



HERITAGE FARM, INC.

CORPORATE COMPLIANCE PLAN

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I Introduction

A. Organizational Overview;

Heritage Farm provides services to Developmentally Disabled Participants through contractual agreements with Office for People with Developmental Disabilities (OPWDD). The certified services provided are:

- (1) Group Habilitation Services;
- (2) Community Habilitation Services;
- (3) Respite Services;
- (4) Summer Program Services;
- (5) Supported Employment;
- (6) Community Pre-Vocational Services
- (7) Family Support Services
- (8) After School Programs

B. Compliance Overview;

Heritage Farm and its programs (“Heritage Farm”) have adopted a Corporate Compliance Program that reflects its commitment to high quality of care while providing services and effective risk management. Heritage Farm is committed to preventing, detecting, and correcting any improper or unethical conduct or conduct that does not conform to federal and state law, payer program requirements and Heritage Farm’s business practices.

This Plan describes Heritage Farm’s Compliance Program in the areas of:

- (1) Billings;
- (2) Payments;
- (3) Medical necessity and quality of care;
- (4) Governance;
- (5) Mandatory reporting;
- (6) Credentialing; and
- (7) Other risk areas that are identified by Heritage Farm.

Heritage Farm’s Compliance Program applies to all:

- (1) Individuals employed by the Heritage farm;
- (2) Individuals and entities providing services and supplies to Heritage Farm; and

- (3) Members of the Governing Board (Board), and Standing Committees (Committees)
- (4) Collectively known as Associated Persons.

All Associated Persons are expected to read, understand and comply with this Plan (including the Code of Conduct).

In addition, all Associated Persons are expected to report any conduct that they believe violates this Plan, Heritage Farm's policies, or applicable laws and regulations to their supervisor, or Heritage Farm's Compliance Officer, via Heritage Farm's Compliance Hotline or Compliance Reporting Form.

The Heritage Farm's Compliance Program is necessary because federal and state government agencies have intensified their efforts to audit, investigate and prosecute Medicare and Medicaid fraud, waste and abuse.

Civil and criminal audits and investigations of the health care and human services industry are occurring at an unprecedented rate and resulting in large fines and criminal convictions.

An effective Compliance Program such as this one can substantially reduce Heritage Farm and its Associated Persons' potential liability in the event of such an audit or investigation.

Heritage Farm also welcomes our Compliance Plan as an additional tool of commitment to ensure services are provided at a high level of quality to our participant's.

C. The Program's Elements.

Heritage Farm's Compliance Program consists of eight (8) elements. They are as follows:

- (1) Written compliance policies and procedures that describes the Heritage Farm's Compliance Program, including the Justice Department's Code of Conduct;
- (2) Appointment of a Compliance Officer who is responsible for the day-to-day operation of the Compliance Program and a Compliance Committee to assist the Compliance Officer;
- (3) Training and education of all affected Associated Persons on

- the Compliance Program;
- (4) Mechanisms to report compliance concerns;
 - (5) Disciplinary policies to encourage good faith participation in the Compliance Program;
 - (6) System for identifying compliance risk areas, including monitoring and auditing;
 - (7) System for responding to, investigating, and correcting compliance problems; and
 - (8) A policy of non-intimidation and non-retaliation for good faith participation in the Program.

II Code of Conduct;

It is Heritage Farm's policy that all Associated Persons will comply with all laws, regulations, and ethical standards applicable to their duties. While each program within Heritage Farm may have its own laws and regulations that govern its specific operations, there are general standards of conduct applicable to all of the programs. The following standards of conduct apply to all Associated Persons:

- **General Standards.**
 - **Honesty and Lawful Conduct.** Associated Persons must be honest and truthful in all of their dealings. Associated Persons must avoid doing anything that is, or might be, against the law. If you are unsure whether an action is lawful, then you should not do it until you have checked with your supervisor or the Compliance Officer.
 - **Respect for Participants Served.** Associated Persons must fully respect the rights of the participants served including their right to privacy, respect, dignified existence, self determination, participation in their own care and treatment, freedom of choice, ability to voice grievances, and reasonable accommodation of Individual needs.

