

# **BROOME COUNTY MENTAL HEALTH DEPARTMENT**



## **CORPORATE COMPLIANCE PLAN**

**Broome County Mental Health Department  
36-42 Main Street  
Binghamton, NY 13905**

**Nancy J. Williams, LCSW-R  
Commissioner of Mental Health Services**

## **CORPORATE COMPLIANCE PLAN**

The Broome County Mental Health Department (BCMHD) has adopted a Corporate Compliance Plan (hereafter referred to as the “Plan”) in accordance with industry standards and applicable laws.

### **POLICY STATEMENT**

The Broome County Mental Health Department’s mission is to plan, organize and oversee a comprehensive continuum of care for consumers of public mental hygiene services in Broome County.

The intent of the Plan is to prevent and detect misconduct. All staff, agents and independent contractors are expected to comply with all laws and regulations including but not limited to; the Federal False Claims Act; federal and state anti-kickback laws; all federal and state laws that relate to detection and prevention of fraud, waste and abuse in federal health care programs.

- Detailed information on Federal and NYS laws concerning false claims, false statements and whistleblower protections is available upon request. (appendix A)

### **CODE OF CONDUCT**

The Code of Conduct is available in the BCMHD Policy and Procedure manual which details expected employee behavior covering various areas. In addition, the Broome County Government Employee’s Handbook details procedures expected to be followed by all Broome County employees.

**Assets:** all assets of the department shall be used solely for the benefit and purpose of the BCMHD and the individuals we serve. Personal use of corporate assets is not allowed, unless disclosed to, and approved by the Corporate Compliance Committee. Department assets include, but are not limited to; financial data, equipment, furniture, vehicles, office supplies, credit cards, employee time and computer supplies.

**Bribes, gifts and gratuities:** no person associated with the BCMHD shall accept bribes, gifts, or gratuities intended to persuade business decisions, solicit an unfair advantage, or reward special attention or service.

**Cash:** no person with access to cash accounts shall steal or otherwise misappropriate funds of the BCMHD. All internal control procedures shall be adhered to at all times.

**Client Bill of Rights:** all persons associated with the BCMHD shall adhere to the standards defined in the Client Bill of Rights.

**Competition (Antitrust):** the BCMHD shall not participate in any venture with other organizations that collaborate on information and/or services intended to eliminate fair competition or to engage in price fixing in direct violation of antitrust laws.

**Confidential Information:** The BCMHD maintains policies and procedures governing Confidentiality and Releasing of Information, Access to Records, and Storage and Retention of Records. The BCMHD will only disclose protected health information to authorized persons or entities and according to applicable federal and NYS law. All employees, volunteers, and business associates within BCMHD shall respect the confidential nature of client information, and shall refrain from disclosing or discussing issues inappropriately. Information obtained through employment or association with BCMHD must not be used to benefit other employees or organizations.

**Conflict of Interest:** All employees shall disclose any potential conflict of interest and refrain from any activity that represents an unfair business advantage by virtue of their business interest or employment with BCMHD. Employees may hold a second job in addition to employment with the BCMHD, as long as it does not affect the employee's performance or represent a conflict of interest.

**Contributions:** no person associated with the BCMHD shall use force, coercion or implied retaliation over another person to solicit contributions. No person or persons, employee or otherwise, may solicit any funds from a client or representative of the client.

**Financial Reports:** expense reports, reimbursement request, financial statements and cost reports shall be completed thoroughly and accurately. No individual shall willfully or purposely misrepresent any financial reports or reimbursements.

**Financing:** the BCMHD shall maintain a familiarity with the terms, conditions and covenants contained in any financing agreements and shall refrain from engaging in any activity in direct conflict or breach of these terms, conditions or contracts.

**Medicare/Medicaid Anti-Kickback:** no individual associated with the BCMHD shall engage in any unlawful acts of accepting payments or benefits in return for generating Medicare/Medicaid business activity.

**Non-discrimination:** All persons associated with the BCMHD shall adhere to state and federal laws prohibiting discrimination based on age, race, gender, color, marital status, disability, sexual preference or national origin while conducting business activity of the department.

