

Family Guidance Center for Behavioral Healthcare Corporate Compliance Plan



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I. Introduction

This document sets forth the Family Guidance Center's (FGC) Corporate Compliance Plan. The purpose of this Plan is to describe the policy of Family Guidance Center with respect to certain legal and ethical conduct, to assist in the detection of possible violations of law and ethical standards of Family Guidance Center, and to correct or prevent such violations.

II. Compliance Standards

Family Guidance Center's business operations are subject to a number of legal, regulatory, and professional requirements and considerations. It is the fundamental policy of Family Guidance Center that all of its business and other practices be conducted at all times in accordance with all applicable laws and regulations of the United States, the State of Missouri, local laws and ordinances and the professional standards/practices of the industry and Family Guidance Center. The Family Guidance Center's Corporate Compliance Plan is intended to serve as a guide to help implement agency compliance with all applicable laws and standards.

Due to the nature of Family Guidance Center's business of providing a variety of health and behavioral healthcare services, the potential for violating certain laws and regulations exists. The following sets forth brief descriptions of conduct prohibited by Family Guidance Center and this Plan:

- No Family Guidance Center employee will knowingly make any false statements in claims for payment or applications for benefits.
- No Family Guidance Center employee will knowingly keep payment for services that were not properly billed.
- No Family Guidance Center employee will knowingly submit any claim based on the rendering of services for which the person providing the service was not properly licensed or credentialed.
- No Family Guidance Center employee will submit any claim for services that he/she has reason to believe were not medically necessary or not payable by the program to which the claim is being submitted.
- No Family Guidance Center employee will pay for, offer to pay for, receive payment for, solicit payment or anything of value for referrals of individuals for services or for the purchase of services.
- No Family Guidance Center employee will present any claim to any governmental agency or other payor that is for an item or service the employee knows was not provided or that the employee knows or reasonably believes is false.
- Appropriate billing codes that accurately reflect services rendered will be used in all claims for payment submitted to government agencies and other payors.
- No Family Guidance Center employee will scheme to defraud or conspire with others to cheat or defraud any service benefit program or governmental agency.
- No Family Guidance Center employee will steal any funds or other assets from any service benefit program or governmental agency.
- No Family Guidance Center employee will knowingly falsify or conceal any facts concerning the delivery of services or payment of benefits.
- No Family Guidance Center employee will intentionally obstruct any authorized investigation of Family Guidance Center's operations by the Compliance Officer, legal counsel, or a government agency.

Related policies and procedures may be found in Family Guidance Center's Code Of Conduct and Policy and Procedures on e shared drive.

III. Persons Covered by the Plan

This Plan applies to employees and all applicable contractors of Family Guidance Center. Family Guidance Center employees and contractors will be provided a copy of this Plan and Family Guidance Center's Code of Conduct to inform them of Family Guidance Center's policy of compliance.

IV. Responsibility of All Employees

Each employee is responsible to know and follow Family Guidance Center's policy of compliance with all applicable laws, regulations, and professional and ethical standards. Therefore, all employees must observe all applicable legal and regulatory requirements and must comply with this Plan and all relevant policies and procedures.

Employees will not conduct themselves in a manner that violates applicable legal or professional regulatory requirements. Employees may not conduct themselves in a manner contrary to applicable professional and ethical standards or the policies of Family Guidance Center.

Employees are not expected to have expert knowledge of all legal and regulatory requirements that may apply to their work. However, it is expected that employees will be sensitive to legal and ethical issues, and the goal of this Plan is to provide each employee with enough information to know when to ask questions when uncertain about any given situation and the method of seeking advice. If an employee is uncertain whether specific conduct is prohibited, the employee must contact the Family Guidance Center's Corporate Compliance Officer, administrators, or managers of the agency.

V. Compliance Program Oversight

This Plan will be implemented under the supervision of the Family Guidance Center's Corporate Compliance Officer and Family Guidance Center's Administrative Team.

