



## **Corporate Compliance Plan**

### **Objectives**

Partners for Kids and Families (PFKF) is committed to conducting its business in accordance with the highest legal and ethical standards within our industry. As part of our efforts to meet those standards, we have a Corporate Compliance Plan which outlines how PFKF will meet its ethical and legal obligations and its own high standards of integrity and quality as well as foster a culture of compliance. The Corporate Compliance Plan will:

- Promote PFKF’s commitment to accurate submission of all claims to reimbursement programs and payors.
- Provide an effective internal control system that promotes adherence to and compliance with applicable federal and state reimbursement laws and regulations.
- Promote the prevention, detection, and resolution of instances of conduct that may not conform to federal and state laws and regulations, government and private health care reimbursement program requirements, or PFKF’s ethical and business code of conduct.
- Define responsibilities and establish accountability for compliance with federal and state laws and regulations, government and private health care reimbursement program requirements and sustain a culture in which ethical conduct is recognized, valued, exemplified.
- Provide a process through which PFKF employees, interns, and volunteers (referred to as “PFKF representatives”) may identify and confidentially report to PFKF potential fraud, waste, or abuse; or non-compliance with federal and state laws and regulations, government and private health care reimbursement program requirements or PFKF’s Corporate Compliance Plan.
- Create a centralized source for the distribution of information, education and training on applicable federal and state laws and regulations and government and private health care reimbursement program requirements.
- Provide a means to monitor and audit the effectiveness of the Corporate Compliance Plan.
- Minimize, through early detection and reporting, any potential loss to the government from erroneous claims as well as reduce PFKF’s potential exposure and penalties that might result from improper activities.
- Provide for discipline of PFKF representatives who fail to abide by federal and state laws or regulations; government or private health care reimbursement program requirements; or this Corporate Compliance Plan.

### **PFKF policies included Compliance Plan**

PFKF has policies from its agency manual which have been incorporated into its Corporate Compliance Plan. PFKF representatives should refer to the individual policies and procedures from the agency manual for details.

1. Acceptable use of electronic communications and technology
2. Accepting gifts
3. AIDS in the workplace
4. Americans with Disabilities Act (ADA)
5. Anti-kickback
6. Conflict of Interest/Code of Ethics
7. Conscientious Employee Protection Act (CEPA)
8. Criminal Background Checks
9. Equal Employment Opportunity
10. Family Medical Leave
11. Federal Deficit Reduction Act of 2005-Section 6032
12. Gender Equity Notice
13. HIPAA
14. Immigration reform and Control Act I-9
15. License, registration, and certification renewals
16. Mandated reporting of abuse and neglect
17. Medicaid compliance
18. Non-Harassment
19. Overtime and additional straight time
20. Payroll practices and compensation policy
21. Pregnancy accommodation
22. Prevention, Detection, and Response to fraud, waste, and abuse
23. Prevention of sexual abuse
24. Record retention
25. Sexual harassment
26. Social media

### **Role of the Corporate Compliance Officer**

PFKF's Quality Assurance Director will serve as the Corporate Compliance Officer who will:

- Oversee the implementation and revision of the Corporate Compliance Plan. The Corporate Compliance Plan will be reviewed by the Corporate Compliance Officer no less than annually in response to changing needs of PFKF, changes to federal and state law, and changes in policies and procedures of government and private, healthcare reimbursement programs.
- Monitor compliance with the Corporate Compliance Plan.
- Aid in identifying areas of non-compliance; investigate any areas of concern; and remedy any deficiencies.
- If a report is filed alleging known or suspected non-compliance with the Corporate Compliance Plan, the Corporate Compliance Officer will investigate the complaint and, after its conclusion, prepare or have a designee prepare a special report which includes the following: the circumstances which led to the complaint or report; the investigative

steps that were taken; the facts disclosed during the investigation; the applicable federal or state law, private reimbursement rule or PFKF policy, procedure, or practice at issue; the conclusion(s) reached; and, if applicable, remedial actions recommended or taken.

