detail below. Adherence to this program and the Code of Conduct are required of all YAI associates, i.e., employees, officers, trustees, directors, independent contractors, vendors, and volunteers. More information on our Compliance program can be found on YAI's website (www.yai.org) and intranet page (YAI Connect).

All YAI associates must support the agency's commitment to fraud detection and prevention and have the following responsibilities:

1. To abide by the applicable laws, regulations, and the Code of Conduct (discussed in Section IV of this document).
2. To support YAI's compliance efforts
3. To immediately report any known or suspected violations of either YAI's Code of or written policies and procedures to one or more of the following:

- a. a supervisor
- b. YAI’s Director of Compliance & Ethics
- c. the Compliance confidential and anonymous hotline at 212.273.6161
- d. the Compliance email address at compliance.hotline@yai.org.
- e. the Chief Human Resources Officer

II. Commitment to Prevention and Detection of Fraud

Funding for many of YAI’s programs comes from federal, state, and local government.

Therefore, YAI is subject to all federal and state laws regarding fraud, waste, and abuse in government-funded programs. Should the government find that YAI has violated any of these laws, it can impose significant fines and penalties. In addition, such violations could also result in government’s refusing to fund YAI programs in the future.

Specifically, the Federal False Claims Act prohibits knowingly submitting a false claim to the government for payment. It also prohibits making or using a false record in connection with submitting such a claim. False claims include, among other things:

- Billing for services that are not medically necessary
- Billing for services that were not performed
- Billing more than once for the same service
- Billing without all required billing elements related to the claim
- Upcoding claims
- Failing to report known overpayments

The Federal False Claims Act also has a “whistleblower” provision. If an associate believes that YAI is not responding appropriately to a report of known or perceived improprieties, as a matter of both law and internal policy, YAI is prohibited from taking any adverse actions against persons who notify the government of actual or potential violations.

YAI is committed to complying with all applicable federal, state, and local laws and regulations. It is committed to preventing and detecting fraud, waste, and abuse in its practices. Our training

and education programs are designed to apprise all associates of these rules. YAI will not allow retaliation against any associate for reporting any known or perceived improprieties under any circumstances.

III. YAI's 10 Guiding Principles

1. We behave in ethical and legal ways
2. We provide the highest quality care and services
3. We comply with all rules and regulations
4. We only bill for services that are necessary
5. All billing and program records are accurate and truthful
6. We do not alter, destroy, or change any agency records
7. Our business transactions are proper and legal
8. All information about the people we serve is confidential and only released upon conformance with appropriate procedures
9. We are proud of our open-door policy. If we have any concerns, they are reported to our Supervisor, any other Network managerial staff, the Chief Human Resources Officer, the Diversity & Inclusion Officer, or the Director of Compliance & Ethics without fear of retribution
10. We support and promote a work environment where staff can raise ethical concerns. Any staff member who in good faith raises a concern about wrongdoing is supported.

IV. Eight Elements of a Compliance Program

Element 1: Standards of Conduct and Written Policies and Procedures

Each entity in the YAI Network has a Code of Conduct which expresses the basic principles that govern our operations, business activities, and relationships, both internal and external. Each affiliate agency's Code of Conduct is a formal statement of YAI's commitment to the standards, rules, and requirements of ethical and legal conduct. These include the requirements of:

YAI Network's Compliance Program

State Medicaid Programs

All Government Health Care Programs

All YAI associates receive a copy of their respective agency’s Code of Conduct upon hire or engagement with YAI and are expected to adhere to it. Each person who receives the Code must sign an acknowledgement of receipt that affirms the individual’s obligation to adhere to all requirements contained in the Code and attests that he/she/they is not aware of any violations of applicable laws, rules, regulations, or standards contained in the code. YAI holds every associate accountable for understanding and complying with the Code. The Code of Conduct for each agency is also available on YAI Connect.

YAI has also implemented specific policies and procedures setting forth the compliance expectations embodied in the Code, including those related to YAI’s obligations under the Deficit Reduction Act, provider screening, audits, investigations, conflict of interest, the responsibility to report compliance concerns, non-retaliation and non-intimidation, and corrective action and discipline.

A policy index of all compliance policies is provided in at the end of this document, and the full policies and procedures can be accessed by staff on YAI Connect.

Element 2: Compliance Oversight

The YAI Board of Trustees has appointed a Director of Compliance & Ethics to oversee all aspects of YAI’s Compliance program. The Network’s Director of Compliance & Ethics is Margarita Gerzghorina, who is responsible for implementing the Compliance program and providing guidance to YAI associates on compliance issues. Ms. Gerzghorina can be reached at 212.273.6326 or by email at margarita.gerzghorina@yai.org.

The Director of Compliance & Ethics reports to the CEO of YAI and the YAI and affiliate agency Boards. She meets regularly with the Board Compliance Committee and provides reports to the Boards on a regular basis. In addition, the YAI Board reviews the annual assessment of the Compliance program and resulting board resolutions certify that YAI’s compliance responsibilities have been performed.