A. Corporate Compliance Officer

The Family Guidance Center Corporate Compliance Officer is Holly Rosonke. Her telephone number is (816) 236-2444. The Corporate Compliance Officer will report regularly to the Family Guidance Center's Chief Executive Officer and Board of Directors.

The Family Guidance Center Corporate Compliance Officer will (1) oversee the implementation of this Plan; (2) ensure that employees are notified of compliance standards; (3) coordinate the education and training of employees; (4) ensure employee performance evaluations include an ethics and a compliance component; (5) implement and maintain the Family Guidance Center "Integrity Line"; (6) coordinate the audit of critical compliance areas; (7) review reports of compliance issues and respond accordingly; (8) coordinate and conduct internal investigations; (9) ensure that all reasonable steps are taken to respond appropriately to ethics and/or legal compliance violations to prevent further similar violations; (10) recommend appropriate and consistent discipline for violators; (11) monitor remedies when violations are detected; and (12) report to Family Guidance Center's Chief Executive Officer and Board of Directors on a regular basis.

B. Family Guidance Center's Administrative Team

The Administrative Team will meet as needed to ensure implementation of this Plan, assess its effectiveness, recommend revisions and assist in internal investigations as appropriate.

C. Board Oversight

The Family Guidance Center's Board of Directors will review and approve this Plan annually. Family Guidance Center's Board of Directors has given the Corporate Compliance Officer and the Administrative Team the authority to address compliance issues within Family Guidance Center and implement this Plan. The Corporate Compliance Officer will provide quarterly reports to the Board of Directors.

VI. Due Care In Delegation and Background Checks

Family Guidance Center will make reasonable inquiry into the background of any potential employee, agent, or contractor to avoid hiring anyone who Family Guidance Center knows has been convicted of an offense related to compliance issues related to healthcare. The Family Guidance Center will not employ or retain anyone known to have been excluded from any government or privately sponsored healthcare program (however, in highly exceptional circumstances the CEO may waive this requirement). Additionally, substantial discretionary authority and responsibility for business operations will not be delegated to individuals who Family Guidance Center knows may have a likelihood of engaging in illegal activities.

VII. Employee Training

A copy of this Plan is available to each employee on the shared drive. Family Guidance Center will educate all employees about the existence and content of the Plan through a training at employee orientation and annually thereafter. At compliance training, employees will be provided information concerning compliance issues and may receive specialized training appropriate to the areas in which they work. After completing their compliance training, all employees will be tested on their understanding of this Plan and the Family Guidance Center's Code of Conduct. Employees will be provided additional training opportunities if they do not pass the test initially. Passing the test will be a condition of employment with the Family Guidance Center.

All employees will also be provided with information concerning compliance issues. Employees may receive specialized training appropriate to the areas in which they work. Education may be provided in many ways, including but not limited to orientation, written materials, agency training, newsletters and staff meetings.

VIII. Reporting Compliance Issues

All employees and contractors of Family Guidance Center are expected to report any good faith belief or potential or suspected violations of the Corporate Compliance Program including waste, fraud, abuse or other questionable activities and practices. Reporting information regarding known or suspected violations of applicable laws, regulations, professional and ethical standards or Family Guidance Center's policies and procedures may be done in a variety of ways.

First, employees may give an oral or written report directly to the Corporate Compliance Officer, Administrative Team or a supervisor. These individuals will have an open door policy for communication of compliance concerns. Written reports also may be sent to a post office box that is designated for "Integrity Reports" solely and accessible only by the Corporate Compliance Officer and members of the Administrative Team. The mailing address for this post office box is **Corporate Compliance Officer, P.O. Box 1551, Saint Joseph, MO 64502**. Also, written reports of compliance issues may be sent directly to the Corporate Compliance Officer through inter-office mail. This address for the Corporate Compliance Officer is **724 North 22nd Street St. Joseph, MO 64506**.