- Maintain a central file with copies of all complaints, reports, or other statements and documentation related to the complaints, reports, and other statements, including any investigation reports and documentation of corrective actions.
- Facilitate training and educational programs for PFKF representatives and, if and when applicable, systems partners regarding PFKF's Corporate Compliance Plan.
- Ensure an appropriate quality assurance program is in place to identify potential audit areas, establish audit priorities, and conduct periodic audits to improve PFKF's efficiency and quality of service
- Oversee the performance of background checks and screening on all new and current PFKF representatives, contractors or agents. The background checks will be done to ensure PFKF representatives and contractors or agents are not barred from participating in any state or federally funded health benefits program, including Medicaid.
- Report at least once a year to the PFKF Board of Trustees. The reports will address, as appropriate, the progress of implementation, review, or revision of the Corporate Compliance Plan; incidents of misconduct or other non-compliance; the initiation and progress of any investigation in response to a complaint or periodic audit, and the findings and recommendations in respect to any investigation or periodic audit.

The Corporate Compliance Officer will report to PFKF's Executive Director but will also have the authority to report on matters related to the Corporate Compliance Plan directly to PFKF's Board of Trustees at any time.

### **PFKF representatives' responsibilities**

It is the responsibility of every PFKF representative to comply with the policies and procedures implemented in the Corporate Compliance Plan. It is the responsibility of all PFKF representatives to identify compliance issues that may expose PFKF to liability for fraud or abuse or to other legal liability, so that such compliance issues may be promptly and appropriately addressed. PFKF representatives are expected to fully cooperate in the investigation of reported violations of the Corporate Compliance Plan. In addition to this Corporate Compliance Plan, all PFKF representatives are expected to comply with all other policies and procedures of PFKF including but not limited to policies governing employment practices and care management and administrative operations.

### **Reporting a violation**

Each PFKF representative has multiple options to report a concern or violation of PFKF's Corporate Compliance Plan. They may report to the Corporate Compliance Officer, their immediate supervisor, or to another member of Management Team. If a PFKF representative other than the Corporate Compliance Officer receives the report, they must then provide the report to the Corporate Compliance Officer. Concerns or violations of the plan may also be submitted through a third-party company which administers an anonymous and confidential reporting service. Reports can be submitted 24 hours a day by any PFKF representative using a [secure on-line form](#) or toll-free number (1-833-480-0010). The information conveyed is then made available to the Corporate Compliance Officer and/or Executive Director.

### **PFKF investigations of reported violations**

The Corporate Compliance Officer or their designee will investigate all reports promptly. If circumstances dictate, it may be necessary to involve an independent, third-party organization to perform the investigation instead of the Corporate Compliance Officer and submit its findings to PFKF's Board of Trustees.

All investigations will be conducted in a discreet manner. Investigations will be kept confidential and the names those participating in the investigation will be kept confidential to the extent possible consistent with the best interests of PFKF and those involved.

There will be no adverse action taken against a PFKF representative who, in good faith, reports a violation of the Corporate Compliance Plan or cooperates in an investigation of a potential violation of the Corporate Compliance Plan. However, a PFKF representative may be subject to disciplinary action if it is reasonably determined that the report of wrongdoing was knowingly fabricated, distorted, exaggerated, or minimized. Further, a PFKF representative whose report of potential misconduct contains admissions of personal wrongdoing will not be guaranteed protection from potential disciplinary action. The fact of an admission, as opposed to deliberate non-reporting, will be taken into consideration in connection with making a disciplinary decision, and depending on relevant circumstances, may result in lesser disciplinary action than would result in the event of non-reporting.

Any PFKF representative who is found to have retaliated against another employee for reporting a violation or participating in an investigation will be subject to disciplinary action up to and including termination of employment.

### **Corrective Actions**

PFKF does not promote or condone unethical conduct or criminal activity in any context. We recognize, however, that the laws, rules, and policies applicable to PFKF representatives are complex and often subject to interpretation. PFKF also understands that mistakes may occur.

PFKF is committed to correcting errors to help PFKF representatives adhere to both the letter and spirit of the applicable federal and state laws and regulations; governmental and private healthcare reimbursement program requirements; and PFKF Corporate Compliance Plan. PFKF's corrective actions may include further training and education, amendment and clarification of policies and procedures, or creating and implementing new policies and procedures. PFKF representatives are expected to cooperate fully with any corrective actions adopted by PFKF. Failure to follow PFKF's Corporate Compliance Plan may lead to disciplinary action of a PFKF representative, up to and including employment termination and, if appropriate, referral to government and law enforcement authorities for further action.

