

YAI Network Compliance and Ethics Program Overview



**YAI Network Compliance and Ethics Program
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Introduction

The YAI Network (hereafter referred to as YAI) prides itself on its reputation for honesty and integrity, and the high quality of services provided 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 (PHC)

As a part of YAI's 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 intellectual and developmental disabilities to live, love, work, and learn in their communities. The Compliance and Ethics program promotes adherence to laws, regulations, and the agency's internal policies designed to prevent fraud, waste, and abuse in delivering our services.

YAI's Compliance and Ethics program covers the seven essential elements of an effective compliance program, which are described in greater detail below. Adherence to this program and the agency Code of Conduct is required of all affected individuals of the corporations comprising the YAI Network. All persons affected by YAI's risk areas, including employees, the chief executive officer and other senior administrators, managers, trainees, volunteers, consultants, contractors, agents, subcontractors, independent contractors, and board members are considered affected individuals.

All affected individuals must support the agency's commitment to prevent and detect fraud, waste, and abuse, and have the following responsibilities:

1. To abide by the applicable laws, regulations, and the agency Code of Conduct
2. To support YAI's compliance efforts
3. To immediately report any known or suspected violations of either YAI's Code of Conduct or written policies and procedures to one or more of the following:
 - a. A supervisor
 - b. YAI's Chief Compliance Officer
 - c. The confidential and anonymous Compliance hotline at 212.273.6161
 - d. The Compliance email address at compliance.hotline@yai.org.
 - e. The Chief Human Resources Officer

Commitment to Prevention and Detection of Fraud, Waste and Abuse

YAI is committed to complying with all applicable laws and regulations, and to preventing and detecting fraud, waste, and abuse in its practices. YAI's programs are largely funded by federal, state, and local government sources, therefore, YAI is subject to all applicable laws regarding fraud, waste, and abuse in government-funded programs. If YAI violates any of these laws, it can be subject to significant fines and penalties, or potentially be excluded from funding in the future.

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 has a "whistleblower" provision. 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.

Our training and education programs are designed to apprise all affected individuals of these rules. YAI does not allow retaliation for reporting known or perceived improprieties under any circumstances.

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 support 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 managerial staff, the Chief Human Resources Officer, the Diversity & Inclusion Officer, or the Chief Compliance Officer 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.

The Seven Elements of an Effective Compliance Program

Element 1: Written Policies and Procedures and Standards of Conduct

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's Compliance and Ethics Program, state Medicaid programs and all applicable government programs.

All YAI affected individuals 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 affected individual accountable for understanding and complying with the Code. The Code of Conduct for each affiliate is also available on YAI Connect.

YAI has also implemented specific policies and procedures set forth in 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. YAI policies can be accessed by staff on YAI Connect.

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 a person who reports a perceived problem or concern is prohibited.

Element 2: Designation of a Compliance Officer and Compliance Committee

YAI has a Chief Compliance Officer, Kristen Elkins, who oversees all aspects of the YAI Network's Compliance program and provides guidance to YAI associates on compliance issues. Kristen Elkins can be reached at 212.273.6241 or by email at kristen.elkins@yai.org.

The Chief Compliance Officer reports to the CEO of YAI and to the boards of YAI and YAI's affiliate agencies. She meets no less than quarterly with the YAI Board Compliance Committee and provides reports to the board 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.

YAI has a Compliance Committee. Members of the committee are responsible for coordinating with the Chief Compliance Officer to ensure that YAI is conducting business in an ethical and responsible manner, consistent with the YAI compliance program. The committee is comprised of senior managers and meets quarterly.

Element 3: Compliance Program Training and Education

All affected individuals receive compliance training upon hire or engagement, and annually thereafter. This training covers a wide range of topics, including, but not limited to, federal and state False Claims Acts, the monitoring and enforcement roles of the Office of Medicaid Inspector General (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 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.

Element 4: Effective and Confidential Lines of Communication

Any affected individual 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 their supervisor. If the affected individual is not comfortable making such a report to their supervisor, the employee must report it to another manager with whom they feel comfortable. The manager may be the Director of Compliance and Quality Improvement, Chief Compliance Officer, the Chief Human Resources Officer, or any managerial staff. This is designed to maintain an organizational climate where all staff are encouraged and empowered to discuss and report compliance issues or concerns.

If an affected individual wishes to report such a problem or concern to management anonymously and confidentially, they may do so by calling our Compliance Hotline at 212.273.6161. This number is posted in all YAI program locations. Affected individuals can also report a problem or concern by sending an email to compliance.hotline@yai.org. These lines of communication are publicized throughout YAI through posters, training, policies and procedures and quarterly reports to the YAI and affiliate agency boards.

Element 5: Written Policies Establishing Disciplinary Standards

All affected individuals receive clear guidance and oversight on the agency's compliance standards. Any affected individual who violates the agency's compliance standards or fails to report actual or suspected noncompliance will be subject to disciplinary action up to and including termination of employment. The Code of Conduct, Enforcement and Discipline of Compliance Violations Policy and HR's Progressive Discipline Policy outline sanctions for failure to report suspected or actual compliance issues. The Chief Compliance Officer, Director of Compliance and Quality Improvement and the Chief Human Resources Officer must ensure that all disciplinary

actions related to noncompliance are applied consistently, and that all affected individuals are treated fairly and equitably.

Element 6: Written Systems for Identifying and Monitoring Compliance Risk Areas

A vital 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 regulatory requirements. YAI has developed internal controls like policies, procedures, and systems to promote compliance and performs regular checks and audits to monitor the compliance program's effectiveness. In addition, YAI performs checks every 30 days to ensure that it is not doing business with any excluded providers.

Element 7: Systems for Responding to Compliance Issues

YAI will respond immediately to any report of noncompliance by investigating the allegations. 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.