

# Advocates

## Risk Management Plan

2019

# Risk Management Plan Objectives

- Identify issues and risks that prevent Advocates from achieving our mission.
- Ensure that Advocates achieves its objectives by identifying risk areas and minimizing risk.
- Engage in a continuous, thoughtful approach to understand, manage and measure our quality and risk at all levels.
- Create effective policies and procedures to prevent harmful consequences to the people served by the organization, our employees and the overall institution.
  - Health and Safety, Financial, Reputational, Legal

## Our Mission

Advocates is a person-centered not for profit organization that empowers individuals with developmental disabilities to direct their own lives and create a vision for their future. Together, we advocate for a future where people with developmental disabilities can fully participate in their home, schools, and communities in a meaningful way.

## Our Values

- We believe in the value, potential and full participation of all people in the community.
- We advocate across the life span for people with developmental disabilities and their families.
- We believe that people with developmental disabilities should have the choice to direct their own lives and choose their services and supports from many available sources.
- We encourage people with developmental disabilities and their families to develop a vision for their future.
- We believe that all is possible when we join together.

Advocates is committed to managing risk at all organizational levels. We realize that continuous identification and management of risk is essential to the stability and growth of our organization.

Risk Management:

- Ensures that our mission will continue.
- Protects the people we serve, our employees, and our Board members.
- Assures the public that we are a responsible organization worthy of their support and the receipt of public funding.
- Reducing risk allows us to participate in new activities that benefit the people we serve.
- Gives our managers the confidence to make decisions that enhance our services and empowers the people that we employ.
- Gives the organization a framework to weigh the benefits and risks associated with delivering its services in new and innovative ways.
- Helps us manage in an environment of constant change.
- Allows us to measure our performance and improve.
- Allows us to carefully assess our actions.
- Provides management with a tool to set priorities.
- Provides us with guidance to make:
  - Strategic Decisions
  - Operational Decisions
  - Day-to-Day Decisions







# Risk Management Steps

- Identify Risk Area
- Identify Specific Risks
- Quantify Risk
- Determine Action
  - Avoid, Prevent, Minimize, Accept, Transfer risk
- Plan
  - Policy, Procedure, Action, Consideration
- Communicate to all stakeholders





## Risk Area: Respect for the person's civil rights and dignity in the delivery of our services

Objective: Advocates must ensure that the civil rights and dignity of people are safeguarded.

- We promote choice and control.
- We promote full community access and inclusion.
- Actions Management and Improvement:
  - Educate and train all individuals and families on their rights and the issues that affect them.
    - Ensure that individuals/families receive a copy of OPWDD rights document at service intake. Ensure that rights are reviewed at each Life Plan/Staff Action Plan review meeting.
  - Ensure we have full person-specific goals and objectives identified for all people served in direct services.
    - Listed in each person's Staff Action Plan, as assigned by the Life Plan.
  - Staff are trained on these initially and annually on civil, OPWDD rights and overall agency philosophy regarding assuming competence.
    - Information is provided to all staff through the required annual agency training.
  - Leadership team will identify individuals at "high risk" and monitor regularly.
    - Certified setting rights restrictions will be identified and monitored by each service department and centrally monitored by Leadership Team.
  - Incident Reporting will ensure that we proactively address any violations.
  - Organization will report as required any issues to the appropriate legal and regulatory authorities.
- Advocates will provide individual and systems advocacy for people with developmental disabilities.
  - Assist individuals in self-advocacy on an individualized basis and promote organized systems advocacy.

# Risk Area: Health and Safety of Individuals

Objective: Advocates must ensure that the health and safety of individuals that we serve is protected.

- Advocates will promote individual choice and decision making when possible.
  - **Actions for Risk Management and Improvement:**
    - Educate and train all individuals and families on issues that affect their health and safety.
      - Discuss individual health and safety needs and concerns at each Life Plan/Staff Action plan review meeting and at Planning Team meetings in collaboration with Care Manager.
      - Offer Family Training sessions on topics related to health and safety.
    - Ensure we have full person-specific safeguards and needs identified for all people served in direct services.
      - Initial safeguards are developed specific to each person as a part of their Staff Action Plan, developed per instruction in the Life Plan and in collaboration with the person and their Planning Team, including Care Manager.
      - Safeguards are reviewed and updated regularly at Life Plan/Staff Action Plan reviews. Revisions to safeguards are made per instruction in the Life Plan and in collaboration with the person and their Planning Team, including Care Manager.
      - Staff are trained on person-specific safeguards in the Staff Action Plan prior to supporting the person. Staff are retrained each time the safeguards are updated in the Staff Action Plan.
    - Leadership team will identify individuals at "high risk" and monitor regularly.
      - Individuals at high risk are identified and monitored by each service department and centrally monitored by Leadership Team.
      - Proactive assessment of high risk situations will be made by all team members at every level.
    - Organization will report as required any issues to the appropriate legal and regulatory authorities.
    - Ensure our facilities are clean, safe from any hazards and accessible.
    - Advocates will train all staff on key safety procedures.
      - Preventing falls, fire safety, universal precautions, providing safe transportation
    - Staff will have access to safety protections (gloves, first aid items).

