

**Cattaraugus County
Corporate Compliance Handbook for
Employees**

Table of Contents

Purpose of the Corporate Compliance Program	6
SECTION I Standards of conduct	7
Introduction	8
1.1 Cattaraugus County's commitment to the delivery of high quality programs and services	9
1.1.1. Cattaraugus County provides quality programs and services	9
1.1.2. Cattaraugus County treats service/program recipients with dignity and respect	9
1.1.3. Cattaraugus County does not discriminate	9
1.2. Integrity of business practices	10
1.2.1 Cattaraugus County will conduct its business in an ethical manner	10
1.2.2. Cattaraugus County will not provide inappropriate business entertainment expenses	10
1.2.3. Improper payments	10
1.2.4. Cattaraugus County will market its services in an ethical manner	11
1.2.5. Cattaraugus County will not compensate employees based upon referrals	11
1.3. Compliance with regulatory requirements related to the provision of health care services	12
1.3.1. Familiarity and compliance with regulatory requirements	12
1.3.2. Familiarity and compliance with regulatory information distributed in writing and/or via training	12
1.3.3. Licenses, certifications, approvals and accreditation	13
1.3.4. Accounting	13
1.4. Billing compliance	14
1.4.1. Guidelines for billing	14
1.4.1.1. Cattaraugus County bills only for medically reasonable, necessary and appropriate items and/or services.	14
1.4.1.2. Bill must be accurate and complete	14
1.4.1.3. Statements must be true and accurate	15
1.5. Relations with government and suppliers	16
1.5.1. Cattaraugus County deals with government officials honestly and fairly	16
1.5.2. Cattaraugus County negotiates contracts fairly	16
1.5.3. Cattaraugus County expects compliance from contractors	17
1.6. Human resources	18
1.6.1. Compliance with Employment Laws	18
1.6.2. Equal Employment Opportunities	18
1.6.3. Cattaraugus County does not tolerate discrimination or harassment	18
1.6.4. Reasonable accommodation	18
1.6.5. Drugs, narcotics and alcohol	19
1.6.5.1. Prohibitions and discipline	19
1.6.5.2. Reporting	19
1.6.6. Employment of sanctioned individuals	19

Table of Contents (Continued)

1.6.7. Qualifications of health care professionals	20
1.7. Document retention and medical records privacy	21
1.7.1. Requirements of governmental programs and other third party payers	21
1.7.2. Requirements of state and federal law	21
1.7.3. Patient confidentiality and privacy	21
1.8. Government investigations	22
1.8.1. Protection of legal rights is essential	22
1.8.2. Investigatory interviews	22
1.8.3. Routine inquiry versus formal investigations	22
1.9. Reporting of compliance issues	23
1.9.1. How to report concerns regarding compliance issues	23
1.9.2. Helpline	23
1.9.2.1. Purpose of Helpline	23
1.9.2.2. When to use Helpline	23
1.9.2.3. Confidentiality of Helpline	24
1.9.3. Retaliation against employees or contractors for reporting is prohibited	24
1.10. List of phone numbers	25
1.11. Corporate Compliance Officer and Corporate Compliance Committee members	27
SECTION II: Policies and Procedures	28
2.1. Corporate Compliance Committee and Corporate Compliance Officer	29
2.1.1 Corporate Compliance Committee and Corporate Compliance Officer	29
2.2. Corporate Compliance Committee responsibility	30
2.3. Corporate Compliance Officer role and responsibility	31
2.4. Corporate Compliance Helpline	32
2.4.1. Purpose of Helpline and number	32
2.4.2. Logging calls to the Helpline	32
2.4.3. Responding to the caller	32
2.4.4. Response of Corporate Compliance Committee	33
2.5. Implementation of Corporate Compliance Program	34
2.5.1. Responsibilities for implementation	34
2.5.2. Training and distribution of Corporate Compliance Handbooks	34
2.5.3. Signing the Corporate Compliance Certification	34
2.5.4. Annual affirmation of compliance	34
2.5.5. Service agreements with contractors	34
2.5.6. Purpose and responsibility	35
2.5.7. Initial training and annual follow-ups	35
2.5.8. Communication of changes in Corporate Compliance Program	35
2.5.9. Ongoing communication about Corporate Compliance Program	35
2.6. Modifying and amending the Corporate Compliance Program	36
2.6.1. Annual review of Corporate Compliance Program	36
2.6.2. Review of Corporate Compliance Handbook with each investigation	36

Table of Contents (Continued)

2.6.3. If approved by the Chairman and the County Legislature, such modification or amendment will be distributed in writing to all Cattaraugus County employees and contractors.	36
2.6.4. Amendment of Corporate Compliance if Cattaraugus County programs expand Corporate Compliance Program	36
2.6.5. Review of appointment of Compliance Officer; modifications and amendments to Corporate Compliance program	37
2.7. Investigations and corrective action	38
2.7.1. Investigation	38
2.7.1.1 Procedure for investigation	38
2.7.1.2. Components of investigation	38
2.7.1.3. Report and Corrective Action	39
2.7.1.4 .Recommendation of corrective action	39
2.7.1.5. Corporate Compliance Committee Quarterly Reports	39
2.8. Cattaraugus County does not pay for referrals	40
2.8.1. Fair Market Value	40
2.8.2. Compliance with federal and state laws	40
2.8.3. Refer questions to legal counsel	40
2.8.4. Guidelines for appropriate referral by non-employees and employees	40
2.9. Cattaraugus County does not pay patients	42
2.9.1. Prohibited financial benefits to patients	42
2.9.2. Guidelines for appropriate financial accommodation of patients	42
2.10. Discovery and reporting of an error or inaccuracy in a claim or payment	43
2.11. Correcting any identified inconsistencies	44
2.12. Cost reports	45
2.12.1. Cost reports must be accurate and complete	45
2.12.2. Discovery and reporting an error or inaccuracy in a cost report	45
2.13. Billing personnel	46
2.13.1. Responsibility of billing personnel	46
2.13.2. Responsibility of Supervisory Accountant or Comptroller	46
2.13.3. Responsibility of the Patient Accounts Manager	46
2.13.4 Billing and cost reporting information maintained in a central location and updated regularly	47
2.13.5. Training related to changes in billing requirements	47
2.13.6. Evaluation of billing practices	48
2.13.6.1. Periodic review of billing and cost reporting practices	48
2.14. Claims monitoring	49
2.14.1. Pre-submission review	49
2.14.2. Post-submission review	49
2.15. Disclosure by employees and applicants for employment	51
2.15.1. Applicants for Employment	51
2.15.2. Current Employees	51
2.15.3. Departures	51

Table of Contents (Continued)

2.16. Disciplinary procedures for employees	53
2.16.1. Violations prohibited; adherence required	53
2.16.2. Causes for disciplinary action	53
2.16.3. Disciplinary action against violator's manager or supervisor	53
2.17. Contractor termination	54
2.17.1. Violations prohibited; adherence required	54
2.17.2. Causes for action	54
2.18. Audit and monitoring function	55
2.18.1. Purpose and parameters of annual Compliance Audit	55
2.18.2. Report and follow-up to Annual Compliance Audit	55
SECTION III Notes	57
Employee Compliance Certification	58
Staff member compliance certification	58
Attachment #1 Various laws that are referenced in relation to Corporate Compliance issues	59
Anti-Kickback Statute	60
The Stark Laws	60
The False Clams Act	61
Antitrust Laws	61
Laws relating to tax exempt status	62
Penalty for violations	62
Attachment #2 Departmental position titles that may function as Patient Accounts Manager	63
Title of Positions	64

Purpose of Corporate Compliance Program

The Legislature of Cattaraugus County has directed the development of a Corporate Compliance Program, to reaffirm the commitment of Cattaraugus County to abide by high legal and ethical standards in connection with the delivery of health and human services to the people they serve.

To that end, Cattaraugus County has developed the following Standards of Conduct and Policies and Procedures for the implementation of the Cattaraugus County Corporate Compliance Program. These documents provide guidance to all employees and independent contractors regarding the operation of the Corporate Compliance Program and the available mechanisms through which compliance issues can and should be reported.

Each employee and contractor of Cattaraugus County is responsible for adhering to both the Standards of Conduct and the Policies and Procedures of the Corporate Compliance Program.