- **Confidentiality.** Associated Persons must hold the information concerning the participants they serve in the strictest of confidence. Such information will not be disclosed to anyone unless authorized by the Individual or his/her representative or otherwise permitted or required by law. Heritage Farm will comply with all confidentiality laws, including HIPAA, and the HITECH Act.
- **Business Information.** Associated Persons may not disclose or release any confidential information relating to Heritage Farm's operations, pending or contemplated business transactions, and confidential Associated Persons information without the prior authorization of the appropriate persons. All confidential information is to be used for the benefit of Heritage Farm's and the Individuals it serves, and is not to be used for the personal benefit of Associated Persons, their families, or friends.
- **Organizational Assets.** All assets of Heritage Farm shall be used solely for the benefit and purpose of the Organization. Personal use of the Organization's assets is not allowed unless disclosed to and approved by the Compliance Officer.
- **Non-Discrimination.** Associated Persons shall not discriminate based on the participant's sex, gender, race, sexual preference, religion, creed, national origin, marital status, disability, status as a victim of domestic violence, or source of payment or sponsorship.
- **Billing For Services.**
 - **Accurate and Truthful Claims and Cost Reports.** Claims submitted for payment must be accurate and truthful, and reflect only those services and supplies which were ordered and provided. Cost reports must be prepared as accurately as possible and adequate documentation must exist to support information provided in the report. Non-allowable costs must be appropriately identified and removed, and related party

transactions must be treated consistent with applicable laws and regulations.

- **Verification of Coverage.** To the best of Associated Person's ability, insurance coverage and benefits shall be verified. Any changes in coverage, or changes in benefits, shall be promptly communicated to the Individual and their family in writing. Associated Persons shall comply with the requirement that Medicaid is a payer of last resort and shall ascertain that other payers are not primary before billing Medicaid.
 - **Adequate Documentation.** Billing of services and supplies must be based on accurate and adequate documentation to support the services and supplies, and in accordance with applicable laws and regulations and third party payer requirements.
 - **Inadequate or Substandard Care or Services.** Claims shall not be knowingly submitted for payment for inadequate or substandard care or services.
 - **Excluded Providers.** Claims for items or services furnished by an individual or entity that has been excluded from participation in a federal or state health care program shall not knowingly be submitted for payment.
 - **Record Retention.** Records that demonstrate the right to receive payment, including medical records, will be retained for ten (10) years.
- **Payment.**
 - **Credit Balances.** A "credit balance" as a result of excess or improper payment as a result of billing or claims processing errors. If a department or program knows that it has received payments for which it was not entitled from a governmental or private payer or a recipient, the

payments will be refunded to the appropriate payer or recipient.

- **Receipt of Payments and Gifts.** Associated Persons may not accept any gifts, gratuities or tips from any Participant (or his/her family) served by Heritage Farm or from any individual or entity outside of Heritage Farm, such as contractors and vendors, that are intended, or could be seen as intending, to influence the staff member's actions and decisions. Gifts for special occasions; not to exceed \$25.00 are permissible.
- **Payment of Items or Gifts.** Associated Persons may not give anything of value, including bribes, kickbacks, or payoffs, to any government representative, fiscal intermediary, carrier, contractor, vendor, or any other person in a position to benefit Heritage Farm in any way.

D. Medical Necessity and Quality of Care and Services.

- **Delivery of Care and Services.** All Individuals served by Heritage farm will be afforded the care and services necessary to attain or maintain the highest possible physical, mental, and psycho-social well-being. All clinical staff and Early Intervention Service Coordinators will be trained to evaluate and provide appropriate services and are encouraged to ask management or other senior staff members if unsure in any area. An Individual's identified needs will drive any decisions related to the provision of services. For example, Heritage Farm believes in a family centered approach to care where the best way to meet the needs of the participant is through a multi-disciplinary approach.
- **Ability to Provide.** Heritage Farm will refer Individuals and their families to other appropriate providers when it cannot provide for the Individual's identified needs.
- **Medical and/or Educational Necessity.** Medical care and services shall be based on medical necessity and professionally recognized standards of care. Non-medical

services shall be based on the programmatic requirements for those services.