# Risk Area: Privacy of Individuals

Objective: Advocates must ensure that the privacy of individuals we serve is protected.

- Actions for Risk Management and Improvement:
  - Develop policies to protect health information and privacy
  - Train all staff initially and annually on privacy policies
  - Incorporate policies in Employee Handbook
  - Maintain location security
    - Secure file rooms, lock doors, locked vehicles, minimize disclosure risk, shred bins
    - Monitor waste baskets for confidential information
  - Maintain secure information technology
    - Email hosted on Office 365 and is completely HIPAA and GLBA compliant.  
Data Loss Prevention (DLP) rules are enabled for all emails that leave the organization.
    - Ensure secure IT infrastructure: The Windows server is fully patched and has virus protection. Meraki Firewalls for all locations with Intrusion Detection and Intrusion prevention systems enabled. All Advocates owned computers run Windows 10, are kept up to date, firewalls and virus protection enabled.  
Mobile devices are encrypted via Bitlocker.

## Risk Area: Health and Safety of Employees

Objective: Advocates will ensure the health and safety of our staff.

- Actions for Risk Management and Improvement:
  - Educate and train all employees on issues that affect their health and safety
    - Orientation, training, direction
    - Preventing fall, fire safety, universal precautions, safe lift, safe work environment
    - Reminder letters in winter, safe driving reminders
  - Ensure our facilities are clean, safe from any hazards and accessible Advocates will train all staff on key safety procedures.
  - Ensure we have person specific safeguards and needs identified and shared with staff, especially those supporting people with behavioral needs or physical lifts.
  - Encourage employees to report any issues or concerns to management.
  - Leadership team will address issues and communicate any risks or concerns and meet weekly.

## Risk Area: Fiscal Management and Medicaid Compliance

Objectives: Advocates must prevent Medicaid fraud and ensure its fiscal security. Risk exists in all billed services and overall financial environment.

### Actions for Risk Management and Improvement:

- Create a culture of integrity and ethical behavior.
- Code of Conduct/Ethics Policy Zero Tolerance- Any question of appropriateness should side on "doing the right thing".
- Prevention is first priority: 100% Verification before billing- Do not submit anything that we have not verified. Return any funding not confirmed.
- Communicate at all levels from orientation, handbook, posting, and trainings.
- Ensure fiscal oversight and responsibility in organizational structure.
- Hire competent professionals to oversee all elements of the organization: CFO, Controller, and Compliance Officer.
- Establish policies and control activities for finance and program departments. Compliance will provide on-going monitoring and testing of Medicaid compliance.
- Program management with the aid of compliance will understand and follow all billing standards for services performed. Advocates will follow Medicaid Compliance Program as submitted to Medicaid.
- Advocates staff will report and respond to any issues immediately. Report, investigate, analyze and act. Ensure accountability at all levels including individual, family and staff.
- Communicate with all stakeholders (Employees, Board Members, Individuals, Families) through regular trainings and communications.
- Meet regularly to review process, compliance, situations: weekly Leadership Team meetings, monthly Extended Leadership Team meetings, monthly Compliance/Services Sub-Committee meetings, weekly service department team meetings, monthly Incident Review Committee meetings, monthly Board of Directors meetings.
- Create an open environment, free from retaliation.
- Continuously train and educate all levels.

- Act decisively to show zero tolerance.
- Collaboration with UCP on billing and compliance processes.
- Monitor non-billable situations.
- Investigate any issues of uncertainty Disclose when required.
- Manage our cash flow to ensure liquidity to meet our organizational objectives.
- Incident Committee will review any issues and report to Executive Director and Board of Directors.

