

# **Reporting and Self-Disclosure of Compliance Issues**

## **Policy**

### **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 YAI.

### **Purpose:**

YAI (referred to as "Agency" or "the Agency") has established a process to identify and address potential violations of law and compliance issues and to self-disclose to appropriate governmental agencies any events or issues that require the return of prior payments made by government agencies, such as Medicaid and Medicare.

### **Policy:**

The Agency will report to appropriate governmental agencies any potential compliance issues and violations of law or regulation, such as the improper or inaccurate filing of a consolidated fiscal report ("CFR") or cost report, improper submission of claims for reimbursement, unacceptable practices, fraud, abuse or mistake, that require the return of prior payments made to the Agency ("overpayments"), and the Agency will make any refunds that are necessary. If there is an indication that the Agency received an overpayment, for payments received directly or indirectly, the Chief Compliance Officer or designee will investigate the allegations or underlying facts, quantify the amount of funds the Agency was otherwise not due, and ensure that any errors are corrected, and refunds are made to governmental agencies in the appropriate timeframes. The Chief Compliance Officer may determine that it is necessary to communicate overpayments directly to the New York State Office of the Medicaid Inspector General ("OMIG"), the New York State Office for People with Developmental Disabilities ("OPWDD"), the Department of Justice, the Department of Health and Human Services Office of Inspector General, and/or other appropriate state or federal governmental agencies.

### **Procedures:**

Disclosure of overpayments:

All affected individuals must immediately inform the Chief Compliance Officer or designee of any potential overpayments in accordance with the Code of Conduct and the Reimbursement Practices and Billing Errors Policy. Affected individuals can report directly to the Chief Compliance Officer, other compliance department staff, their supervisor or other management staff or, alternatively, use the hotline. Failure to inform the Chief Compliance Officer or designee of a potential overpayment will subject that affected individual to disciplinary action up to, and including, termination in accordance with the Reporting Compliance Concerns and Non-Intimidation and Non-Retaliation Policy. The Chief

Compliance Officer is responsible for ensuring that the Agency properly discloses all overpayments, makes any reports, and refunds necessary within the timeframes listed in this policy.

Once learning of a potential overpayment, the Chief Compliance Officer or designee will investigate the underlying facts and cause. The Chief Compliance Officer may engage legal counsel, auditors, or other consultants to help determine whether an overpayment has occurred.

Once identifying that an overpayment has occurred, the Chief Compliance Officer has sixty (60) days to return the overpayment. The Chief Compliance Officer identifies the overpayment when they determine that they received an overpayment and quantified the amount of the overpayment.

If the Chief Compliance Officer, with help of legal counsel, auditors, or other consultants, as needed, is unable to quantify the amount to be refunded within sixty (60) from the date on which the overpayment was identified, then the Chief Compliance Officer will notify the appropriate governmental agency that the Agency has learned of a potential overpayment and that the Agency is currently undertaking efforts to quantify the amount of the overpayment to be refunded. In the communication with the governmental agency, the Chief Compliance Officer will provide the governmental agency with an estimate of when such work will be completed.

Once quantified, the Agency will refund the overpayment to the appropriate governmental agency in accordance with any guidance, protocols or procedures issued by the governmental agency to which the refund will be made.

For overpayments reportable through a self-disclosure, the Chief Compliance Officer or designee must submit a report to the appropriate governmental agency that follows the latest OMIG Disclosure requirements or analogous self-disclosure protocols issued by other governmental agencies. Such reports must include, at minimum:

- I. an estimate of the amount of the overpayment, and
- II. a detailed explanation of the reason the agency received the overpayment, including:
  - a. a description and explanation of the circumstances that gave rise to the overpayment;
  - b. how the circumstances were discovered;
  - c. the date the overpayment was identified;
  - d. how the amount of the overpayment was calculated;
  - e. the date(s) the overpayment(s) were received; and
  - f. the action taken to correct the error which caused the overpayment.
- III. the person's contact information;
- IV. data file, in the form and format specified by OMIG;
- V. whether the person is requesting to repay through installment payments;
- VI. whether the person is requesting the waiver of any applicable interest;
- VII. the person's agreement to return the full amount of the overpayment and interest if applicable, as determined by OMIG; and
- VIII. any other data, documentation, or information OMIG shall require through the issuance of guidance or in response to its review of the submission.

The Chief Compliance Officer or designee shall maintain a log of all overpayments disclosed to governmental authorities pursuant to this Policy. The log shall include the following information:

- The date that the overpayment was disclosed and/or refunded;
- The cause of the overpayment;
- The amount of the overpayment; and
- An explanation of the corrective action taken to prevent the overpayment from recurring.

The Chief Compliance Officer or designee will verify that the region or department responsible for taking corrective action does so in a timely manner to prevent the same or similar overpayments from occurring in the future.

A report of overpayments will be recorded on the compliance log and reported to the Staff Compliance Committee quarterly, and at least annually to the Board of Directors.

**References:**

Code of Conduct  
 Reimbursement Practices and Billing Errors Policy  
 Reporting Compliance Concerns and Non-Intimidation and Non-Retaliation Policy  
 OMIG Self-Disclosure Guidance

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**For Policy Committee Use ONLY**

**Document History:**

<u>Summary of Changes</u>	<u>Effective Date</u>
Initial Version	March 15, 2011
Added notification to IRO of Reportable Events	June 29, 2011
Updates of Senior Management titles resulting from organizational restructuring and change in corporate logo.	August 21, 2013
Updates of Senior Management titles resulting from organizational restructuring.	July 1, 2015
Format change. Revised scope. Revised self-disclosure protocol. Removed reference to the IRO, 18 NYCRR 515.2, Reportable Events and all items related to the CIA. Other minor changes.	05/22/2023