- **Appropriate Treatment.** Heritage Farm shall provide appropriate and sufficient treatment and services to address Individuals clinical conditions in accordance with their plans of care and professional standards of practice.
- **Quality Improvement.** Heritage Farm shall have processes to measure and improve the quality of its care and services and the safety of the Participants served. To the extent possible, Heritage Farm's quality assessment and improvement processes shall be coordinated with the Organization's Compliance Program.
- **Accountability.** Associated Persons shall be responsible for being knowledgeable, balancing Individual needs, allowable benefits, and limited resources in carrying out services, supervision, and case management.
- **Survey Performance.** Associated Persons shall strive for deficiency-free surveys. Any deficiencies identified by state or federal agencies may reflect noncompliance with applicable laws and regulations. Therefore, current and past surveys should be reviewed in order to identify specific risk areas and where appropriate, incorporate corrective action into the program's policies, procedures, training and monitoring.

E. Governance.

- **Board Oversight.** Heritage Farm's Governing Board aided, by the Compliance Committee, shall exercise reasonable oversight over the implementation of the Compliance Program and ensure that they receive appropriate information in a timely manner as is necessary and appropriate. Heritage Farm's Governing Board's duty of "reasonable oversight" includes the duty to make reasonable inquiry when presented with extraordinary facts or circumstances of a material nature (i.e. indications of financial improprieties, self-dealing, or fraud) or a major governmental investigation.

- **Conflict of Interest.** In accordance with Heritage Farm's Conflict of Interest Policy, any actual or potential conflict of interest must be disclosed to ensure that the integrity of Heritage Farm's operations is not compromised. All Associated Persons must disclose, by signing a declaration statement, to the Compliance Officer any financial interest that they or a member of their family have in any entity that does business or competes with Heritage Farm in any manner.
- **Maintaining Tax Exempt Status.** Heritage Farm is a not-for-profit corporation that has been granted exemption from federal and state tax. In order for it to maintain its tax exempt status, Heritage Farm shall not engage in any activity that violates the requirements for tax exempt corporations.

F. Mandatory Reporting.

- **Abuse, Neglect, Mistreatment.** Participants receiving services will be free from abuse, neglect and mistreatment. Any allegations of abuse, neglect or mistreatment must be immediately reported to the Incident Manager and other officials as required by law and investigated in accordance with applicable policies, rules, and regulations.

G. Credentialing.

- **Background Checks.** Heritage Farm, through the Central New York Developmental Service Organization (CNYDSO), shall screen prospective Associated Persons prior to engaging their services against resources that provide information on excluded individuals and entities, criminal backgrounds, and professional licensure and certification. Screening should be done periodically to ensure such individuals and entities have not been excluded, convicted of a disqualifying criminal offense, or had their licensure or certification suspended, revoked or terminated since the initial screening.

- **Employee, Director and Contractor Certifications.** Heritage Farm shall require all potential Associated Persons to certify that they have not been convicted of an offense that would preclude employment or a contractual relationship with Heritage Farm and that they have not been excluded from participation in any federal or state program. Heritage Farm shall require all Associated Persons to report to Heritage Farm if, subsequent to their employment or a contractual relationship, they are convicted of an offense that would preclude their employment or contractual relationship with Heritage Farm or that they have been excluded from participation in any federal or state program.

H. Business Practices.

- **Improper and Illegal Means.** Heritage Farm will forego any business transaction or opportunity that can only be obtained by improper and illegal means, and will not make any unethical or illegal payments to anyone to induce the use of Heritage Farm's services.
- **Business Records.** Business records must be accurate and truthful, with no material omissions. The assets and liabilities of Heritage Farm must be accounted for properly in compliance with all tax and financial reporting requirements.
- **Purchasing.** Purchasing decisions must be made with the purpose of obtaining the highest quality product or service for Heritage Farm at the most reasonable price. No purchasing decision may be made based on considerations that Associated Persons, or their family member or friend, will benefit.
- **Marketing and Referrals.** All Associated Persons must refrain from improper or high pressure Individual solicitation or marketing. Associated Persons must be truthful in the representations they make in marketing Heritage Farm's services, and never agree to offer anything of value in return for referrals.