SECTION I

STANDARDS OF CONDUCT

Introduction

On November 28, 1990, Cattaraugus County adopted Local Law 7-1990 known as the Cattaraugus County Ethics Code. “The intent of this code was to establish minimum standards of ethical conduct for County officers and employees to ensure that County government is free from improper influence.” This law goes on to note that “by requiring public disclosure of interest that may influence, or be perceived to influence, the actions of County officials, this code is intended to facilitate consideration of potential problems before they arise, to minimize unwarranted suspicion, and to enhance the accountability of government to the people”. It is the policy of Cattaraugus County that ethical dilemmas within the organization are handled through the Ethics Board of Cattaraugus County.

In keeping with its ethics code, the Cattaraugus County Legislature has directed the development of a Corporate Compliance Program, to reaffirm the commitment of Cattaraugus County to abide by high legal and ethical standards in connection with the delivery of health care services. To that end, Cattaraugus County has developed this Corporate Compliance Handbook, which sets forth the Standards of Conduct and Policies and Procedures to be followed by all Cattaraugus County employees and contractors who furnish services to Cattaraugus County. The Cattaraugus County Legislature on December 8, 1999 adopted this Corporate Compliance Plan.

This Corporate Compliance Plan addresses the conduct of all employees and contractors and involves all Legislators, other elected officials, County officers, employees and contractors. All of these individuals are expected to comply with this Plan. Conduct in violation of these standards may lead to sanctions or a revocation of the Contractor’s contract for service.

This Corporate Compliance Handbook, of course, cannot cover every situation you may encounter, and it is not intended to. When the proper course of action is unclear you should seek the guidance of your immediate supervisor or the Compliance Officer, who has been designated to administer the Corporate Compliance Program outline in the Handbook, and will be assisted by the Compliance Committee.

Ethical and legal conduct in the care of the residents of Cattaraugus County is of the utmost importance to the Cattaraugus County Legislature and Cattaraugus County Administration.

1.1. Cattaraugus County's commitment to the delivery of high quality programs and services

1.1.1. Cattaraugus County Provides Quality Programs and Services

Cattaraugus County:

- Will provide programs and services in compliance with all applicable federal and state regulatory requirements.
- Is committed to providing a high quality of care and services to its program recipients and every other patient as well through the delivery of services in a responsible, reliable, ethical and appropriate manner.
- Is committed to the goal of excellence in service delivery and programming with sensitivity to all recipient needs.
- Expects that services and decisions rendered by staff and contractors will be made in accordance with customary and recognized standards of care.

1.1.2. Cattaraugus County treats service/program recipients with dignity and respect

Cattaraugus County requires that service and program recipients and all others be treated with dignity and respect.

Employees and contractors of Cattaraugus County must maintain the confidentiality of all recipient related information, as required by law.

1.1.3. Cattaraugus County does not discriminate

Cattaraugus County provides programs and services to individuals in accordance with program eligibility and/or individual needs, and does not unlawfully discriminate in the provision of quality services delivered to individuals on the basis of age, sex, race, national origin, disability, religion, sexual preference or veteran status.

1.2. Integrity of business practices

1.2.1. Cattaraugus County will conduct its business in an ethical manner

Cattaraugus County will conduct all business in an ethical manner.

Each employee or contractor of Cattaraugus County must:

- Maintain a high level of integrity and honesty in business conduct.
- Avoid any conduct that could reflect adversely on the integrity of Cattaraugus County.
- Perform all duties on behalf of Cattaraugus County in a manner that the employee or contractor reasonably believes to be in the best interest of Cattaraugus County.

1.2.2. Cattaraugus County will not provide inappropriate business entertainment or gifts

Personnel of Cattaraugus County may provide ordinary and reasonable business entertainment and non-cash gifts of nominal value, provided that such entertainment and gifts do not violate federal, state, or local law.

Cash gifts to physicians and other referral sources are absolutely prohibited.

Non-cash gifts to physicians and other sources of referrals of more than nominal value must be approved by the Cattaraugus County Administrator's Office.

Such prior approval, along with the reason for the gift, must be documented.

1.2.3. Improper payments

Cattaraugus County will not make any payments or provide anything of value to anyone to induce the use of health care services furnished by Cattaraugus County, except in full compliance with laws authorizing such payments in specific circumstances.

An employee or contractor of Cattaraugus County:

- May not make or offer to make any payment or provide anything of value to another person with the understanding or intention that such payment or thing of value will influence any government official, patient, physician or other source of referrals, or that such payment is to be used for an unlawful or improper purpose.

- Should never make a payment to anyone, which, if it were publicly disclosed, would embarrass the employee, staff member, contractor or Cattaraugus County.

1.2.4. Cattaraugus County will market its services in an ethical manner

Cattaraugus County will present itself to the community through its marketing activities in a manner consistent with its mission and capabilities.

Cattaraugus County will not engage in any unethical, abusive, or illegal marketing or advertising practices in connection with the offering or provision of health care services.

1.2.5. Cattaraugus County will not compensate employees based upon referrals

Cattaraugus County will not pay incentives to employees or contractors based on the number of persons they refer to Cattaraugus County for health care or human services.

The decision to provide health care services to individuals referred to Cattaraugus County is a medical decision that will be made by qualified health care professionals.

1.3. Compliance with regulatory requirements related to the provision of health care services

1.3.1. Familiarity and compliance with regulatory requirements

Cattaraugus County and its employees and contractors are subject to numerous federal and state regulatory requirements relating to the provision of health care services by Cattaraugus County, and the submission of claims for payment for such health care services on behalf of Cattaraugus County.

Employees and contractors of Cattaraugus County are expected to be familiar with the penalties for failure to comply with such requirements.

Any question regarding federal and state regulatory requirements should be directed to the employee's supervisor or the Compliance Officer.

1.3.2. Familiarity and compliance with regulatory information distributed in writing and/or via training

From time to time, Cattaraugus County will distribute written information and/or provide in-house training sessions regarding federal and state regulatory compliance issues relating to the provision of health care services by Cattaraugus County, or reimbursement by government health care programs for such services.

These issues will include those that are identified as a result of internal audit and monitoring activities, or identified as potential areas of concern by the Center for Medicaid and Medicare Services ("CMS"), the Office of the Inspector General of the Department of Health and Human Services ("OIG"), or other federal or state government agencies.

Employees and contractors should review such information and address any questions to the employee's supervisor and/or the Compliance Officer.

The Office of the Compliance Officer will maintain a repository of state and federal requirements. Individuals interested in researching a particular issue should contact the Corporate Compliance Officer.

1.3.3. Licenses, certifications, approvals and accreditation

Cattaraugus County maintains all licenses, certifications, approvals and accreditation necessary for the operation of each health care facility, service, or department within the Cattaraugus County health care system.

In addition, Cattaraugus County will comply with all applicable requirements for participation in government health care programs, including Medicare and Medicaid, and private health insurance plans to which claims or requests for payment for health care services are submitted on behalf of Cattaraugus County.

1.3.4. Accounting

No Standard of Conduct can review the extensive accounting requirements that Cattaraugus County must fulfill. However, in general:

- It is the obligation of Cattaraugus County to ensure that assets and liabilities are accounted for in compliance with all tax and financial requirements, generally accepted accounting principles, and the established accounting and financial policies of Cattaraugus County. To help insure that this occurs, Cattaraugus County endorses the recommendations of both the Federal Accounting Standards Board (FASB) and the Government Accounting Standards Board (GASB).
- The financial reporting system for Cattaraugus County must contain accurate entries that reflect all items of income and expense, all assets and liabilities, and all financial transactions of Cattaraugus County.
- To meet this obligation, Cattaraugus County relies on employee and contractor truthfulness and integrity in accounting practices.
- Employees and contractors of Cattaraugus County should never engage in any arrangement that result in false, artificial, or misleading entries being made in any accounting records.

1.4. Billing compliance

1.4.1. Guidelines for billing

1.4.1.1. Cattaraugus County bills only for medically reasonable, necessary and appropriate items and/or services.

Cattaraugus County only bills for medically reasonable, necessary and/or appropriate health care items and services rendered or provided.

Cattaraugus County must comply with specific billing requirements for government programs and third party payers.

Cattaraugus County expects its employees and subcontractors to be familiar with the billing requirements under government programs and private insurance plans for all health care items and services provided by Cattaraugus County.

Any questions regarding billing requirements should be directed to the individual's immediate supervisor or Departmental supervising accountant or the facility Business Office.

1.4.1.2. Bill must be accurate and complete

Employees and contractors of Cattaraugus County have an obligation to ensure that all bills submitted to patients, government programs, and other payers are accurate and complete.