Element 3: Education and Training

As part of YAI’s Compliance program, all associates receive mandatory, general compliance training concerning federal, state, and local laws and requirements as they relate to YAI’s operations. The training covers a wide range of compliance topics, including federal and state False Claims Acts; the monitoring and enforcement roles of the OMIG and other regulatory agencies such as the Office of the Inspector General (OIG); the structure and operation of YAI’s Compliance program and department, and the Code of Conduct; Conflict of Interest guidelines; and documentation practices. The training also explains how to comply with the laws, each employee’s responsibility to report suspected or known compliance concerns, and how to report noncompliance. The training is provided upon hire/engagement and annually thereafter.

Element 4: Effective and Confidential Communication

A cornerstone of our Compliance program is the Open-Door Policy which mandates that any staff member has the right to address any issue of concern to any manager with whom he or she feels comfortable without fear of reprisal. This policy is designed to maintain an organizational climate where all staff are encouraged and empowered to discuss and report such issues as compliance.

Any employee who witnesses or is aware of behavior that is inconsistent with the Code of Conduct, or with any laws and regulations governing the operations of YAI, must report this behavior to his or her supervisor. If the employee is not comfortable making such a report to his or her supervisor, the employee must report it to another manager with whom he or she does feel comfortable. The manager may be the Director of Compliance & Ethics, the Chief Human Resources Officer, or any other member of the managerial staff.

If an employee wishes to report such a problem or concern to management anonymously and confidentially, he or she may do so by calling our **Compliance Hotline at 212.273.6161**. This number is posted in all YAI program locations. Employees can also report a problem or concern by sending an email to compliance.hotline@yai.org. In addition, concerns can be raised to the

Director of Compliance & Ethics at board meetings, Staff Compliance Committee meetings (which are held quarterly) or weekly senior leadership meetings.

These lines of communication are publicized throughout YAI through posters, training, policies and procedures, quarterly reports to YAI Boards, and through a monthly compliance “hot topics” newsletter that goes to all staff and the YAI Board.

Element 5: Enforcement of Compliance Standards

All YAI staff members receive clear guidance and supervision as to the agency’s standards and expectations regarding compliance. Any YAI associate who violates the Code of Conduct or fails to report either actual or suspected noncompliance as described above, will be subject to disciplinary action. This may include sanctions up to and including termination of employment.

The Code of Conduct and the YAI policy “Enforcement and Discipline of Compliance Violations” outline sanctions for failure to report suspected or actual compliance issues. The Director of Compliance & Ethics and the Chief Human Resources Officer must ensure that all disciplinary actions related to noncompliance are applied consistently, ensuring that all employees are treated fairly and equitably.

Element 6: Internal Auditing and Monitoring

An important component of the Compliance program is identification of actual or potential areas of risk of noncompliance. Based on an annual risk assessment process, the compliance department creates an annual compliance plan which includes the monitoring of both billing and non-billing regulations and requirements. Regular audits are conducted by the compliance team and utilized to pinpoint areas of risk.

YAI has developed internal controls such as policies, procedures, and systems to promote compliance and performs regular checks to ensure that our organization follows these controls. Through audits and/or other evaluation techniques, YAI can assess whether the agency is in

compliance with the laws, regulations, and our internal controls and monitor the effectiveness of the Compliance program.

Element 7: Responding to Offenses and Developing a Corrective Action Plan

In the event an issue of noncompliance is reported, YAI will respond immediately by conducting a thorough investigation of the allegation. If it is determined that noncompliance has occurred, YAI will follow all reasonable steps to remedy the situation, report the issue to necessary government agencies, and refund money to government when applicable. YAI will also learn from the compliance issue and use it to strengthen our education and training programs and update any relevant policies and procedures.

Element 8: Non-Retaliation for Good Faith Complaints

YAI has established a strong culture of compliance that promotes prevention, detection, and resolution of noncompliance. To promote this culture, YAI has a strict non-intimidation and non-retaliation policy that protects employees and others who report problems and concerns in good faith. Any form of retaliation against any associate who reports a perceived problem or concern is strictly prohibited.

COMPLIANCE POLICIES

1. Written Policies and Procedures

Ensuring that our agency responds to all written requests in a consistent and appropriate manner.

*Response to Governmental Requests / Demands for Information
Search Warrants
Subpoenas*

2. Compliance Program Oversight

Policies that ensure the Compliance department fulfills its responsibilities.

*Compliance Office Confidentiality Policy
Employee, Board, and Contractor Exclusion Screening
Role and Responsibility of the Staff Compliance Committee*

3. Training and Education

Regular and effective training is essential to the maintenance of a culture of compliance.

Employee, Independent Contractor, Officer, and Board Member Compliance Training

4. Confidential Reporting and Communications

Processes for reporting compliance issues.

Reporting and Self-Disclosure of Compliance Issues

5. Enforcement of Compliance Standards

The disciplinary procedures that help enforce adherence to our policies.

Enforcement and Discipline of Compliance Violations

6. Auditing and Monitoring

How the agency oversees billing and other areas identified as risky.

*Agency Documentation Practices and Treatment of Documentation and Billing Errors
Compliance Monitoring of Identified Areas of Risk
Compliance Risk Assessment Process
Internal Compliance Auditing and Monitoring*

7. Responding to Offenses

The steps we take to ensure that violations are identified and corrected.

Investigation and Resolution of Compliance Issues

8. Non-retaliation

The protection we put in place to safeguard those who report compliance matters.

Reporting Compliance Concerns, Non-Intimidation and Non-Retaliation