

Deficit Reduction Act of 2005 and Whistleblower Policy (YAI Network's Commitment to the Prevention and Detection of Fraud, Waste and Abuse and Education about False Claims)

Scope:

This policy applies to all affected individuals of the corporations comprising the YAI Network (herein referred to as "YAI"). Affected individuals include employees, the chief executive officer and other senior administrators, managers, trainees, volunteers, consultants, contractors, agents, subcontractors, independent contractors, and the governing bodies of the YAI Network.

Purpose:

YA is committed to providing the highest quality care and conducting business in compliance with all applicable laws and regulatory guidance. YAI strives to ensure that its billing to Medicare program, Medicaid, and any other federal or state funding source is accurate and in full conformity with applicable laws.

Policy:

Compliance Program

In furtherance of its commitment to promote the highest ethical standards, YAI has established a Compliance Program. At the heart of this program is the written Code of Conduct, which sets forth the organization's commitment to integrity and responsibility and provides compliance-related guidance to employees, trustees, vendors and contractors. YAI requires all staff, vendors and contractors to obtain a copy of, and familiarize themselves with, its Code of Conduct. A Chief Compliance Officer is responsible for the implementation of the program and reports directly to YAI's Chief Executive Officer and its Board of Trustees. YAI has developed policies and procedures for the compliance program which can be found on the YAI intranet site under "Policies & Procedures" and on the YAI internet site.

Detection and Prevention of Fraud

YAI is committed to the prevention and detection of fraud and has undertaken the following activities:

- Exclusion screening of all affected individuals;
- Initial and ongoing training and education of all employees;
- Confidential and anonymous communication mechanisms (such as the Compliance hotline);
- Internal and external audits;
- Internal risk assessments;
- Protocols for promptly responding to and investigating compliance complaints and

- concerns;
- Enforcement of discipline against non-compliant behavior; and
- Non-retaliation and discrimination policies to encourage good faith reporting of problems and concerns.

Reporting Non-Compliance and Whistleblower Protection

Affected individuals have the right and responsibility to report any concerns about action or suspected action by or within YAI that is illegal, fraudulent or in violation of YAI's policies or Code of Conduct.

The federal False Claims Act, the federal Program Fraud Civil Remedies Act, and certain state laws prohibit the knowing submission of false claims or statements to the government for payment. Although they differ in their specific detail, these laws define false claims as knowingly submitting false or fraudulent claims for payments to the federal or state government or making or using a false record or statement in connection with the submission of a claim for payment to the government. Violations can subject YAI to significant fines and penalties. The laws that prohibit the submission of false claims impose an affirmative obligation on YAI and its employees, agents and contractors to know and to understand the rules and regulations regarding the submission of claims. YAI makes it a part of the duty of all employees to support its commitment to accurate billing by reporting any potential improprieties directly to their supervisors or to the Chief Compliance Officer.

A cornerstone of our Compliance Program and Whistleblower Policy is our open-door policy. Any person who witnesses, is aware of or suspects any action inconsistent with applicable law, YAI's policies or YAI's Code of Conduct must report this behavior to a supervisor, the Chief Compliance Officer or the Chief Human Resources Officer. Such a report may be made in person, in writing, by electronic mail or by telephone. Alternatively, our Compliance Hotline allows for confidential reporting. The number for the Hotline is posted throughout all YAI program sites and offices and on the YAI intranet and internet sites.

The Chief Compliance Officer shall serve as the administrator of this policy and is responsible for ensuring that all complaints about suspected improper behavior are investigated and resolved in accordance with Investigation and Resolution of Compliance Issues policy.

YAI's Code of Conduct and this policy specifically prohibit any retaliation against an affected individual who in good faith reports any concerns pursuant to this policy, including, without limitation, intimidation, harassment, discrimination, coercion, or, in the case of employees, adverse employment consequences. Affected individuals who believe they have been retaliated against may file a written complaint with the Chief Executive Officer of YAI. Any complaint of retaliation will be promptly investigated, and appropriate corrective measures will be taken if such allegations are substantiated, which may include disciplinary measures up to and including termination of employment. This protection is not intended to prohibit supervisors from taking action, including disciplinary action, in the usual scope of their duties and based on valid performance-related factors.

Anyone reporting a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a

violation. Any allegations which prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Any person who believes that YAI has not responded appropriately to their reports of potential problems (the agency encourages the use of the open-door policy and the chain of command to communicate any and all concerns), is permitted, under certain of the federal statutes described above, to notify the federal government. As a matter of statute as well as its own internal policy, YAI is prohibited from taking any adverse action against persons who notify the federal government of potential violations.

Relevant Policies

All YAI employees and certain contractors and vendors should be aware of the agency's policies regarding prevention of fraud and abuse. These policies are posted on YAI's internal intranet site and the YAI internet site. The relevant policies include:

- Code of Conduct
- Federal and State Laws Relating to False Claims and False Statements
- Exclusion Screening Policy
- Enforcement and Discipline of Compliance Violations Policy
- Investigation and Resolution of Compliance Issues Policy
- Reporting and Self Disclosure of Compliance Issues Policy
- Reporting Compliance Concerns, Non-Intimidation and Non- Retaliation Policy

Federal and State Laws and Regulations

YAI has set forth detailed information about the provisions of the federal False Claims Act, the federal Program Fraud and Civil Remedies Act and New York's civil and criminal state laws pertaining to false claims and statements in materials which are readily available to our employees, agents, volunteers and contractors. For more information on these federal and state laws see YAI's intranet and internet sites.

References:

Code of Conduct
Federal and State Laws Relating to False Claims and False Statements
Exclusion Screening Policy
Enforcement and Discipline of Compliance Violations Policy
Investigation and Resolution of Compliance Issues Policy
Reporting and Self Disclosure of Compliance Issues Policy
Reporting Compliance Concerns, Non-Intimidation and Non- Retaliation Policy

For Policy Committee Use ONLY

Document History:

<u>Summary of Changes</u>	<u>Effective Date</u>
Initial Version	2007
Updated references and reformatted	May 25, 2012
Updated to include minor edits and NYS Non- Profit Revitalization Act requirements	August 1, 2014
Updated to include minor edits and additional NYS Non- Profit Revitalization Act requirements	2016
Updated to include minor edits and additional NYS Non- Profit Revitalization Act requirements	July 10, 2017
Updates of Senior Management titles and other minor edits	August 15, 2018
Template change. Minor non content changes and format changes. Attachment of relevant laws included in the policy.	03/23/2023