- **Relationships with Other Providers.** Contracts, leases, and other financial relationships with hospitals, physicians, hospices, other medical providers and suppliers who have a referral relationship with Heritage Farm will be based on the fair market value of the services or items being provided or exchanged, and not on the basis of the volume or value of referrals of Medicare or Medicaid business between the parties. Free or discounted services or items will not be accepted or provided in return for referrals.

I. Scope and Application of Standards to Associated Persons.

- **Responsibility of All Associated Persons.** All Associated Persons are expected to be familiar with and comply with all federal and state laws, regulations, and rules that govern their job. Associated Persons are also expected to comply with this Compliance Plan (including the Code of Conduct) and Compliance Program and any applicable compliance policies and procedures. Strict compliance with such standards is a condition of employment, and violation of any of these standards will result in discipline, up to and including termination.
- **Supervisors and Managers.** All supervisors and managers have the responsibility to help create and maintain a work environment in which ethical concerns can be raised and openly discussed. They are also responsible to ensure that the employees they supervise understand the importance of the Compliance Plan (including the Code of Conduct) and Compliance Program. The failure of supervisors and managers to so instruct their subordinates or to take reasonable measures to detect non-compliance by their subordinates will result in discipline, up to and including termination.
- **Compliance Policies and Procedures.** In addition to the Compliance Plan (including Code of Conduct) and Compliance Program, Heritage Farm may have specific compliance policies and procedures. These additional

policies and procedures are an integral part of the Compliance Program and are designed to complement the standards set forth in this Plan.

III Compliance Officer;

A. Authority and Duties. Heritage Farm has appointed a Compliance Officer. Heritage Farm's Compliance Officer has been appointed to run the day-to-day operations of the Compliance Program and is responsible for receiving, investigating, and responding to all reports, complaints, and questions about compliance issues. The Compliance Officer shall be responsible for the following:

- Develop and implement policies, procedures, and practices designed to ensure compliance with the Compliance Program and applicable laws and regulations.
- Develop and coordinate educational and training programs and materials;
- Conduct and facilitate internal audits to evaluate compliance and assess internal controls;
- Investigate compliance inquiries and Hotline complaints and if appropriate develop corrective action plans, including self disclosure if appropriate;
- Ensure that Heritage Farm is screening prospective Associated Persons in accordance with this Plan;
- Ensure that independent contractors, suppliers, and other agents who furnish medical, nursing, or other healthcare or personal care services to Heritage Farm are aware of the Program's requirements;
- Disseminate information on Heritage Farm's Compliance Program to independent contractors of Heritage Farm;
- Working with the Compliance Committee in reviewing and modifying this Plan, including the Code of Conduct, and the Compliance Program, to reflect the evolving nature of applicable laws and regulations and the priorities of Heritage Farm;
- Assist management in review of Heritage Farm's contracts for compliance with applicable laws and regulations and qualified status of contractors;

- Coordinate and oversee the:
 - compliance initiatives of Heritage Farm's Departments; and
 - audits and investigations conducted by government agencies; and
- Maintain documentation of the following:
 - internal and external audit and investigation results,
 - logs of hotline calls and their resolution, corrective action plans,
 - due diligence efforts with regard to business transactions,
 - records of compliance training, and
 - modification and distribution of policies and procedures.
- The Compliance Officer's scope of authority and duties shall be determined by Heritage Farm's Governing Board and modified from time to time as the Compliance Program is evaluated.

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B. Distributing Responsibility;

- The successful implementation of the Compliance Program requires the distribution of compliance responsibilities throughout the Organization. The Compliance Officer shall develop a system that distributes the responsibilities described in this Plan and establishes accountability for performing such responsibilities.
- Compliance issues are to be reported to Heritage Farm's Compliance Officer. Depending on the findings, issues will be brought to the Chief Executive Officer (ED), Finance Administrator, Incident Manager, Compliance Committee, and/or Governing Board.

C. Reporting;

- Heritage Farm Compliance Officer shall report to the ED, the Compliance Committee, and the Governing Body as appropriate, and at minimum, on an annual basis.