Alternatively, an employee may anonymously call Family Guidance Center's "**Integrity Line**", which allows for confidential reporting of compliance issues. The telephone numbers for the "Integrity Line" are **(816) 279-6920** and **(877) 279-6950**. Employees calling the "Integrity Line" will be asked to leave a voicemail message. The message will be listened to periodically by the Corporate Compliance Officer or another member of the Administrative Team.

Employees who identify themselves when making either an oral or written report of noncompliance will be notified that their report was received and when there will be follow up with the investigation. Such employees may be kept apprised that the matter is under investigation, the matter was resolved with corrective action, the matter was resolved with no finding of noncompliance or that the matter was referred to a different department.

No employee who reports a compliance issue in good faith will be disciplined or punished in any way for making the report. Reprisals against such employees are unlawful and will not be tolerated. If an employee believes that he or she is being retaliated against, he or she should contact the Corporate Compliance Officer immediately. However, an individual will be subject to disciplinary action if it is determined that a report of alleged noncompliance was knowingly fabricated, distorted, exaggerated or minimized by the person making the report in an effort to injure someone else or to protect himself/herself. Any Family Guidance Center employee who misuses the "Integrity Line" or attempts to interfere with efforts to investigate or respond to a possible compliance issue also will be subject to disciplinary action, up to and including termination of his/her employment or affiliation with Family Guidance Center. Furthermore, an

employee who attempts to retaliate against another employee who has reported a compliance issue will be subject to disciplinary action, including termination if appropriate.

Every effort will be made to maintain the anonymity of individuals who report compliance concerns. Information provided by the reporter will be treated as confidential and privileged to the extent allowed by law.

Anonymity, however, is not guaranteed. The Corporate Compliance Officer has no authority to grant immunity or extend protection to an employee reporting a compliance issue. An admission of improper conduct by an employee may result in disciplinary action taken against the employee and reporting of the individual's identity to governmental investigative agencies.

Finally, failure to report a known compliance issue violates Family Guidance Center policy and will subject the employee who fails to report the known compliance issue to disciplinary action, including termination where appropriate.

All employees will be evaluated regarding support of Family Guidance Center's philosophy concerning compliance and sensitivity to compliance issues. Knowledge of agency compliance will be part of an employee's performance appraisal.

IX. Audits, Investigations and Corrective Action

A. Auditing

The CCO will monitor to ensure that monthly reviews are being conducted by the Clinical Improvement Specialist. A work plan will be established for the Clinical Improvement Specialist to audit high-risk compliance areas including billing governmental programs, third party insurance carriers and consumers. Reviews will be designed to look at eligibility, appropriateness, quality, completeness and accuracy.

The Corporate Compliance Officer also will monitor compliance areas where a corrective action plan has been implemented. Typically, this will involve reviewing claims and payments to determine whether there have been any overpayments, duplicate payments, unbundling of claims, use of inappropriate modifiers or payments for services not rendered.

The Corporate Compliance Officer will provide the Administrative Team with regular reports on the outcomes of the audits and monitoring as well as any corrective action taken. The Corporate Compliance Officer and the Administrative Team will determine, on a periodic basis, whether or not review of compliance concerns by outside auditors is appropriate. Any such review will be done under the direction of outside legal counsel, the Family Guidance Center Corporate Compliance Officer and the Administrative Team.

To ensure that auditing and monitoring of billing compliance is carried out effectively, all billing records will be retained for at least seven (7) years.

B. Investigation

After receiving audit results, integrity reports, or other information suggesting a possible compliance issue, the Corporate Compliance Officer will record the information and consult the Chief Executive Officer, appropriate Vice President and legal counsel, when appropriate before any investigation is undertaken. The Corporate Compliance Officer, Chief Executive Officer, appropriate Vice President and legal counsel, when appropriate will determine which persons will conduct the investigation including, where appropriate experts retained by legal counsel. The Corporate Compliance Officer shall typically initiate the investigation of corporate compliance violations, within 2 business days and no later than seven business days, if extenuating circumstances exists.

Employees are expected to cooperate with any investigation conducted in response to a report concerning compliance issues.

Investigation activities will include, but are not limited to, the following:

- Interviews, including when appropriate the person making the report;
- Review of relevant documents and systems;
- Review of applicable laws/regulations; and
- Review of written reports submitted to the Corporate Compliance Officer addressing the compliance issue, the investigation procedure, and the nature and extent of liability exposure.

The outcome of all investigations will be documented and reported to the Family Guidance Center Administrative Team. A quarterly summary of all investigations will be provided to the Family Guidance Center Board of Directors. Corrective action will be taken when appropriate.

C. Corrective Action

If a compliance concern is substantiated, the Administrative Team may request or formulate a corrective action plan and monitor its implementation. The corrective action plan will ensure that the specific compliance issue is addressed and, to the extent possible, that similar problems do not occur again. Examples of corrective action plans include: developing new policies and procedures to prevent recurrence of the compliance issue; restricting the duties of certain individuals; educating and training employees, disciplining employees and disclosing the compliance issue to appropriate authorities.

If an investigation reveals violation of the Corporate Compliance Program, Family Guidance Center will take the following steps:

- Cease immediately the activity that violates the Corporate Compliance Plan including any questionable billing until the problem is corrected or clarified;
- Initiate appropriate disciplinary action (e.g. removal of an employee from his or her position);
- Consult legal counsel if it appears that a statute or regulation has been violated;
- Repay any improper payments that may have been received;
- Provide education on appropriate billing procedures; and
- Implement an appropriate corrective action plan.

When the alleged compliance issue involves an improper payment or claim, the Corporate Compliance Officer will meet with the Chief Executive Officer for consultation. The Corporate Compliance Officer will then meet with the Administrative Team, with advice from legal counsel, to decide on appropriate reimbursement and whether any specific disclosures should be made to government agencies.

Compliance issues requiring a corrective action plan will be targeted for monitoring and future audits. Relevant information learned during investigations will be incorporated into Family Guidance Center employee education and training.

X. Enforcement and Discipline

Employees who display commitment to compliance and ethical conduct will be rewarded and recognized through the established performance evaluation process.

Disciplinary action will be taken against any employee who is knowingly or willfully involved in dishonest conduct, and may result in an oral or written reprimand, suspension or termination under the following circumstances:

- If an employee authorizes or participates in any action which constitutes a violation of applicable laws, regulations, or professional standards/policies of Family Guidance Center;
- If an employee fails to report or withholds information of a known or possible violation of laws, regulations, or ethical standards/policies of Family Guidance Center;
- If any employee attempts to retaliate or participate in retaliation against an employee who reports a compliance issue in good faith;
- If any employee makes a claim of a compliance issue which is known to be false or misleading; or
- If any employee interferes or fails to cooperate fully with Family Guidance Center efforts to investigate or address any compliance report.

Family Guidance Center intends to be consistent in its enforcement of adherence to the Compliance Plan. The discipline of employees determined to have violated the Corporate Compliance Plan will be referred to the Chief Executive Officer, supervising Vice President and the Corporate Compliance Officer.

Disciplinary actions including termination may extend to employees responsible for failing to prevent, detect, or report an offense. Family Guidance Center reserves the right to exercise discretion in penalizing those who violate these standards. However, all such violations must be reported to the Corporate Compliance Officer, and Chief Executive Officer.

Exhibit A

(Exhibit A is not intended to serve as a complete or comprehensive summary of the laws, nor is it intended to identify all applicable laws.)

Summary of Applicable Laws and Regulations

1. Anti-Kickback Statute

The Family Guidance Center, its employees and contractors are prohibited from knowingly and willfully soliciting, receiving, offering to pay or paying for, remuneration for exchange to induce referrals of individuals for services.

The Family Guidance Center, its employees and contractors are prohibited from offering anything of value to any individual eligible for a federal or state service program (e.g. cigarettes) if the person making the offer knows or should know that the offer will influence the individual's choice of provider or supplier.

2. Civil and Criminal False Claims

The Family Guidance Center, its employees and contractors are prohibited from knowingly filing a false or fraudulent claim for payment from a government agency, knowingly using a false record or statement to obtain payment on a false or fraudulent claim from a government agency, or conspiring to defraud a government agency by attempting to have a false or fraudulent claim paid.

3. Civil Monetary Penalties Act

The Family Guidance Center, its employees, and contractors are prohibited from presenting any claims to any federal or state agency which is for an item or service the person knows or should have known was not provided as claimed or is a claim which the person knows or should have known is fraudulent. The Family Guidance Center, its employees, and contractors are prohibited from making any representations with respect to coverage of inpatient services, which he/she knows are false, and could influence the decision regarding when to discharge a person from care.

4. Employment Laws

a. Americans with Disabilities Act (ADA)

The Family Guidance Center and its employees may not discriminate against any qualified individual with a disability on account of the disability regarding any condition of employment. The Family Guidance Center will make reasonable accommodations to the known physical and mental limitations of qualified individuals with disabilities unless such accommodations would result in an undue hardship on the Family Guidance Center's business operations.

b. Discrimination

The Family Guidance Center is committed to ensuring fair and equitable treatment of all employees. Employment decisions and practices including hiring, training, promoting, demoting, layoff and termination, will be made based on Family Guidance Center need and the employee's qualifications, ability, achievement, experience and conduct without regard to age, race, color, creed, religion, national origin, disability or any other classification prohibited by law.

c. Sexual Harassment

The Family Guidance Center is committed to maintaining a professional work environment free from sexual harassment. Sexual harassment of one employee by another is prohibited. Sexual harassment consists of both direct and indirect actions that create a hostile environment.

d. Substance Abuse

The illegal use, sale, purchase, distribution or possession of controlled substances, unauthorized or illegal drugs by any employee while on Family Guidance Center premises is prohibited. The use of an unauthorized or illegal drug, the misuse of legal drugs or the use of any alcohol by employees while on Family Guidance Center premises is also prohibited. Controlled substances may only be taken on Family Guidance Center premises pursuant to a valid prescription. Off-premises use of drugs or alcohol is also prohibited when such use may adversely impact an employee's performance on the job.

e. OSHA

The Family Guidance Center is committed to providing its employees with a safe working environment. It is the intent of Family Guidance Center to comply with all applicable occupational safety and health standards including the Occupational Safety and Health Act.

5. False Claims Act

The Family Guidance Center, its employees and contractors are prohibited from knowingly and willfully making or causing to be made any false statements or representation of material fact in any claim or application of benefits under any service program funded in whole or part by the federal government or any state service program.

Examples of prohibited conduct include misrepresenting services which were rendered; "upcoding"; falsely certifying that services were necessary; billing for services not actually rendered; submitting claims for services when the person performing the service does not have the appropriate credentials; making false statements to government agencies about the Family Guidance Center's compliance with Medicare or Medicaid rules and failing to refund overpayments by the federal or state service programs.

6. Federal Self-Referral Statute (Stark Law)

Family Guidance Center employees and contractors are prohibited from making referrals to any entity with which the employee or contractor has a financial relationship if the service is reimbursed by a government program. Furthermore, neither the Family Guidance Center nor its employees or contractors may submit a claim for services furnished pursuant to a prohibited referral.

7. Private Inurement Laws (Tax Exempt Status)

For Family Guidance Center to maintain its tax-exempt organization status, none of its net earnings may benefit private individuals or their businesses. Family Guidance Center employees and contractors must abide by the rules of the Internal Revenue Service governing tax-exempt entities and assist Family Guidance Center in meeting these rules.