All invoices, bills, claims, records and reports submitted to patients, government programs, or other payers in connection with request for payment for health care services rendered should be clear and accurate and should provide sufficient information and documentation to substantiate:

The particular health care services rendered, including:

- The medical necessity of such services, and
- The cost for such services.

Each patient's medical record should completely and accurately document:

- The specific health care services rendered to the patient, and
- The identity of the health care professional(s) involved in the rendering of such services.

1.4.1.3. Statements must be true and accurate

All employees and contractors of Cattaraugus County must exercise care in any written or oral statement made to any government agency or any third party payer.

Cattaraugus County will not tolerate false or misleading statements by employees or contractors to a government agency of any third party payer.

Deliberate mis-statements to government agencies or other third party payers expose the employee or contractor involved to severe sanctions, up to and including termination of employment, immediate termination of contract, and civil or criminal penalties.

1.5. Relations with government and suppliers

1.5.1. Cattaraugus County deals with government officials honestly and fairly

Cattaraugus County:

- Will be honest in all its dealings with government officials.
- Will comply with all laws regarding political contributions and gifts to government officials.
- Will not offer to make payments or anything of value to an employee or representative of a government agency with which Cattaraugus County has or is seeking to obtain a contractual or other business or financial relationship, or that regulates any Cattaraugus County activities or operations.
- Will not offer, make, accept, or receive payments or anything of value that involve the provision of health care services to beneficiaries of any federal, state or local government care program, including Medicare or Medicaid.

1.5.2. Cattaraugus County negotiates contracts fairly

Cattaraugus County will not make or receive payments from suppliers in exchange for entering into contracts or extending favorable rates.

Health care supplies and equipment will be obtained from suppliers who provide high quality products and services at a reasonable cost.

Employees of Cattaraugus County must not accept gifts, payments, entertainment, or anything of more than nominal value from current or potential suppliers of items or services related to the provision of health care services by Cattaraugus County.

The solicitation of anything of value from current or potential suppliers of items or services is expressly prohibited.

Discounts that are available to all employees of Cattaraugus County and employees of other health care systems or providers may be accepted.

1.5.3. Cattaraugus County expects compliance from contractors

It is the policy of Cattaraugus County to require compliance from contractors. Such contractors include all persons and entities that:

- Furnish direct patient care services to Cattaraugus County on a contract basis.
- Provide billing services for Cattaraugus County, including but not limited to:
 - Temporary nursing staff agencies;
 - Health Care Supply and Equipment Providers;
 - Outside laboratories and Diagnostic Testing Providers; and/or
 - Rehabilitation therapy providers that have entered into Service Agreements with Cattaraugus County.

Such contractors must be familiar with and comply with all applicable federal and state regulatory requirements and must conduct all business in an ethical manner.

All agreements between Cattaraugus County and contractors that provide direct patient services to Cattaraugus County or that provide billing services for Cattaraugus County must include a signed agreement indicating that the contractor:

- Has reviewed the standards of conduct and policies and procedures outlined in this Compliance Handbook.
- Agrees to comply with such standards of conduct and policies and procedures.
- Will require compliance with such standards of conduct and policies and procedures by all persons who provide services to Cattaraugus County on behalf of such contractor. If a contractor has a Corporate Compliance Plan, then the Contractor's Plan must be submitted to Cattaraugus County. Language requiring this submission will be included in contracts effective January 1, 2000.

1.6. Human resources

1.6.1. Compliance with employment laws

All human resource policies and procedures of Cattaraugus County must comply with the applicable federal and state laws.

Cattaraugus County will comply with all human resource policies and procedures, including personnel manuals approved by the Cattaraugus County Legislature.

1.6.2. Equal Employment Opportunities

Cattaraugus County is committed to and will provide equal employment opportunities to all persons regardless of race, color, religion, sex, national origin, age, disability, sexual preference or veterans status.

It is the policy of Cattaraugus County to comply with all federal and state laws concerning equal employment opportunity.

This policy of equal opportunity is applicable to all aspects of employment including but not limited to hiring, promotion, transfer, compensation, benefits, training, lay off, recall, corrective actions, and suspensions.

1.6.3. Cattaraugus County does not tolerate discrimination or harassment

Cattaraugus County expects everyone associated with Cattaraugus County to treat co-workers, residents, and patients with respect and courtesy.

Cattaraugus County will not tolerate having its employees, contractors, residents or patients subject to harassment or to discrimination on the basis of any of the factors listed above, and will discipline or discharge those who violate this policy or terminate the contract of any contractors.

Harassment specifically includes unwelcome sexual advances, requests for sexual favors, or other verbal, graphic, or physical conduct of a sexual nature.

1.6.4. Reasonable accommodation

Reasonable accommodation will be made for employees, and contractors suffering from a disability as long as the accommodation does not create undue hardship on Cattaraugus County or create a direct threat to patients, the employee, the contractor or others.

The Cattaraugus County Department of Personnel and Civil Service can arrange for confidential counseling for drug or alcohol dependence problems through the Employee Assistance Program.

The Cattaraugus County Department of Personnel and Civil Service and the Employee Assistance Program can also make and coordinate referrals for medical/psychological treatment and arrangements for leaves of absence.

1.6.5. Drugs, narcotics and alcohol

1.6.5.1. Prohibitions and discipline

It is the policy of Cattaraugus County to maintain a workplace free from the unlawful use of controlled substances.

Cattaraugus County prohibits the use, sale, manufacture, dispensing, or possession of illegal drugs and narcotics by employees and contractors, and the writing of unauthorized prescriptions by professional staff members, whether on or off the Cattaraugus County campus.

It is also the policy of Cattaraugus County that employees and contractors must not possess, consume, or be under the influence of alcoholic beverages during regular business hours or while on call.

Cattaraugus County will discipline or discharge employees or immediately terminate contractors who violate this policy.

1.6.5.2. Reporting

Any employee or contractor reporting to work or discovered at work in a condition that suggests that he or she is under the influence of narcotics, drugs, or alcohol will not be permitted to report to or remain on the job, and may be subject to corrective action, including suspension or termination.

The matter will be referred to the appropriate Cattaraugus County Department head and/or the Employee Assistance Program for review and will be handled in accordance with current Cattaraugus County policies and procedures regarding substance abuse.

All such reports will be logged and maintained by the Cattaraugus County Department of Personnel and Civil Service.

1.6.6. Employment of sanctioned individuals

Cattaraugus County will not employ, contract with, or accept as a member of any Cattaraugus County professional staff any individual whom:

- Has been convicted of a criminal offense related to health care, or
- Is listed by a federal agency as debarred, excluded or otherwise ineligible to participate in federally funded health care programs.
- Is listed on the New York State Nurse Aide Registry, as having been found guilty of patient abuse, neglect or misappropriation of resident's property.
- Is listed as having been found guilty on the New York State Central Registry for child abuse or maltreatment.

1.6.7. Qualifications of health care professionals

Cattaraugus County, through its credentialing processes, will make appropriate efforts to verify that all physicians, nurses, and other health care professionals who provide health care services on behalf of Cattaraugus County are appropriately licensed and/or certified under state law to provide such services.

All physicians, nurses, and other health care professionals must satisfy the applicable requirements for providing services to beneficiaries of government health care programs, including Medicare and Medicaid.

The credentials of these professionals are checked upon initiation or renewal of a contract. Responsibility for checking credentials and maintaining proof of credentials is a departmental responsibility with the department initiating/using a contract for professional services maintaining needed records.

1.7. Document retention and medical records privacy

In order to ensure that Cattaraugus County keeps those documents required by law and necessary to its operations, employees and contractors of Cattaraugus County should adhere to the following guidelines on document retention.

1.7.1. Requirements of government programs and other third party payers

Cattaraugus County will comply with the document retention requirements of state or federal government health care programs and other third party payers with regard to records relating to the provision of health care services to beneficiaries of such government programs or the health care reimbursement plans of such third party payers.

The Records Access Officer for Cattaraugus County maintains document retention requirements. Currently, the Office of the County Clerk handles the duties of the Records Officer. Files are generally maintained at the Records Facility currently located in the basement of the Cattaraugus County Department of Public Works Building located at 8810 Route 242 in Little Valley, New York. The phone number for the County Clerk's Office is (716)-938-9111, extension 2293. The phone number for the Cattaraugus County Records Facility is (716)-938-9121.