IV. Compliance Committee;

A. Appointment and Authority;

- Heritage Farm's Governing Body shall appoint a Compliance Committee to advise the Compliance Officer and assist in the implementation of the Compliance Program. The Committee shall, at a minimum, include the Executive Director, Compliance Officer, Governing Board Member, Finance Administrator, Incident Manager, and Director of Facility Operations. The Compliance Officer shall chair the Committee and the Committee shall support the Compliance Officer in fulfilling his/her responsibilities. The Compliance Committee shall report to Heritage Farm's Governing Board, as appropriate, and at minimum, on an annual basis.

B. Authority and Duties.

- The scope of the Committee's authority and duties shall be determined by Heritage Farm's Governing Board and modified from time to time as the Compliance Program is evaluated. The Committee's primary duties are:
 - Identification of specific risks areas,
 - Assessing existing policies and procedures that address these risk areas and modifying them as needed,
 - Working with departments to develop or modify standards of conduct, policies and procedures to promote compliance with legal and ethical requirements,
 - Developing and evaluating appropriate strategies to promote compliance with the Compliance Program and detection of any potential violations,
 - Evaluation and approval of all Compliance Program initiatives, processes and documentation, and
 - Receiving, reviewing, and recommending appropriate responses to reports of actual or potential non-compliance with applicable laws, regulations, Code of Conduct, and policies and procedures in coordination with the Compliance Officer and with the assistance of counsel as necessary.

C. Meetings.

- The Committee shall meet on at least a quarterly basis (or more often as necessary) to review the Compliance Program and activities.

V. Compliance Training and Education;

A. Applicability.

- All affected Associated Persons shall participate in training and education on the Compliance Program, including the Code of Conduct. Training programs should include sessions summarizing fraud and abuse laws and federal health care program and private payer requirements.

B. Frequency.

- Such training shall occur periodically and shall be made a part of the orientation for new employees as well as members Board of Directors. Such training is mandatory. Failure to participate may result in disciplinary action which may consist of a written warning up to and including possible termination subject to the due process, legal and contractual rights, if any, applicable to such individual.

C. Targeted Training.

- In addition to general compliance training and education, face to face training and targeted compliance training that is tailored to particular individuals and departments and identified risk areas will be offered. Such training is mandatory.

D. Records of Training.

- The Executive Administrative Assistant or delegate shall ensure that records are maintained, including copies of training materials, the types of training program offered, dates offered, and the individuals in attendance for a period of ten (10) years from the date of training.

E. Periodic Review of Training.

- The Compliance Officer and Compliance Committee shall periodically monitor, evaluate and assess the effectiveness of Heritage Farm's training and education programs and shall revise such programs as necessary.

F. Distribution of Compliance Information.

- In addition to periodic training and in-service programs, the Compliance Officer will distribute any relevant new compliance information to affected Associated Persons. Such information may include fraud alerts, advisory opinions, newsletters, bulletins and email alerts.

G. Distribution and Certification of Plan.

- This Compliance Plan will be made accessible to Associated Persons in whatever format is deemed appropriate, including posting on Heritage Farm's website.
- Associated Persons will be required to examine the Compliance Plan and certify their examination within sixty (60) days of receipt of the Plan.
- New Associated Persons must certify their receipt of and examination of the Plan within sixty (60) days after their commencement date.
- Subsequent to the initial certification, each employee, and member shall annually repeat the procedure of examining the Plan and certifying that he or she has examined the contents thereof. The certifications will be distributed by, and returned to, the Executive Administrative Assistant or his/her delegate.

VI. Reporting Compliance Issues.

A. Required Reporting.

- If any Associated Persons believe that fraud, waste, abuse or other improper conduct has occurred, **the individual is required to report such information internally.**
- Individuals who report such conduct in good faith shall not be retaliated against or intimidated for making such a report. Heritage Farm shall maintain the confidentiality of reports to the extent feasible and permitted by law.
- An individual may report a concern to:
 - His/her supervisor(s) if you are an employee;
 - The Executive Director, if you are an employee;
 - His/her Compliance Officer if you are an employee;
 - Heritage Farm's Compliance Voicemail Hotline.
 - In Writing, via the Compliance Report Form.

B. Confidentiality.

- Any individual who reports a compliance concern in good faith will have the right to do so anonymously if he/she requests anonymity.
- The information provided by the individual will be treated as confidential and privileged to the extent feasible and permitted by applicable laws.
 - However, individuals who report compliance concerns are encouraged to identify themselves when making

such reports so that an investigation can be conducted with a full factual background and without any delay.