### **Government Investigations of PFKF**

In the event PFKF is the subject of a Government Agency inquiry or investigation, its policy is to provide cooperation to government authorities while at the same time protecting the rights of PFKF and its representatives.

Definition of a Federal or State government agency

United States Department of Justice	The federal enforcement agency responsible for civil and criminal prosecutions of all federal laws.
Office of Inspector General	Investigative arm of federal government programs under the Department of Health and Human Services
Federal Bureau of Investigations	Investigative arm of federal government programs.
Medicaid Fraud Control Unit (MFCU)	The investigative arm of state Medicaid agencies.
Center for Medicare and Medicaid Services	The federal agency overseeing the administration of the Medicare and Medicaid programs.
Department of Health and Human Services, Drug Enforcement Agency (DEA)	The federal agency overseeing the administration of controlled substances
NJ Attorney General's Office	The agency within state government responsible for investigation and prosecution of state law violations.
U. S. Department of Labor, Occupational Safety and Health Administration (OSHA)	The federal agency charged with enforcement of safety and health laws and regulations
Department of Health and Human Services, Office for Civil Rights	The federal agency responsible for investigating violations of HIPAA privacy standards and violations of civil rights laws.

If a PFKF representative receives an oral or written inquiry regarding PFKF's compliance with any law, regulation or federal, state or private payor requirement, from any source, whether governmental or private, the PFKF representative will immediately notify the Corporate Compliance Officer, and the Corporate Compliance Officer will notify PFKF's Executive Director, prior to responding in any way to the inquiry. The Corporate Compliance Officer will:

- a) Identify the person or entity making the inquiry,
- b) Verify their authority for the inquiry, and
- c) Ascertain the nature of the inquiry.

PFKF's Executive Director will, as needed, notify legal counsel to assist in responding to the inquiry.

If an investigator arrives at PFKF's office with either a request to review records or a search warrant or other legal process, follow these steps:

1. Request and copy proof of identification from the investigator.
2. Do not accept business cards. If that is all that is/can be provided, call the investigator's supervisor to prove the "investigation."

3. Document (in writing) the name(s) and position(s) of the investigators instituting the search and any follow up thereto and copy any documentation they provide.
4. If a search warrant is provided, the Corporate Compliance Officer or Executive Director will forward it to legal counsel.
5. Attempt to schedule the search for another time when no visitors are in the office, and PFKF's attorney can be available. If not, try to delay the search until PFKF's Executive Director and/or PFKF's legal counsel can arrive. If not, confer away from the public areas.
6. Observe all aspects of the search and take detailed notes concerning which specific file cabinets, offices, and records are searched. Be as specific as possible.
7. Write down any statements made by the investigators.
8. Do your best not to permit original records to be removed.
9. Copy any document item or material to be "taken" in the search, before it is removed from PFKF. Also obtain a written inventory listing of all property or records seized by the investigators in the search which they plan to remove from the office (sign and date the inventory and have the investigator(s) present). The time, date, his/ her full name, title, address, do the same, also providing a telephone number and supervisor's name. Attach his/ her business card and the subpoena, if there is one.
10. If the investigators seek to seize any information on the computer or in electronic equipment, back up all data before allowing the information equipment to be removed and maintain a copy. Advise the investigators that if they have a valid warrant for the information that you will make them a back-up tape.
11. Do not permit the "search" to expand beyond the specific stated limits when the investigator announced his/her intent or to expand beyond the specific limits of the warrant.
12. Search warrants seek production of things, (documents and/or items) not thoughts. Do not answer any questions of a substantive nature about such item(s). That is beyond the scope of the order to produce. Decline to answer these questions until you are in the presence of legal counsel.
13. If the search cannot be rescheduled and the intrusion is going to be substantial, close the office.
14. Comply with the warrant and attempt to expedite this process; do not impede the person(s) serving/executing the warrant.
15. Refer any further inquiries (from the investigators or otherwise) to PFKF's legal counsel.