## RiskArea:Customer Satisfactionand Agency Reputation

Objective: Advocates will provide the highest level of quality services, provide excellent customer service and preserve and protect its reputation as a leader in providing person--centered self-directed services for people with intellectual and developmental disabilities.

### Actions for Risk Management and Improvement:

Ensure the highest level of service to individuals and families

- We will survey for customer satisfaction for all services.
- We will learn from those surveys and respond to people's needs.
- We will correct and learn from this feedback.

Advocates will be a responsible fiduciary of public funds

- Advocates will survey and monitor our performance.
- Advocates will undergo an annual audit.

Advocates will demonstrate leadership

- Our team will model our values in our community.
- We will participate in system, statewide, and community workgroups, committees and activities that promote our mission.

-Advocates will collaborate with other thought leading organizations to learn and to teach. Advocates will do the aright thing" at all times

-Advocates will be fully transparent to all of our stakeholders

-Continue to educate our Board and staff on our philosophy and culture. We will be grateful to our supporters and acknowledge their actions.

-We will be responsible stewards of our funding.



## Risk Area: Property and Asset Protection

Objective: Advocates will identify potential risks to the property and assets of the organization.

Actions for Risk Management and Improvement:

- Implement building security with multiple levels of security and access to key areas, implement fire and theft protection at all locations.
- Implemented in Liverpool and Fayetteville offices per employee's secure card/fob access.
- Implementation is in process for future Auburn and Fulton office locations.
  - Secure off-site storage of key records
- Password security on all information technology is currently in use - continue the practice of password protecting every electronic service.
- Proper controls on all cash assets.

Segregation of responsibilities

- Minimize use of cash and implement cashbox control
- Preprinted, numbered checks
- Multiple levels of sign off on all checks/expense approvals
- Multiple levels of authority for online banking
- Credit card limits
- Closely monitor cash usage to ensure liquidity
- Information Technology Security
  - Advocates is rolling out Multi-factor authentication agency wide.
  - New server and multiple security level file structure will enhance security both internally and externally.
  - Meraki Firewalls for all locations with Intrusion Detection and Intrusion prevention systems enabled.
    - Onsite and offsite backup for all files. All backups are encrypted.

## Risk Area: Legal Liability

Objective: Advocates will identify potential legal risks and take the appropriate actions to prevent negative events or risks.

Actions for Risk Management and Improvement:

- Participate in on-going risk management sessions offered by OPWDD, NYS Medicaid, OPWDD and major legal, consulting and accounting firms.
  - Send staff to conferences, trainings, communicate with leadership team and Board to take appropriate actions.
- Discuss any identified or potential issues with Board and our counsel
- Engage specialty counsel in regular review of key issues, e.g. labor law, ACA, NPRA, 401K, etc.
  - Identify issue and adjust policies accordingly
- Identify issues or threats that may affect the services Advocates provides
  - Participate in local, state task forces
  - Engage individual, systems advocacy
- Review annual coverage, trends or issues with our insurance carriers and broker.

## Risk Area: Outside Forces

Objective: Advocates will identify and protect itself from outside risks and environmental changes.

- Actions for Risk Management and Improvement:
  - Through Strategic Planning, Advocates will identify potential business weaknesses and threats (SWOT analysis) that may affect its ability to carry out its mission, e.g. size, scale, competency, sophistication, etc.
  - The Board of Directors will participate in this planning and assess these factors.
  - Advocates will look for opportunities to preserve its mission to support people with developmental disabilities in a changing regulatory and funding environment.
  - Collaborate with experts in the field.

## Risk Area: Management Succession

- Objective: Succession planning is a process for identifying and developing new leaders who can replace Advocates existing management to ensure continuity of the mission.
- Executive Director: Should there be a vacancy in this position, the Board of Directors Executive Committee will immediately ask HR to begin a search.
  - Interim Executive Management: The Leadership Team will continue the operations of the organization. Will reach out to partner organizations for assistance as needed including Upstate Caring Partners affiliates.
  - The Executive Committee will vet candidates.
- CFO: Should there be a vacancy in this position, the ED will immediately ask HR to begin a search.
  - The Controller will assume responsibilities on an interim basis.
  - The organization will contact its External Auditor for assistance.
  - The ED, Treasurer and the Board of Directors Finance and Audit Committee will vet candidates.
- Other Key Positions
  - The organization will continue to cross-train key management roles and create organizational redundancy in each department. Advocates will continue to build bench strength in all departments.

## Advocates' Risk Assessment - 2019

- Respect for the person's civil rights and dignity in the delivery of our services

Overall Risk Assessment: Minimal Risk

Events and Trends: No major trends/events

Factors: Training and Education

Actions:

- Organization is committed to assuming competence, safeguarding rights and advocacy at all levels.
- Continue education of all stakeholders

- Fiscal Management and Medicaid Compliance

Overall Risk Assessment: Minimal risk

Events and Trends: No major incidents, no trends

Factors: risk grows with growth of agency

Actions:

- Educate individuals and families on their responsibility as co-managers through communications and Planning Team Meetings.
- Continue to educate staff on issues and risks at annual employee training and in between as needed.
- Additional layers of upfront filters have been added – DSP documentation is reviewed by: 1. Training and Support Specialists, 2. service supervisors 3. Compliance Associates.
- Continued auditing and testing of documentation by the Compliance department.

- Continue to develop Training and Support Specialist (TSS) department – TSS staff will be available to Direct Support Professionals (DSP as a daily “help desk” to offer continuous training by phone, in person and via Zoom meetings online. This provides an ongoing training resource for DSPs on completing Medicaid compliant quality documentation.
  
- Privacy of Individuals
  - Overall Risk Assessment: Minimal risk
  - Events and Trends: No Major
  - Factors: Securing data and communicating securely with a mobile workforce
  - Actions:
    - Server upgrade completed to gain central control of security - File server now has per user access control to sensitive files.
    - Continue to provide agency owned technology to ensure safety of information - Encrypted laptops are deployed to our mobile users.
    - Continuous training of all staff to safeguard documentation when in mobile environment - Users sign a computer use agreement and go through online training pertaining to HIPAA/HITECH.
  
- Health and Safety of Individuals
  - Overall Risk Assessment: Moderate risk
  - Events and Trends: Continuously tracked through incident reporting
  - Factors: People living in the community will encounter risks associated with choice of activities.

Actions:

- Continue the implementation of Hazardous Activity Policy, outlining high-risk community activities that Advocates' employees are prohibited from participating in. Continue training on policy within annual employee training.
- Continue ongoing staff education, increase agency offerings of professional development opportunities and encourage staff to participate in elective Relias courses related to health and safety.
- Ensure staff are fully trained on safeguards and that they are updated regularly.

- Health and Safety of Employees

Overall Risk Assessment: Minimal Risk

Events and Trends: Continuous tracked through Worker's Compensation Claims

Factors: Level of need of individual served

Actions: Ensure we have person specific safeguards and needs identified and shared with staff, especially those supporting people with behavioral needs or physical lifts.

- Succession Planning

Overall Risk Assessment:

Minimal Risk

Events and Trends: None

Factors: N/A

Actions:

- Continue to develop new talent, build organizational redundancy, and professional development.

- Outside Forces

Risk Assessment: Moderate Risk

Events and Trends: Upcoming changes with managed care remain uncertain, may have financial impact on the organization through changes in business model of service, regulation, cash flow, etc. Community First Choice Option contracts need to be in place with Managed Care Organizations by 1/1/20.

Factors: Uncertainty of transition to managed care.

Actions:

- Continue to network with key organizations and participate in OPWDD trainings and meetings.
- Remain connected with McSilver Institute Community of Practice and NY Alliance listserv and websites for information on Community First Choice Option contracting with Managed Care Organizations.
- Attend NY Alliance conferences and McSilver Institute trainings. Participate in NY Alliance Regional meetings.

- Customer Satisfaction and Agency Reputation

Risk Assessment: Minimal Risk



Events and Trends: At times customer satisfaction is jeopardized by lingering dissatisfaction with OPWDD regulations and limitations of Self-Direction budgets and Community Habilitation services (ex. Limitation of Personal Resource Account in SD Budget, limitation of Community Habilitation staff in medication administration).

Factors: External Regulations

Actions:

- We continue to set clear expectations, monitor satisfaction and take corrective action when issues are identified.
- Must guard against culture dilution and complacency as we grow.

- Property and Asset Protection

Risk Assessment: Minimal Risk

Events and Trends: No major trends or events

Factors: Increased security methods

Actions:

- Password security on all technology
- Multi Factor authentication
- New Server and multiple security level file structure

- Legal Liability

Risk Assessment: Minimal Risk

Events and Trends: no major trends

Factors: Employer of record agency has less control within self-direction co-management model.

Actions: Educate Individuals and Staff, ensure we have competent staff who are trained and aware of risk.