C. Non-Retaliation and Non-Intimidation.

- Any individual who reports a compliance concern in good faith will be protected against retaliation and intimidation.
 - In such an instance, retaliation is itself a violation of the Code of Conduct and unlawful, and will not be tolerated.
 - However, if the individual who reports the compliance issue has participated in a violation of law, the Code of Conduct or a Heritage Farm policy, Heritage Farm retains the right to take appropriate disciplinary or other action against him/her/, including termination of employment or membership on the Governing Board, or in the case of a contractor, termination of the applicable contract.

VII. Responding to Compliance Problems.

A. Investigation of Reports.

- Upon receiving a credible report of suspected or actual fraud, waste, abuse or other improper conduct or upon the identification of a potential or actual compliance problem in the course of self-evaluation and audits, the Compliance Officer will investigate such report or problem through internal compliance processes, and involve outside counsel, auditors, or other experts to assist in an investigation, as appropriate and necessary.
- Heritage Farm requires that all Associated Persons fully cooperate in any such investigations.
- The investigative file should contain documentation of the alleged violation, a description of the investigative process, copies of interview notes and key documents, a log of the witnesses interviewed and documents reviewed the results of the investigation, and any disciplinary and/or corrective action plan.

B. Corrective Action.

- After appropriate investigation, if the Compliance Officer determines that there has been an occurrence(s) of fraud, waste, abuse, improper conduct or violation(s) of the Code of Conduct, Compliance Program, Heritage Farm's policies

and procedures, and any applicable laws or regulations, the Compliance Officer or his/her delegate shall institute corrective action.

- Any problems identified shall be corrected promptly and thoroughly, and procedures, policies, and systems shall be implemented as necessary to reduce the potential for reoccurrence.
- Such action may include:
 - additional training for Associated Persons, modification or improvement of the business practices of Heritage Farm; and modification or improvement of the Compliance Program itself to better ensure continuing compliance with applicable federal and state laws and regulations;
 - disclosure to appropriate government agencies and/or third party payers; and repayment of funds that were improperly paid.

C. Disciplinary Action.

- After appropriate investigation, if the Compliance Officer determines that there has been an occurrence(s) of fraud, waste, abuse, improper conduct or violation(s) of the Code of Conduct, Compliance Program, Heritage Farm's policies and procedures, and any applicable laws or regulations, the Compliance Officer or his/her delegate shall impose sanctions against those individuals involved; discipline should be progressive in nature.
 - Sanctions shall be imposed against any Associated Persons for:
 - failing to report suspected problems;
 - participating in non-compliant behavior; and
 - encouraging, directing, facilitating or permitting non-compliant behavior.
- Sanctions shall be imposed subject to the due process requirements of any applicable employment contracts, organizational bylaws, or contracts or agreements.
- Sanctions shall be fairly and consistently applied and enforced in accordance with any written standards of disciplinary action.
 - Employee sanctions can range from an oral warning to, in the most extreme cases, termination.

- Governing Board member sanctions can range from written admonition to, in the most extreme cases, removal from the Board in accordance with applicable bylaws, laws and regulations.
- Contractor sanctions shall range from written admonition, financial penalties, and in the most extreme cases, termination of the contractor's relationship with the organization.

VIII. Monitoring and Auditing.

A. System for Identifying Risks.

- The Compliance Officer and/or the Compliance Committee shall develop a system for routine identification and evaluation of compliance risk areas.
- Such a monitoring and auditing system shall include the performance of regular, periodic compliance audits by internal or external auditors and department heads or designated Associated Persons.
- Such audits will include reviews of the business and billing practices of Heritage Farm and include measures to identify, anticipate, and respond to quality of care risk areas.
- In addition, such System shall include a periodic review of the Compliance Program to determine whether the elements of the Program have been satisfied and the effectiveness of the Program.
- Heritage Farm shall have an annual financial audit conducted by Certified Public Accountants to examine evidence supporting the proper handling and reporting of amounts and disclosures relating to the financial activity of Heritage Farm. Heritage Farm's Governing Board shall also conduct reviews of business and contractual agreements and relationships as well as billing practices to reasonably ensure that all activities are in compliance with its Code of Conduct, standards, and procedures. The Board of Directors shall also maintain a disclosure listing of all individuals associated with the Heritage Farm who have identified outside party interests that represent potential conflicts of interest.