1.7.2. Requirements of state and federal law

Cattaraugus County will comply with the document retention requirements under state and federal law and regulations with regard to all medical, financial, and administrative records concerning health care services.

No employee or contractor should ever destroy or alter any documents in anticipation of a request for those documents from any government agency or court.

If any employee or contractor believes that such conduct has occurred, or may occur, then the employee or contractor should contact 1) his or her immediate supervisor, 2) the Corporate Compliance Officer or 3) the Cattaraugus County Compliance Helpline at (716)-375-5136, immediately.

1.7.3. Patient confidentiality and privacy

All medical records concerning patients of Cattaraugus County will be maintained as confidential and will be disclosed to third parties only as required or permitted by state or federal law.

1.8. Government investigations

It is the policy of Cattaraugus County comply with applicable laws.

It is the policy of Cattaraugus County to comply with all applicable laws and to comply with all lawful and reasonable requests made in a government investigation.

Cattaraugus County expects its employees and contractors to provide truthful responses to government inquiries.

1.8.1. Protection of legal rights is essential

If any employee or contractor receives an inquiry, a subpoena, or other legal document regarding the business of Cattaraugus County, whether at home or in the workplace, from any governmental agency, it is essential that the legal rights of Cattaraugus County and of the personnel involved be protected.

If an employee or contractor should receive such legal document, then he or she should notify the Cattaraugus County Compliance Officer and the Cattaraugus County Attorney immediately.

1.8.2. Investigatory interviews

In conducting investigations pursuant to the Compliance Plan, an assessment must be made of the potential rights or lack thereof, on the part of individual officers, employees, to representation prior to commencing an investigatory interview where such an individual could be suspected of wrongdoing.

1.8.3. Routine inquiry versus formal investigation

Sometimes, it is difficult to tell when a routine governmental inquiry, audit or review turns into a more formal investigation.

Cattaraugus County will rely on the common sense and alertness of its employees and contractors for making this important discrimination.

In case of any doubt, employees and contractors should consult with his or her immediate supervisor and/or the Cattaraugus County Compliance Officer.

1.9. Reporting of compliance issues

1.9.1. How to report concerns regarding compliance issues

If a Cattaraugus County employee or contractor has concerns regarding any ethics or compliance issue, including any of the standards of conduct, policies and/or procedures described in this Compliance Handbook:

- That employee or contractor should immediately contact one of the following:
 - His or her supervisor.
 - The Cattaraugus County Compliance Officer.
 - The Cattaraugus County Compliance Helpline: (716)-375-5136.

Upon receiving a complaint regarding an ethics or compliance issue a written report will be generated by the person contacted. This report will be forwarded to the Corporate Compliance Officer within 24 hours of the initial contact. If the reporting party is not interested in having his or her name placed in this report, and then the option of anonymity can be provided.

All reports regarding an ethics or compliance issue will be reviewed and investigated by the Compliance Officer.

On a quarterly basis, or more frequently as needed, the Corporate Compliance Committee will review all reports reviewed/investigated by the Corporate Compliance Officer.

All calls to the Compliance Helpline will be treated with confidentiality.

1.9.2. Helpline

1.9.2.1. Purpose of Helpline

In order to provide employees and contractors with every avenue possible through which to raise their concerns, Cattaraugus County has established a Compliance Helpline at (716) 375-5136. This Helpline phone number is available twenty-four hours per day seven days per week.

1.9.2.2. When to use Helpline

If an employee or contractor of Cattaraugus County reasonably suspects or knows of violations including:

- Applicable legal requirements;
- The Cattaraugus County standards of conduct and policies and procedures contained in this Compliance Handbook;
- Any employee or contractor who acquires information that gives him or her reason to believe that another employee or contractor is engaged in or plans to engage in conduct prohibited by the Compliance Handbook;
- Any information indicating that any other person or entity associated with Cattaraugus County plans to violate the standards of conduct or the policies and procedures contained in the Compliance Handbook or any other policies and procedures;
- Anyone who is instructed, directed, or requested to engage in conduct prohibited by the Compliance Handbook;
- Any other issues about which employees or contractors believe involves questionable activity;
- Other compliance policies and procedures, which may be developed by Cattaraugus County from, time to time;

then this employee or contractor must immediately contact their immediate supervisor, the Corporate Compliance Officer or the Compliance Helpline.

1.9.2.3. Confidentiality of Helpline

All calls received on the Compliance Helpline will be treated as confidentially as possible.

Cattaraugus County will not permit any retaliation against any employee or contractor for such reporting.

1.9.3. Retaliation against employees or contractors for reporting is prohibited

Cattaraugus County will not permit any retaliation against any employee or contractor for reporting compliance issues; however, abuse of the Helpline will not be tolerated.

Employees or contractors reporting compliance issues may be covered/protected under various provisions in both State and Federal law. Most notably the Qui Tam provisions of the False Claims Act addresses these issues. The term “qui tam” means that an individual is bringing suit on behalf of the state and for him/herself. Other Federal and state laws also incorporate so-called “whistleblower” provisions. For a listing of some of these applicable laws please refer to Attachment #1.

1.10. List of phone numbers

Compliance Helpline	(716) 375-5136
Cattaraugus County Compliance Officer	(716)-375-5136
Cattaraugus County Department of Aging	(716)-373-8032, extension 3224
Cattaraugus County Administration	
• Administrator's Office	(716)-938-9111, extension 2577
• Administrator's Office	(716)-373-8010, extension 3201
Cattaraugus County Board of Elections	(716)-938-9111, extension 2404 or extension 2405
Cattaraugus County Department of Community Services	(716)-373-8040, extension 3300
Cattaraugus County Attorney	(716)-938-9111, extension 2390
Cattaraugus County Clerk	(716)-938-9111, extension 2293
Cattaraugus County Information Services	(716)-938-9111, extension 2208
Cattaraugus County District Attorney	(716)-938-9111, extension 2222
Cattaraugus County Economic Development, Planning & Tourism	(716)-938-9111, extension 2307
Cattaraugus County Emergency Services	(716)-938-9111, extension 2240
Cattaraugus County Health Department	(716)-373-8050, extension 3380
Cattaraugus County Legislature	(716)-938-9111, extension 2386
Cattaraugus County Department of Nursing Homes	
• The Pines-Olean	(716)-373-1910
• The Pines-Machias	(716)-353-8516
Cattaraugus County Department of Human Resources & Civil Service	(716)-938-9111, extension 2241
Cattaraugus County Probation Department	(716)-373-8047, extension 3351

(Phone numbers continued)

Cattaraugus County Public Works Department	(716)-938-9121, extension 2420
Cattaraugus County Real Property Services	(716)-938-9111, extension 2322
Cattaraugus County Risk Management	(716)-938-9111, extension 2285
Cattaraugus County Sheriff	(716)-938-9111, extension 2214
Cattaraugus County Department of Social Services	(716)-373-8060, extension 3501
Cattaraugus County Treasurer	(716)-938-9111, extension 2286
Cattaraugus County Veterans Services	(716)-373-8010, extension 3297
Cattaraugus County Weights & Measures	(716)-938-9111, extension 2424
Cattaraugus County Youth Bureau	(716)-938-9111, extension 2611

1.11. Compliance Office and Committee Members

Compliance Officer

John R. Searles

Compliance Committee Members

John R. Searles

Joseph Keller

David Moshier

Michael O'Brien

Ann Feightner

This page Updated: 2007-02-28

SECTION II

POLICIES AND PROCEDURES

Below are some specific policies and procedures that relate to the implementation and operation of the Corporate Compliance Program in Cattaraugus County.

2.1. Corporate Compliance Committee and Corporate Compliance Officer

2.1.1. Corporate Compliance Committee composition and terms

The Corporate Compliance Committee will consist of five members, including the Corporate Compliance Officer.

The Chairman of the Cattaraugus County Legislature will appoint the Corporate Compliance Committee, including the Corporate Compliance Officer.

Each member of the Corporate Compliance Committee, with the exception of the Corporate Compliance Officer, will serve on the Corporate Compliance Committee for a three- (3) year term.

The Corporate Compliance Officer, once appointed, will serve in that position unless and until the Chairman of the Cattaraugus County Legislature determines that replacement of the Corporate Compliance Officer is necessary in order to maintain the effectiveness of the Corporate Compliance Program.

2.2. Corporate Compliance Committee responsibility

The Corporate Compliance Committee will have overall responsibility for managing and overseeing the Corporate Compliance Program.

The Corporate Compliance Committee, under the direction of the Corporate Compliance Officer, will be responsible for operating the Corporate Compliance Program on a daily basis and will have at its disposal appropriate resources to discharge its responsibilities under the Corporate Compliance Program.

The Corporate Compliance Committee, under the direction of the Corporate Compliance Officer, will assume responsibility for investigating any violation of the Corporate Compliance Program, in accordance with the procedures outlined in this document under “Disciplinary Procedures”.

2.3. Corporate Compliance Officer role and responsibility

The Corporate Compliance Officer will serve as an ombudsman to whom employees and contractors should report alleged violations of standards of conduct set forth in the Corporate Compliance Handbook.

Cattaraugus County will instruct its employees and contractors to report to the Corporate Compliance Officer any and all information regarding a suspected, known, or potential violation of its Corporate Compliance Handbook through direct contact or through the Corporate Compliance Helpline.

To facilitate such disclosure, Cattaraugus County will display a prominent notice at its facilities announcing the appointment of the Corporate Compliance Officer and the necessity of promptly reporting suspected misconduct or deficient practices.

The Corporate Compliance Officer will make all reasonable efforts to maintain the anonymity of the reporting individual and the confidentiality of the report.

The Corporate Compliance Officer in conjunction with the Corporate Compliance Committee and individual departments will be responsible for training efforts regarding the Compliance Program.

In this capacity, appropriate county personnel, outside experts and legal counsel will assist the Corporate Compliance Officer.

2.4. Corporate Compliance Helpline

2.4.1. Purpose of Helpline and number

Cattaraugus County will maintain a telephone number to receive communications from employees and contractors in connection with alleged unethical or illegal behavior on the part of any officer, official agency, employee, contractor or representative of Cattaraugus County.

The Corporate Compliance Helpline (“the Helpline”) number is (716) 375-5136.

An employee or contractor of Cattaraugus County may call the Helpline at any time, twenty-four hours a day, seven days per week.

When calling the above mentioned number the caller will be asked to leave a message on a password coded secure voice mail system. The Corporate Compliance Officer will check this voice mail system daily during the workweek (Monday through Friday, exclusive of holidays).

2.4.2. Logging calls to the Helpline

All calls to the Helpline will be logged and a report will be made on each call.

Calls can be made on an anonymous basis.

All calls will be reported to the Corporate Compliance Officer who will ensure appropriate follow-up in connection with the calls.

The Corporate Compliance Officer also will maintain records to:

- Track the nature, topic, and source of calls.
- Assess the necessity for amendments to the Corporate Compliance Handbook
- Consider changes in other policies and procedures.
- And otherwise monitor the Helpline.

2.4.3. Responding to the caller

If the identity of the caller is known, then the Corporate Compliance Officer will:

- Contact the caller within seven (7) days of the call.

- Inform the caller of the status of the Corporate Compliance Officer's review of the matter.
- Provide the caller with an opportunity to discuss any additional information known by the caller regarding the subject matter of the call.

If the caller wishes to remain anonymous but wants a follow-up on his/her concerns, then the Corporate Compliance Officer will arrange a date and time for the caller to call back.

2.4.4. Response of Corporate Compliance Committee

The Corporate Compliance Committee, in consultation with legal counsel as appropriate, will make all reasonable efforts to determine the appropriate course of action in connection with each call within seven (7) days of the call.

This response will be documented and maintained in the Helpline Log.

The call may be referred to another Department, or may result in an investigation by the Corporate Compliance Committee, in accordance with the procedures set forth in "Investigations and Corrective Action", below.

If the call is referred to another Department, then the Department will be required to issue a written report to the Corporate Compliance Committee outlining the response to the call and the reasons for the response.

The report must not only explain what was done, but also why it was done.

2.5. Implementation of Corporate Compliance program

2.5.1. Responsibilities for implementation

The Corporate Compliance Officer will be responsible for the Corporate Compliance Program's implementation and for ensuring that all employees and contractors are fully informed about the Corporate Compliance Program.

2.5.2. Training and Distribution of Corporate Compliance Handbooks

Training sessions will be conducted and the Corporate Compliance Handbook will be distributed to all current employees within ninety (90) days of the initial implementation date, and to all new employees within ninety (90) days of their hire or appointment date.

2.5.3. Signing the Corporate Compliance Certification

During these training sessions, each employee will be given a Corporate Compliance Certification for the employee to sign.

The Corporate Compliance Certifications will be returned to the employee's personnel file and logged.

2.5.4. Annual affirmation of compliance

Each employee will be required annually to execute a statement affirming that he/she agrees to abide by the standards of the conduct and policies and procedures contained in this Corporate Compliance Handbook

2.5.5. Service agreements with contractors

All Service Agreements between Cattaraugus County and contractors that furnish direct patient care services to Cattaraugus County or that provide billing services for Cattaraugus County must include a signed statement indicating the contractor:

- Has reviewed the standards of conduct and policies and procedures outlined in this Corporate Compliance Handbook
- Will require compliance with such standards of conduct and policies and procedures by all persons who provide services to Cattaraugus County on behalf of such contractor.

2.5.6. Purpose and responsibility

To insure that employees are familiar with the Corporate Compliance Program, there will be on going communications with regard to the Compliance Program.

The Corporate Compliance Officer will be responsible for coordinating the training efforts for the Compliance Program.

2.5.7. Initial training and annual follow-ups

The initial training for all employees shall review, at a minimum, the Corporate Compliance Handbook and the applicable federal and state regulatory requirements relating to the provision of health care services by Cattaraugus County.

The Corporate Compliance Committee, at its discretion, may require that a contractor with a Service Agreement with Cattaraugus County and persons, who provide services to Cattaraugus County on behalf of such contractor, must participate in training programs relating to the Cattaraugus County Corporate Compliance Program.

Each year following the initial implementation of the Corporate Compliance Program, all employees and professional staff members will be required to affirm in writing that they agree to abide by the standards of conduct and policies and procedures set forth in the Corporate Compliance Handbook. Please see forms attached in Section III Notes.

2.5.8. Communication of changes in Corporate Compliance Program

The Corporate Compliance Officer will distribute in writing and/or post in a conspicuous place any modifications of, or amendments to the Corporate Compliance Handbook.

The Corporate Compliance Officer also will provide employees with written explanations of substantial changes in the applicable laws and Corporate Compliance Handbook.

If the Corporate Compliance Officer determines that written materials are not sufficient to familiarize employees with the amendments to the Corporate Compliance Handbook, or changes in the applicable law, then interim training sessions will be conducted.

2.5.9. Ongoing communication about Corporate Compliance Program

Employees will be provided periodic information about the Corporate Compliance Program, through newsletter(s) and, as appropriate, other forms of communication.

2.6. Modifying and amending the Corporate Compliance program

2.6.1. Annual review of Corporate Compliance Program

The Corporate Compliance Committee, with the assistance of legal counsel, will review the Corporate Compliance Program annually to determine whether it should be modified based on new legal requirements or the past experiences of Cattaraugus County with the Corporate Compliance Program.

If necessary, Cattaraugus County will:

- Modify or amend the Corporate Compliance Program to increase the likelihood that it will prevent and detect violations of law.
- Disseminate the modifications or amendments in writing.

2.6.2. Review of Corporate Compliance Handbook with each investigation

The Corporate Compliance Committee will review the Corporate Compliance Handbook in connection with each investigation.

If the review indicates that a provision has been ineffective or could be improved, then the Corporate Compliance Committee will recommend to the Chairman of the Legislature the appropriate modification or amendment to increase the likelihood that it will prevent and detect violations of law or the Corporate Compliance Program.

2.6.3. If approved by the Chairman and the County Legislature, such modification or amendment will be distributed in writing to all Cattaraugus County employees and contractors

2.6.4. Amendment of Corporate Compliance if Cattaraugus County programs expand

If Cattaraugus County expands its programs to provide additional health care items or services, then the Corporate Compliance Program will be amended, if necessary, to govern the new activity.

The Corporate Compliance Program will include standards and procedures to prevent and detect violations of the laws applicable to the new activity.

Any amendments will be disseminated in writing.

2.6.5. Review of appointment of Compliance Officer; modifications and amendments to Corporate Compliance program

The County Legislature will review the appointment of the Corporate Compliance Officer annually.

If necessary to maintain the effectiveness of the Corporate Compliance Program, then the Chairman of the Cattaraugus County Legislature will replace the Corporate Compliance Officer.

The County Legislature must adopt modifications and amendments to the Corporate Compliance Program.

2.7. Investigations and corrective action

2.7.1. Investigation

2.7.1.1. Procedure for investigation

Upon receiving report of a known or suspected violation of the Corporate Compliance Handbook or other misconduct:

- The Corporate Compliance Officer will notify the Chairman of the Legislature.
- The Corporate Compliance Committee will promptly investigate the matter to determine whether a violation of the Corporate Compliance Handbook, or other wrongdoing or misconduct, has in fact occurred.

If the Chairman of the Legislature is the subject of the report, then the Corporate Compliance Officer will notify the Majority Leader of the Legislature, who will convene a committee of the County Legislature to investigate the matter.

Such investigation will be conducted in the same manner as set forth below for investigation conducted by the Corporate Compliance Committee, except that:

- All reports made regarding the investigation will go to the Majority Leader rather than to the Chairman of the Legislature.
- Any necessary corrective action will be implemented by the Majority Leader.

2.7.1.2. Components of investigation

The Corporate Compliance Committee will have use of any available resources necessary for a thorough investigation of alleged violations of the Corporate Compliance Handbook or other wrongdoing or misconduct. The investigation may include:

- Interviews of relevant personnel.
- A review of relevant documents.
- Engagement of outside counsel or experts as needed.

The Chairman of the Legislature will be kept apprised of the progress of the investigation.

2.7.1.3. Report and corrective action

Report of investigation

At the conclusion of any investigation by the Corporate Compliance Committee, a written report will be prepared, under the direction of legal counsel for the Chairman of the Legislature. The report will describe:

- The substance of the allegations.
- The evidence uncovered by the investigation.
- The Corporate Compliance Committee's findings.

2.7.1.4. Recommendation of corrective action

If, as a result of the investigation, the Corporate Compliance Committee determines that a provision of the Corporate Compliance Handbook has been violated, or that other misconduct or wrongdoing has occurred, then the Corporate Compliance Committee's report will recommend to the Chairman of the Legislature the corrective action warranted under the circumstances.

With the assistance of the Corporate Compliance Officer and the Department Head corrective action will be implemented, including:

- Any necessary disciplinary action.
- Communications to employees and contractors.
- Directing that any appropriate refunds to government or private payers be made.

2.7.1.5. Corporate Compliance Committee Quarterly Reports

The Corporate Compliance Committee and, when necessary, legal counsel will report quarterly to the County Legislature a year-to-day summary of:

- All reports of alleged violations of the Corporate Compliance Handbook, or other wrongdoing or misconduct.
- The nature of the alleged violation.
- The findings of any investigation.
- Any corrective action taken.

2.8. Cattaraugus County does not pay for referrals

Cattaraugus County will not pay or accept payment from anyone—employees, physicians, hospitals, or other health care professionals and providers—for referrals.

Cattaraugus County will not make payments or provide non-cash benefits (e.g., office space, services of support personnel, etc) to any physician or other health care professional in exchange for, or in order to induce, referrals.

2.8.1 Fair Market Value

Any payments to physicians, other health care professionals and providers, or other individuals or entities that provide items of services in connection with the delivery of health care services by Cattaraugus County must represent the fair market value of specific items or services provided or rendered pursuant to a written contract that has been approved through the Cattaraugus County contract approval process.

2.8.2. Compliance with federal and state laws

Any financial or other business arrangement between Cattaraugus County and physicians or other health care professionals or providers must be structured to comply with applicable federal and state fraud and abuse laws.

2.8.3. Refer questions to legal counsel

If questions arise regarding whether a proposed business arrangement is in compliance with federal or state laws that prohibit payments in exchange for the purchase of items or services or for the referral of patients, legal counsel must be consulted in order to determine whether the proposed arrangement is acceptable. Legal Counsel for Cattaraugus County is the Cattaraugus County Attorney. Issues regarding proposed arrangements can be referred to the Corporate Compliance Office or directly to the Cattaraugus County Attorney. The phone number for the County Attorney is (716)-938-9111, extension 2390.

2.8.4. Guidelines for appropriate referral by non-employees and employees

Physicians and other health care professionals who are not employees of Cattaraugus County are free to refer patients to any person or entity they deem appropriate, or as requested by the patient.

Where employees of Cattaraugus County are in a position to make referrals, they must make such referrals based on the preferences of the individual seeking treatment, or, if the individual does not express a preference for a particular provider, what is best for the individual.

In any case, referrals by employees of Cattaraugus County must be made without regard to the number of referrals any physician or other health care professional has made to Cattaraugus County.

2.9. Cattaraugus County does not pay patients

2.9.1. Prohibited financial benefits to patients

Cattaraugus County will not waive insurance co-payments or deductibles, or otherwise provide financial or non-cash benefits (e.g., free services) to individuals in order to induce such individuals to request or receive health care services from Cattaraugus County.

2.9.2. Guidelines for appropriate financial accommodation of patients

Under appropriate circumstances, Cattaraugus County may provide appropriate financial accommodation (such as allowing monthly payments over time) or may waive patient co-payment or deductible amounts based on an assessment of the individual patient's financial condition and a determination that the payment of such a co-payment or deductible amounts would cause a financial hardship for the patient.

Any such monthly payment arrangements or waivers of co-payment or deductible amounts on the basis of financial hardship must be:

- Documented in writing;
- Approved by the Departmental–Financial Division or the Director of the Department; and be
- In accordance with established Departmental Financial Division policies and procedures.

In addition, waivers of patient co-payment or deductible amounts must be appropriately disclosed to all third party payers responsible for the patient's bill.

2.10. Discovery and reporting an error or inaccuracy in a claim for payment

Any employee or contractor of Cattaraugus County who discovers an error or inaccuracy in any claim for payment for health care services that has been submitted or will be submitted to a patient, government program, or other payer should alert his or her immediate supervisor or the Departmental Financial Division immediately. The Departmental Financial Division will review the matter and, if appropriate, notify the Corporate Compliance Officer.

The Departmental Financial Division will inform the employee or contractor who made the report as soon as practicable regarding whether the matter was resolved by the Departmental Financial Division and, if so, how the matter was resolved, or whether the matter was referred to the Corporate Compliance Officer for further review.

The Departmental Financial Division will log a discovery of an error. Entries into this log will include the date of the discovery of the error, the name of the person making the discovery, the nature of the error, the status/remediation and actions taken related to this matter and an indication as to whether the Corporate Compliance Officer was contacted.

2.11. Correcting any identified inconsistencies

In order to correct any identified inconsistencies between current billing and cost reporting practices and the applicable billing and cost reporting practices and the applicable billing and cost reporting requirements, these steps will be taken:

- The departmental Financial Division in a log maintained by that division would document the inconsistency.
- A corrective action plan will be prepared, which will include a description of any in-house training that will be provided to billing personnel in order to address the identified billing and cost reporting compliance issues.
- Participation by billing personnel in any such training programs will be documented.
- All billing and cost reporting policy changes implemented in order to address identified billing and cost reporting compliance issues will be documented.
- Legal counsel will be obtained, as necessary.

2.12. Cost reports

2.12.1. Cost reports must be accurate and complete

In addition to submitting claims for specific services, Cattaraugus County submits annual cost reports to governmental payers for reimbursement of administrative, overhead, and other general costs.

Cost reports must be accurate and complete.

Cattaraugus County will not accept any falsification or misstatements in these reports.

Deliberate misstatements expose the employee/contractor involved to severe sanctions, up to and including termination of employment, immediate termination of contract as well as civil or criminal penalties.

2.12.2. Discovery and reporting an error or inaccuracy in a cost report

Any Cattaraugus County employee who discovers an error or inaccuracy in any cost report that has been submitted or will be submitted to a governmental program or other payer should alert his or her supervisor or the Departmental Financial Division immediately.

The Departmental Financial Division will review the matter and, if appropriate, refer the matter to the Corporate Compliance Officer.

The Departmental Financial Division will notify the employee who made the report as soon as practicable regarding whether the matter was resolved by the Departmental Financial Division and, if so, how the matter was resolved, or whether the matter was referred to the Corporate Compliance Officer for further review.

The Departmental Financial Division will log a discovery of an error. Entries into this log will include the date of the discovery of the error, the name of the person making the discovery, the nature of the error, the status/remediation and actions taken related to this matter and an indication as to whether the Corporate Compliance Officer was contacted.

2.13. Billing personnel

2.13.1. Responsibility of billing personnel

Cattaraugus County requires all billing personnel to be knowledgeable regarding the billing policies and procedures relating to health care services furnished by Cattaraugus County established by government programs and private third party payers.

Cattaraugus County is committed to providing/authorizing involvement in training and in-services to billing personnel to help keep them up to date on billing policies and procedures.

Employees, however, have the obligation to be committed to seeking training, as this is needed. Employees should actively seek to inform their immediate supervisor of training opportunities and should submit a travel authorization form to their supervisor if this is required for participation in a needed training.

2.13.2. Responsibility of the supervising accountant or controller

Cattaraugus County employs a chief departmental financial supervisor within all departments responsible for billing Medicare, Medicaid or private third party payers. These individuals are responsible for:

- Overseeing all billing services performed on behalf of Cattaraugus County.
- Obtaining and disseminating the information necessary for all persons involved in billing to determine the billing requirements of government programs and private third party payers to which claims or requests for payment are submitted on behalf of Cattaraugus County.

2.13.3. Responsibility of the Patient Accounts Manager

Within Cattaraugus County Departments there are a variety of positions that perform the role of Patient Accounts Manager, as described below. Attachment #2 is a listing of the position titles by department that may perform the duties of the Patient Accounts Manager within a specific department.

In those instances where there is a Patient Accounts Manager involved, all questions regarding billing requirements should be directed to the involved Patient Accounts Manager. If this individual is unavailable, then an employee should bring a question to their immediate supervisor or the departmental Financial Division, as appropriate.

If the Patient Accounts Manager is unable to answer billing questions that arise, then he or she should contact sources outside of Cattaraugus County for additional information and/or clarification regarding the appropriate billing requirements, including:

- Cattaraugus County's Medicare Carrier and/or Fiscal Intermediary;
- New York State Health Department/Medicaid;
- Health Care Financing Administration;
- Appropriate private health plan personnel; and/or
- Other outside experts and legal counsel.

All requests for additional information and/or clarification of the billing requirements for a government program of a private third party payer will be documented. If possible, then all responses to such requests will be obtained in writing. All requests for additional information and subsequent responses from a government program or third party payer will be forwarded, logged and filed in the departmental Financial Division.

2.13.4. Billing and cost reporting information maintained in a central location and updated regularly

Information regarding the applicable billing requirements of government programs and private third party payers will be maintained in a central location within a department that is readily accessible to all Cattaraugus County personnel involved in billing.

This information will be reviewed and updated on a regular basis by the Accounting Unit. The Supervising Accountant/Controller will have responsibility for maintaining this information.

Billing personnel will be notified immediately by the Patient Accounts Manager of any material changes to the applicable billing requirements of which the Patient Accounts Manager becomes aware or is notified.

2.13.5. Training related to changes in billing requirements

Significant changes to billing requirements will be communicated during in-house training sessions conducted by the Departmental Financial Division or the Office of the Corporate Compliance Officer.

Billing personnel will stay apprised of applicable billing requirements through in-house training sessions or by attending training seminars sponsored by payers or professional societies and associations.

The Patient Services Manager will document attendance by billing personnel at outside seminars and in-house training sessions.

Individuals who know of any significant changes related to billing or other accounting functions should pass this information onto their immediate supervisor and/or the Supervising Accounting staff member so that these items can be investigated and if needed training provided or arranged.

2.13.6. Evaluation of billing practices

2.13.6.1. Periodic review of billing and cost reporting practices

On a periodic basis, and no less often than annually, Cattaraugus County will evaluate the appropriateness of its billing and cost reporting practices by reviewing the current billing and cost reporting requirements for all items and services furnished by Cattaraugus County, in order to determine whether each billing and cost reporting practice complies with the applicable billing and cost reporting requirements.

This review of billing and cost reporting practices will include a detailed review of any issues that have been identified as a result of internal audits or claims monitoring activity, and any issues that have been identified by the Health Care Financing Administration, the New York State Department of Health/Medicaid, or other federal or state government agencies as problematic for health care providers.

This review will be done by the departmental Financial Division and involve the Director of the department, or their designee. A summary report of their findings including remediation timetables, if appropriate, will be submitted to the Corporate Compliance Officer within two weeks after their completion. These summary reports will be on file in the Office of the Corporate Compliance Officer.

Any questions as to the appropriateness of a particular billing or cost reporting policy or practice will be directed to outside experts as necessary.

2.14. Claims monitoring

Cattaraugus County will develop a plan and procedures for pre-submission and post-submission claims monitoring, which will:

- Include the development of specific guidelines for determining which claims are to be reviewed, and
- Ensure thorough documentation of actions relating to such review.

This plan will be developed jointly by the Corporate Compliance Officer and departmental Financial Division staff.

2.14.1. Pre-submission review

The pre-submission review will:

- Include a comparison of the codes billed with the documentation provided in the medical record.
- Ensure that all items and services billed, and the medical necessity of such items and services, are adequately and accurately described and documented, including specification of diagnosis and other items critical to a reimbursement decision.

The pre-submission review also will include a procedure whereby:

- Questions regarding claims are directed to the appropriate physician or other health professional involved, and
- Appropriate personnel make any needed clarifications and/or amendments to the documentation relating to the claim.

The claim reviewer will document the results of all pre-submission claims monitoring.

2.14.2. The post submission review

The post-submission review will include a random audit of claims submitted by Cattaraugus County over a specified period.

The audit will include a comparison of the documentation in the patient's medical record with the service billed.

If the documentation contained in the medical record does not support the services billed, then the individual conducting the audit will review the claim with the billing physician or other health professional to determine whether additional information so that the medical record will accurately reflect the services that were in fact provided.

All entries in a patient's medical record must be made in accordance with the applicable Cattaraugus County medical records policies.

The post-submission review will include specific procedures for taking corrective action, including submitting revised bills for refunding overpayments, where appropriate.

The departmental supervising accountant/Controller and/or Compliance Officer will document corrective action thoroughly.

Such documentation will be maintained in the Compliance Office files.

2.15. Disclosure by employees and applicants for employment

2.15.1. Applicants for employment

In order to become employed by Cattaraugus County, an applicant for employment must disclose in writing whether he/she previously has been:

- Convicted of felonies or misdemeanors, or
- Debarred or excluded from any federally funded health care program.

Cattaraugus County will evaluate such information in a manner consistent with current Cattaraugus County policies and procedures and all applicable laws and regulations.

Failure to make a complete and accurate disclosure will disqualify the applicant from employment consideration.

If an applicant's failure to completely and accurately disclose information requested on an employment application is not discovered until after an offer of employment has been extended and accepted, then the offer of employment will be revoked and the employee will be terminated.

2.15.2. Current employees

The Corporate Compliance Officer may request, in accordance with any applicable laws and/or regulations that a background check be conducted on any current employee, in connection with the investigation of any potential or alleged violation of the Corporate Compliance Handbook.

2.15.3. Departures

When an employee of Cattaraugus County resigns voluntarily or is terminated, the Cattaraugus County Department head or Agency will contact the employee in writing in order:

- To determine whether he/she knows of any violation of the Corporate Compliance Program.
- To determine whether the employee to violate the Corporate Compliance Handbook or to conceal a violation of the Corporate Compliance Handbook relates the resignation or termination to any refusal.

- To notify him/her in writing that he/she may request an exit interview to discuss any compliance issues or other concerns.

2.16. Disciplinary procedures for employees

2.16.1. Violations prohibited; adherence required

Employees of Cattaraugus County are strictly prohibited from engaging in any activity that violates the Corporate Compliance Program.

Violations will be grounds for disciplinary action up to and including termination, depending on the circumstances of each violation.

Adherence to the Corporate Compliance Handbook, including the reporting responsibilities, will be a component of each employee's performance evaluation and the review of each employee's application for reappointment to staff membership.

Cattaraugus County will not permit any retaliation against any employee for reporting compliance issues.

2.16.2. Causes for disciplinary action

Disciplinary action will be taken against employees who either:

- Authorize or participate directly in a violation of the Corporate Compliance Handbook.
- Deliberately fail to report a violation.
- Deliberately withhold relevant and material information concerning a violation of the Corporate Compliance Handbook.
- Report a compliance issue if an investigation reveals that he/she violated or participated in a violation of the Corporate Compliance Handbook.

Appropriate action will be taken to prevent recurrence.

2.16.3. Disciplinary action against violator's manager or supervisor

Disciplinary action may be taken against the violator's manager or supervisor, to the extent that the circumstances of the violation reflect inadequate leadership or a lack of diligence.

2.17. Contractor termination

2.17.1. Violations prohibited; adherence required

Contractors of Cattaraugus County are strictly prohibited from engaging in any activity that violates the Corporate Compliance Program.

Violations will be grounds for contract termination, depending on the circumstances of each violation.

Adherence to the Corporate Compliance Handbook, including the reporting responsibilities, will be a component part of a review of the contractor's performance.

Cattaraugus County will not permit any retaliation against any contractor for reporting compliance issues.

2.17.2. Causes for action

Action will be taken against contractors who:

- Authorize or participate directly in a violation of the Corporate Compliance Handbook.
- Deliberately fail to report a violation.
- Deliberately withhold relevant and material information concerning a violation of the Corporate Compliance Handbook.
- Report a compliance issue if an investigation reveals that he/she violated or participated in a violation of the Corporate Compliance Handbook.

2.18. Audit and monitoring function

2.18.1. Purpose and parameters of annual Compliance Audit

Cattaraugus County will conduct an annual compliance or due diligence audit in order to:

- Ensure that employees and contractors of Cattaraugus County are adhering to the Corporate Compliance Program and to all applicable federal and state regulatory requirements.
- Evaluate whether Cattaraugus County has fulfilled its commitment to regulatory compliance and business ethics.

The annual compliance audit will be conducted in accordance with pre-established audit procedures that provide for, at a minimum:

- On-site visits to each Cattaraugus County facility.
- Interviews with personnel involved in management, operations, billing, marketing, and the direct provision of health care items and services.
- Reviews of written materials and documentation (e.g., contracts, cost reports, billing policies and procedures, etc.).

The annual compliance audit will be conducted by or under the direction and supervision of the Corporate Compliance Committee.

2.18.2. Report and follow-up to Annual Compliance Audit

A written audit report will be submitted to the Chairman of the County Legislature.

Based on a review of the annual compliance audit report, the Chairman of the County Legislature will recommend and oversee the implementation of any of the following as necessary to correct any identified compliance issues and to deter the recurrence of such issues:

- Policies and procedures.
- Disciplinary actions.
- Training and education programs.

The approval of the County Legislature will be obtained when necessary.

Any actions taken in response to the annual compliance audit report will be fully documented.

If warranted, then a follow-up audit or review of specific issues or practices will be conducted to determine whether the recommended corrective actions have been implemented and are successful.

SECTION III

NOTES

Employee Compliance Certification

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

Signature: _____

Name (print): _____

Facility: _____

Date: _____

Contractor/Consultant Compliance Certification

I certify that I have received the Compliance Handbook and that the Compliance Program has been explained to me. I promise to comply with the terms of the Cattaraugus County Compliance Program, and I understand that violation of these terms may lead to disciplinary action, up to and including the termination or non-renewal of my staff appointment.

Signature: _____

Name (print): _____

Facility: _____

Date: _____

Attachment #1
**Various Laws that are referenced in relation to
Corporate Compliance issues**

There are a number of laws on both the State and Federal level which impact upon Corporate Compliance issues. Below is a description of some of these laws and the brief description of their relation to Corporate Compliance issues.

Anti-Kickback Statutes

There are several federal and state anti-kickback statutes which focus upon “knowingly and willingly solicits or receives any remuneration (including a kickback, bribe or rebate) directly or indirectly, overtly or covertly, in cash or in-kind: A) in return for referring an individual to a person for the furnishing or arranging for the furnishing of any item or service for which payment may be made in whole or in part under a federal healthcare program, or B) in return for purchasing, leasing, ordering or arranging for or recommending purchasing , leasing, or ordering of any good, facility, service or item for which payment may be made in whole or in part under a federal healthcare program”(Social Security Act §1128B(b); 42 USC §1320a-7b(b)).

The Medicare and Medicaid Patient and Program Protection Act, 42 U.S.C. §1320a-7b(b), as amended (the “Anti-Kickback Statute”) prohibits:

- The knowing and willful offer or receipt of any remuneration (defined broadly to include anything of value) in exchange for a referral or which is intended to induce a referral for the furnishing or arranging for the furnishing of any item or service for which payment may be made under a federal health program, including the Medicare and Medicaid programs.
- The offer or receipt of remuneration in exchange for or which is intended to induce the purchase, lease, order or arranging for or recommending the purchase, lease or order of any good, facility, service or item for which payment may be made under a federal health care program, including Medicare and Medicaid.

The Stark Laws

The Stark Laws are a set of federal laws that attempt to control the amount of remuneration from facilities and services a physician can receive if that same physician has a financial interest in the facilities/services. In terms of these laws, the word “physician” is interpreted to mean osteopathic physicians, dentists, optometrists, and chiropractors, to name a few specialties.

The physician self-referral provisions contained in 42 U.S.C. § 1395nn (Commonly referred to as the “Stark Law”) prohibit a physician with a financial relationship with an entity from making a referral to that entity for the furnishing of certain “designated health services” for which payment may be made under Medicare or Medicaid.

The False Claims Act

The federal False Claims Act is one of the driving forces behind the requirement for Corporate Compliance Plans. This law delineates both civil and criminal penalties for the filing of false claims. This Act is not limited in application to the health care field. Congress originally passed some of these laws in the nineteenth century. The current focus upon provisions of this act being interpreted in the health care arena is consistent with the manner in which this law has been applied to other industries.

The False Claims Act imposes civil liability on any person or entity that submits a false or fraudulent claim for payment to the United States government. The False Claims Act covers fraud involving any federally funded program, with the exception of tax fraud. The primary activities that constitute violations under the False Claims Act include:

- Knowingly presenting (or causing to be presented) to the Federal Government a false or fraudulent claim for payment;
- Knowingly using (or causing to be used) a false record or statement to get a claim paid by the Federal Government;
- Conspiring with others to get a false or fraudulent claim paid by the Federal Government; and
- Knowingly using (or causing to be used) a false record or statement to conceal, avoid, or decrease an obligation to pay money or transmit property to the Federal Government.
- The “qui tam” or “whistleblower” provision of the False Claims Act (FCA) allow an individual who knows about a person or entity who is submitting false claims to bring suit, on behalf of the government, and to share in the damages recovered as a results of the suit (FCA §3730(b)).

Antitrust Laws

Creating a trade monopoly, unfair methods of competition and other means that limit competition may not be legal and may be governed by federal and/or state antitrust laws and regulations. Certain types of joint ventures involving the acquisition of equipment, group purchasing agreements and transactions that tend to monopolize a market for particular types of services might trigger an antitrust review.

It is the policy of Cattaraugus County to comply fully with federal and state antitrust laws and regulations.

Employees of Cattaraugus County may not enter into agreements or understandings with a competitor that unlawfully limit or restrict competition.

This policy applies not only to express formal and written agreements but also to imply informal and oral agreements.

When purchasing goods or services for Cattaraugus County, employees may not enter into agreements or understandings that unlawfully limit or restrict purchasing decisions of Cattaraugus County.

For example, no employee of Cattaraugus County may agree with other health care systems or providers to boycott a given supplier or to pay no more than a given amount for some good or service.

Laws relating to tax exempt status

It is the policy of Cattaraugus County to comply fully with all federal and state tax laws and regulations and to preserve the tax-exempt status of Cattaraugus County.

Cattaraugus County will conduct its operations in such a manner as to enable the resources of Cattaraugus County to be used for the benefit of the community, rather than the private interests of any individual within Cattaraugus County.

Cattaraugus County and its employees will avoid compensation arrangements or other transactions in excess of fair market value that might jeopardize the tax-exempt status of Cattaraugus County.

All tax information and tax returns will be filed in accordance with applicable law.

Penalty for violations

A violation of these laws may result in significant criminal and civil penalties, including substantial monetary penalties and possible exclusion from participation in a federal health care program.

Attachment #2
**Departmental position titles that may function as
Patient Accounts Manager**

Within Cattaraugus County Government, and across the variety of Departments involved with this Corporate Compliance Plan there are a variety of positions that may, for purposes of the Plan, perform the duties of a Patient Accounts Manager. These positions, within a given department, may include:

Title of Positions

Account Clerk Typist
Senior Account Clerk Typist
Secretary to Administrator
Bookkeeper
Junior Accountant
Accountant
Controller