

## **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 all persons who are affected by the provider's risk areas, including 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:**

YAI is committed to providing high-quality care and conducting business in compliance with all applicable laws and regulatory guidance, ensuring accurate billing to Medicare, Medicaid, and other federal or state funding sources.

### **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 implementing 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." Select policies can also be found on [yai.org](http://yai.org).

#### **Detection and Prevention of Fraud, Waste and Abuse**

YAI has undertaken the following activities in furtherance of its commitment to the prevention and detection of fraud, waste and abuse:

- Exclusion screening of all affected individuals;
- Initial and ongoing training and education for all affected individuals;
- Confidential and anonymous communication mechanisms (ex. Compliance hotline);
- Internal and external audits;
- Internal risk assessments;
- Protocols for promptly responding to and investigating compliance concerns;
- Enforcement of discipline against non-compliant behavior; and
- Non-retaliation and non-discrimination policies to encourage good faith

reporting

### **Reporting Non-Compliance and Whistleblower Protection**

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 Phone Hotline allows for anonymous reporting. Our Compliance Hotline Email allows for confidential reporting. The number and email for the Hotline are posted throughout all YAI program sites and offices and on the YAI intranet and website.

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 is permitted, under certain of the federal statutes described above, to notify the federal government. YAI is prohibited from taking any adverse action against persons who notify the federal government of potential violations.

**Relevant Policies**

All affected individuals should be aware of the agency’s policies regarding prevention of fraud and abuse. 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.

**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

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**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
Minor non-content changes, refined scope	6/24/2025