- The Compliance Officer and/or Committee shall establish and implement standard operating procedures for conducting internal reviews.
 - These procedures shall establish specific schedules for the frequency of each type of review activity and the percentage of records and/or claims reviewed for each audit. Sampling shall be conducted in a manner consistent with generally accepted statistical standards. The results of such reviews shall be documented on a standardize form and retained for a minimum of ten (10) years.

B. Corrective Action Plans.

- The Compliance Officer and/or Committee shall receive and review the results of such reviews, develop a corrective action plan to remedy any deficiencies identified in the results, and provide the corrective action plan to those individuals who will be charged with the responsibility of implementing it.
 - If periodic review and monitoring activities identify substantial deviation from acceptable norms, the Compliance Officer, Committee, and Board of Directors shall take prompt steps to address such deviations.
 - Where additional investigation of such deviations is appropriate, the Compliance Officer and/or Director, in consultation with the Committee, shall retain the services of such independent advisors as shall be necessary to address such deviations.

C. Documentation of Agency Consultations.

- All Associated Persons, in their efforts to comply with a particular law or regulation who request advice from an employee of a federal, state, or local government agency, or a fiscal intermediary, carrier, or third party payer, such person, with advice from legal counsel as appropriate, should document the consultation in writing.
- Documentation should include the name and title of the party consulted, the date and time of the consultation, the subject matter of the consultation, and the advice received.

- Copies of consultations involving substantial issues related to reimbursement or regulatory standards should be provided to the Compliance Officer for retention.
- Written documentation of agency guidance is critical to demonstrating the good faith reliance and due diligence of the organization and its Associated Persons requesting such advice.
- Good faith reliance on agency or payer advice will assist in avoiding or mitigating fines and other penalties.

D. Government Inquiries.

- If contacted by a government official, all Associated Persons are required to obtain the official's identification and immediately inform his/her supervisor and the Compliance Officer of the contact.
- While Associated Persons may voluntarily speak with such officials, Heritage Farm's policy is for Associated Persons to first contact their supervisor and the Compliance Officer before speaking to an official.
- Their supervisor and/or the Compliance Officer will attempt to obtain additional information from the government official which will be useful to Heritage Farm in deciding how to respond to the official's request.
- In no event, however, may any Associated Persons respond to a request to disclose Heritage Farm's documents without first speaking with their supervisor and/or Compliance Officer and receiving his/her/their approval to release documents.
- If appropriate, the supervisor and/or Compliance Officer shall seek advice from legal counsel prior to the release of any documents to the government.
- If it is appropriate to give a response to a request for information, the response given must be accurate and complete.

IX. Compliance Contacts and Numbers.

- Any Associated Persons may contact his/her supervisor(s), the Compliance Officer, the Compliance Hotline, or Compliance Report Form with any compliance question or concern.

- The Corporate Compliance Officer is Richard Mitchell, MPS, RN.
- The Heritage Farm Hotline number is as follows:
 - 315 893-1779
- The Compliance Report Forms are located outside my office in the Frontier Building
- OIG's Compliance Hotline.
 - Employees/contractors may also contact the Office of Inspector General hotline at;
 - 1-800-447-8477 if he/she wishes.

X. Laws Regarding the Prevention of Fraud, Waste and Abuse.

A. Federal Laws.

- **Federal False Claims Act.** Any person who submits a claim to the federal government that he/she knows (or should know) is false is subject to civil penalties of \$5,500-\$11,000 per false claim and treble damages.
- Individuals may be entitled to bring an action under this Act and share in a percentage of any recovery.
 - However, if the action has no merit and/or is for the purpose of harassing Heritage Farm, the individual may have to pay Heritage Farm for its legal fees and costs.
- **Administrative Remedies for False Claims and Statements.** If a person submits a claim that the person knows is false or contains false information or omits material information, such person may be subject to a \$5,000 penalty per claim and double damages.
 - Individuals are not entitled to share in any recovery.
- **Federal Anti-Kickback Law:**
- