



**Advocates Incorporated  
Corporate Compliance Program**

**2022**

Version 5.4

## Introduction

Advocates Incorporated is committed to conducting its operations in compliance with all applicable federal and state statutes and regulations; including those specific to the Federal Deficit Reduction Act of 2005, the Federal False Claims Act and the New York False Claims Act.

To ensure this, Advocates Incorporated has established and will maintain an effective Corporate Compliance Program in accordance with the guidelines set forth by the New York State Office for People with Developmental Disabilities (OPWDD), the Office of the Medicaid Inspector General (OMIG) and the U.S. Department of Health and Human Services. Our Corporate Compliance Program is one of the key components in our commitment to fostering a culture of compliance where it is understood that integrity is fundamental to our operations.

The OMIG sets forth the federal government's views on the value and fundamental principles of compliance programs for organizations and the specific elements that should be addressed when developing and implementing an effective compliance program. The OMIG Guidance is a major initiative in support of the federal government's efforts to prevent and reduce fraud, waste and abuse in the provision of Medicaid services.

The purpose of Advocates Incorporated's Corporate Compliance Program is to prevent, detect and correct violations of law or agency policy. As the OMIG Guidance recognizes, the implementation of such a program cannot guarantee that improper conduct will be entirely eliminated. Nonetheless, it is Advocates Incorporated's expectation that all Directors, executives, employees and other affected individuals will comply with the policies and procedures established in support of our Corporate Compliance Program. In the event that Advocates Incorporated becomes aware of violations of law or organization policies and procedures, we will investigate the matter and, where appropriate, take disciplinary action and implement corrective measures to prevent future violations.

Advocates Incorporated recognizes the seriousness and critical need to establish and maintain a comprehensive compliance program consistent with the OMIG Guidance. As described below, Advocates Incorporated has established a Corporate Compliance Program aligned with the philosophy and specific requirements of the OMIG Guidance and tailored to fit the unique environment of our organization. We regularly review and enhance our Corporate Compliance Program to meet our evolving compliance needs.

### 1. Written Policies & Procedures

Advocates Incorporated has implemented various policies and procedures that are intended to:

- Assure compliance with U.S. laws and regulations; New York State laws and regulations, including those specific to the Federal Deficit Reduction Act of 2005, the Federal False Claims Act and the New York False Claims Act and;
- Assure consistency in the way that Advocates Incorporated conducts its operations.

These policies include the Advocates Incorporated Employee Handbook, the Advocates Incorporated Board of Directors Handbook, the Advocates Incorporated Financial Policy, the Advocates Incorporated Quality Improvement and Risk Management Plan, the Advocates Incorporated Self-Directed Services Policies and Procedures, the Advocates Incorporated Respite Policies and Procedures, the Advocates Incorporated Family Support Services (FSS) Policies and Procedures and the Advocates Incorporated Incident Reporting Policies and Procedures.

The Advocates Incorporated Employee Handbook sets forth our basic standards - standards which are based on Advocates Incorporated's fundamental values of professionalism and integrity. The Employee Handbook includes documentation of our standards of conduct and commitment to complying with all state and federal regulations including those specific to the Federal Deficit Reduction Act of 2005, the Federal False Claims Act and the New York False Claims Act. These sections provide us with a common set of ethical standards, and a common language for describing what is, and what is not, within the realm of ethical conduct.

The Advocates Incorporated Board of Directors Handbook sets forth our governance standards and practices.

The Advocates Incorporated Financial Policy sets forth our fiscal policies and procedures for the operation of the organization.

The Advocates Incorporated Quality Improvement and Risk Management Plan sets forth our commitment to constantly improving our organization and the services it provides while also identifying and mitigating risk.

The Advocates Incorporated Policies for Self-Directed Services, Respite and Family Support Services document our processes to ensure we are compliant with all state and local regulations regarding these services including those governing credentials, service eligibility, service quality, mandatory reporting and billing.

The Advocates Incorporated Incident Reporting Policies outline the process for mandatory incident reporting to ensure compliance with all state and local regulations.

Organization procedures implement the concepts found in these policies and provide all Directors, executives, employees and other affected individuals with more specific instruction with respect to business practices that the OMIG Guidance, OPWDD, and continuing organizational self-assessments have identified as falling within major risk areas.

## **2. Corporate Compliance Committee & Corporate Compliance Officer**

Advocates Incorporated's Corporate Compliance Committee is responsible for overseeing the organization's compliance program. We are committed to ensuring that the Corporate Compliance Committee has the ability to effectuate change within the organization as necessary and to exercise independent judgment. Committee members include but are not limited to the Executive Director, the Associate Executive Director, the Chief Financial Officer, the Corporate Compliance Officer, the Director of Human Resources, and a member of the Board of Directors.

The Corporate Compliance Officer is charged with the responsibility for establishing and maintaining the Corporate Compliance Program. The Corporate Compliance Officer works closely with and seeks the advice and counsel of the Corporate Compliance Committee in the implementation of the Corporate Compliance Program. The Corporate Compliance Officer has direct access to the Executive Director and the Board of Directors.

## **3. Training & Education**

It is critical to the success of Advocates Incorporated's Corporate Compliance Program that all Directors, executives, employees and other affected individuals understand the program and their rights and responsibilities regarding its implementation. Advocates Incorporated is committed to effectively communicating organization expectations, policies and procedures; including those specific to the Federal Deficit Reduction Act of 2005, Federal False Claims Act and New York False Claims Act, to its Directors, executives, employees and all other affected individuals regarding adherence to the Corporate Compliance Program by offering information and

training on a regular basis; including but not limited to orientation and annual compliance training and ongoing information updates as appropriate. The organization will regularly review and refine its training programs to ensure that they are comprehensive and effective.

More detailed information is available in the Advocates Incorporated Employee and Board of Directors Handbooks and the Advocates' Orientation/Annual Training materials.

#### **4. Reporting & Lines of Communication**

Advocates Incorporated is committed to fostering dialogue among Directors, executives, employees and all other affected individuals about compliance. It is the responsibility of all Directors, executives, employees and other affected individuals to report suspected compliance violations; including Medicaid fraud and/or violations of the Deficit Reduction Act of 2005, Federal False Claims Act and New York False Claims Act, and assist in all investigations regarding compliance concerns/violations until such time as the investigation is concluded and/or the situation is resolved. The organization has an open-door policy which everyone is encouraged to use to communicate compliance-related questions or concerns. All Advocates Incorporated Directors, executives, employees and other affected individuals should feel free to discuss such questions or concerns with their supervisor, member of the Leadership Team, Corporate Compliance Officer or member of the Board of Directors. Supervisors, Leadership Team members and Directors are responsible for forwarding all reports of possible compliance violations to the Corporate Compliance Officer. It is the responsibility of the Corporate Compliance Officer to address the issue with the Corporate Compliance Committee/Board of Directors. Anonymous, confidential reports of suspected non-compliance can be made to the Corporate Compliance Officer 24 hours a day, 7 days a week by calling 315-457-1271. Anonymous reports may also be made directly to the OMIG. Contact information is available at the end of this document.

All reports of suspected non-compliance will be investigated swiftly, thoroughly and fairly. All communication will be kept confidential unless the matter is turned over to law enforcement.

#### **5. Disciplinary Action**

All Directors, executives, employees and other affected individuals are expected to abide by our established policies, procedures and the overall Advocates Incorporated Corporate Compliance Program. Failure to do so will be treated as a violation of the Corporate Compliance Program and a breach of agency policy and will result in appropriate disciplinary action, regardless of the person's position in the organization, up to and including termination of employment, severance of the relationship with Advocates and/or removal from the Board of Directors. Although each situation is considered on a case-by-case basis, we will consistently take appropriate disciplinary action to address non-compliance and deter future violations. Examples of behavior that may require disciplinary action include but are not limited to:

- Failing to report suspected instances of non-compliance
- Participating in non-compliant behavior; including but not limited to knowingly making false statements and/or knowingly submitting false documentation.
- Encouraging, directing, facilitating or permitting actively or passively non-compliant behavior
- Failing to participate in and/or cooperate with an investigation of possible non-compliance.

## **6. Auditing & Monitoring**

Advocates Incorporated utilizes both internal and independent external auditing and monitoring to verify that the business practices engaged in by its Directors, executives, employees and all other affected individuals adhere to the policies and procedures in place to ensure compliance with all applicable laws and regulations including those specific to the Federal Deficit Reduction Act of 2005, Federal False Claims Act and New York False Claims Act. The Corporate Compliance Committee identifies potential risk areas on which to focus its auditing and monitoring activities. As recognized in the OMIG Guidance, the extent and frequency of the agency's auditing and monitoring activities varies according to a number of factors, including new regulatory requirements and changes in business practices. It is our belief that a proactive, up-front approach to on-going tracking and monitoring is the best approach to insuring compliance. Therefore, all billing standard documentation is reviewed for compliance upon receipt and prior to billing submission.

The organization adheres to all applicable state and federal laws regarding employee and personnel credentials, licensing, continuing education and eligibility for employment and/or relationship with the organization. Specific verification and monitoring procedures are explained in the Advocates Incorporated Employee Handbook.

The organization performs quality assurance assessments of its services on an ongoing basis including Self-Directed Services, Respite and Family Support Services to ensure that individuals receive the highest quality services and supports possible. Specific internal monitoring, auditing and quality assurance procedures are detailed in the Advocates Self-Directed Services, Respite, Family Support Services and the Tracking, Monitoring, Reviewing and Auditing Policies and Procedures.

Minor issues associated with billing will be immediately corrected and funds returned via the eMedNY billing adjustment/void function. Major issues that are systemic and require adjustments in internal controls or policies will be immediately reported to the Corporate Compliance Committee, the Board of Directors and, if warranted, governmental agencies including OPWDD, OMIG and DOH. Any unsubstantiated payments will be explained and returned via the OMIG self-disclosure process.

## **7. Investigations**

Advocates Incorporated will investigate suspected non-compliance with its policies and procedures as well as all applicable laws and regulations; including those specific to the Federal Deficit Reduction Act of 2005, Federal False Claims Act and New York False Claims Act, in a manner designed to promptly and accurately ascertain the facts and to determine the underlying cause or causes of any substantiated, non-compliant conduct. The investigation will assess whether the non-compliance is due to gaps in policies or internal controls, a need for additional training, willful misconduct or other causes and take appropriate action to address these causes so as to prevent future violations. The Corporate Compliance Officer, under the direction of the Board of Directors, in cooperation with other appropriate Leadership Team members will direct investigations of suspected non-compliance and document the nature and results of such investigations. During the course of the investigation, any funds discovered to have been collected in error will be promptly returned via the eMedNY system or via self-disclosure to the proper authorities as appropriate. These investigation reports will be made to the Executive Director and the Board of Directors. Issues that involve the Executive Director will be reported to the Board of Directors directly. If warranted, the violator(s) will be reported to the proper authorities for possible criminal investigation.

## **8. Whistleblower Protections**

Advocates Incorporated adheres to a firm policy of non-intimidation and non-retaliation for good faith participation in the corporate compliance program; including but not limited to reporting potential compliance

issues, participating in compliance investigations, self-evaluations, audits, remedial actions and/or reporting issues to the proper authorities as provided in NYS Labor Law sections 740 and 741. No employee will be subjected to negative employment consequences or disciplinary action as a result of reporting a compliance concern in good faith. More detailed information is available in the Whistleblower Policy section of the Employee Handbook and the Corporate Compliance Program section of the Board of Directors' Handbook.

## CONTACT INFORMATION FOR REPORTING POSSIBLE COMPLIANCE VIOLATIONS

### **Advocates Incorporated:**

Main Office: 315-469-9931

Fax: 315-469-9939

### **Executive Director:**

Amy Dugliss 315-469-9931 ext. 214 [amy@advocatesincorporated.org](mailto:amy@advocatesincorporated.org)

### **Director of Compliance, Quality & Incident Management (Compliance Officer):**

Carol Gentry 315-469-9931 ext. 204 [carol@advocatesincorporated.org](mailto:carol@advocatesincorporated.org)

### **Associate Executive Director:**

Beth Henderson 315-469-9931 ext. 243 [beth@advocatesincorporated.org](mailto:beth@advocatesincorporated.org)

### **Director of Agency Brokerage Services:**

Justin Sheer 315-469-9931 [jsheer@advocatesincorporated.org](mailto:jsheer@advocatesincorporated.org)

### **Director of Independent Broker Services:**

Joanne Reid 315-469-9931 ext. 217 [jreid@advocatesincorporated.org](mailto:jreid@advocatesincorporated.org)

### **Director of Fiscal Intermediary Services:**

Kristin Kukula 315-469-9931 ext. 238 [kkukula@advocatesincorporated.org](mailto:kkukula@advocatesincorporated.org)

### **Director of Agency Supported Self-Directed Community Habilitation Services:**

Nicole Miller 315-469-9931 ext.224 [nmiller@advocatesincorporated.org](mailto:nmiller@advocatesincorporated.org)

### **Director of Human Resources:**

Sandy Finn 315- 469-9931 ext. 255 [sandy@advocatesincorporated.org](mailto:sandy@advocatesincorporated.org)

### **Chief Financial Officer:**

Sally Stanley 315– 469-9931 ext. 210 [sstanley@advocatesincorporated.org](mailto:sstanley@advocatesincorporated.org)

### **Board of Directors, President:**

Anne M. Lee [bod@adovocatesincorporated.org](mailto:bod@adovocatesincorporated.org)

### **Office of the Medicaid Inspector General:**

Fraud Reporting Hotline: 1-877-87-FRAUD; 1-877-873-7283

**Anonymous, confidential reports of suspected non-compliance can be made to the Corporate Compliance Officer 24 hours a day, seven days a week by calling 315-457-1271.**