**Research Grants:** grant research will only be conducted with the expressed and written approval of the client or the designated representative of the client.

**Tax Exemption:** the BCMHD shall not engage in any prohibited activity that violates or could result in a challenge of its tax exemption status.

## **OVERSIGHT RESPONSIBILITY**

A Corporate Compliance Officer (CCO) has been designated by the BCMHD. The CCO is responsible for overseeing the Corporate Compliance Committee, consisting of the

Commissioner of Mental Health Services, Broome County Mental Health Program  
Coordinator and Fiscal Administrator.

The duties and responsibilities of the CCO are to:

- oversee that the department takes steps to effectively communicate its code compliance and program procedures by conducting training sessions for all affected staff and agents;
- work in conjunction with the Committee to oversee that the department takes reasonable steps to achieve compliance with its standards by utilizing monitoring and auditing systems reasonably designed to detect misconduct by its employees and agents;
- investigates matters related to Corporate Compliance issues, including hotline reports, and employee, consumer and/or payor complaints;
- develop and implement an employee feedback loop which encourages employees to report potential problems without fear of retaliation;
- follow through on any detected or reported incidents of possible misconduct under the direction and supervision of the County Personnel Department;
- report any and all compliance activity to the Deputy County Executive for Human Services

The Corporate Compliance Committee will be responsible for ensuring:

- the department takes reasonable steps to achieve compliance with its standards by utilizing monitoring and auditing systems reasonably designed to detect misconduct by its employees and agents;
- Follow through with any detected or reported incidents of possible misconduct under the direction of the Personnel department
- The Commissioner will report any and all compliance activity to the Deputy County Executive;
- The Compliance Committee will report at least annually to the BCMHD Advisory Board and anytime the committee deems it significant and necessary
- Delegate appropriate levels of monitoring and review of systems to other staff and outside agencies to promote effectiveness, efficiency, and to avoid any potential conflicts of interest.

The Broome County Attorney's office will be required to render all legal opinions and advise the Compliance Committee on developments and changes in laws, regulations, and policies that affect the compliance program. The Broome County Personnel Department will advise on any enforcement or discipline pertaining to reports of misconduct.

## **COMMUNICATION AND TRAINING**

All management and staff of the BCMHD will attend a training to ensure that all aspects of the Compliance Program are communicated and understood, including the risks of noncompliance.

All staff and agents will receive documentation explaining the Compliance Program, including notification of how and where they can receive additional information and details of the program.

Information regarding the Compliance Program will be included in all new employees' orientation training and included with all new agent contracts.

All staff will attest that he/she will comply with the program and understand the consequences of violation(s) of the program.

A compliance poster will be posted to assist communication of policy and procedures of the program, as well as the Compliance Hotline number for reporting concerns and/or misconduct.

Annual review of the Compliance Program will be included in the BCMHD mandatory in-services for all staff.

## **MONITORING AND AUDITING**

All BCMHD staff and agents will be aware of Code of Conduct expectations of the Compliance Program and report any suspected violation to reasonably ensure that all activities are in compliance with the Department's standards and procedures.

The BCMHD will have the Broome County Law Department conduct annual reviews for all business and contractual agreement relationships to reasonably ensure that activities are in compliance with the organizations standards and procedures.

Employees associated with the BCMHD who have identified outside party interests that represent potential conflicts of interest must provide a yearly disclosure statement. The Broome County Board of Ethics reviews all disclosure statements, and is maintained by the Broome County Legislature.

The BCMHD will conduct an annual review of its billing practices to reasonably ensure that all activities are in compliance with the department's standards and procedures.

## **REPORTING AND RESPONSE SYSTEM**

All employees of the BCMHD and its agents have a duty to report suspected misconduct, anonymously if they choose, and without fear of retaliation or breach of confidentiality.

- Individuals may approach the Compliance Committee, or an individual member of the Committee directly in person, via telephone or voicemail to report suspected misconduct.
- Individuals may submit a written report of suspected misconduct to the Compliance Committee either by mail or place in the mailbox of a Committee member.
- Individuals who wish to anonymously report suspected violations of the Plan may submit the complaint in the Department's Anonymous Drop Box located in the Clinic near the employee mailboxes.

The BCMHD will make every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports the possible misconduct. There will be no retribution or discipline for anyone who reports a possible violation in good faith. Any employee who deliberately makes a false accusation with the purpose of harming or retaliating against another employee will be subject to discipline.

Reports received will be initially reviewed by the Compliance Committee. Any concerns will be directed to the Broome County Attorney's Office or the Broome County Personnel Department for an opinion, advice and direction on any further investigation, enforcement, or disciplinary actions. A complete investigation is completed by a designated member and reviewed at the next committee meeting. The Corporate Compliance Committee will disclose and report identified misconduct to the proper authorities.

Reports of misconduct that do not warrant further investigation or review with the County Attorney's Office or the County Personnel Department will be clearly documented as to the reason why the investigation ended.

The Compliance Committee will oversee any corrective action when misconduct is detected, including training or retraining of staff and policy/procedure modifications to prevent any further incidents of a similar type.

## **ENFORCEMENT AND DISCIPLINE**

Standards of conduct as set forth in the Broome County Government's Employee Handbook, BCMHD Code of Conduct and the Department's various Policies and Procedures manual will be enforced through appropriate disciplinary mechanisms.

- Disciplinary procedures for noncompliance of the Corporate Compliance Program will follow the guidelines under existing Broome County Government and BCMHD's Personnel policies. Charges may be brought against the person, according to the appropriate collective bargaining agreement and/or Civil Service Law.
- The person in question will have an opportunity to respond to the allegations or misconduct, which will follow the guidelines under existing Broome County Government and BCMHD Personnel policies collective bargaining agreement(s) and/or Civil Service Law, as applicable.

- Disciplinary measures and procedures may involve investigation and/or direction from outside third-parties (e.g. – governmental policy, law enforcement agencies) and may result in fines, reimbursement of funds, and criminal prosecution.

## **FAQ's and Ethical Considerations**

### **If I report something suspicious, will I get in trouble if I was wrong about what I reported?**

As long as your concern is honest, the Plan prohibits you from being reprimanded or disciplined. Part of your responsibility as an employee of the BCMHD is to report suspected problems, and you may be subject to discipline if you witness something but do not report it. The only exception is if you intentionally report something that you know is false or misleading in order to harm someone else.

### **Should I first file a complaint with the Compliance Officer?**

Since many of the laws and regulations that apply to us are complex, we know that you may have questions or concerns. If you have a concern, you may want to discuss the situation with your supervisor first.

### **What should I do if my supervisor asks me to do something that I think is illegal or violates the Code of Conduct?**

No matter who asks you to do something, if you know it is wrong you must refuse to do it. You must also immediately report the request to a level of management above your supervisor or to the Compliance Officer.

### **I volunteer for the Animal Shelter. May I copy a fundraising leaflet using the office copier?**

Although the BCMHD encourages employees and affiliates to participate in volunteer activities, BCMHD equipment should not be used for non-business purposes.

**EMPLOYEE COMPLIANCE CERTIFICATION**

I certify that I have received the **Broome County Mental Health** Compliance Handbook and that the Compliance Program has been explained to me. I agree to comply with the terms of the Program. I understand that violation of these terms may lead to disciplinary action, up to and including termination of my employment.

Printed Name: \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

Date: \_\_\_\_\_

This certification will be filed in your personnel file.

**CONTRACT MEMBER COMPLIANCE CERTIFICATION**

I certify that I have received the **Broome County Mental Health Compliance** Handbook and the Compliance Program has been explained to me. I agree to comply with the terms of the Program. I understand that violation of these terms may lead to disciplinary action, up to and including the termination of my employment or nonrenewal of my **CONTRACT AGREEMENT**.

Company name: (print) \_\_\_\_\_

Name (print): \_\_\_\_\_

SIGNATURE: \_\_\_\_\_

DATE: \_\_\_\_\_

This certification will be filed with your contract.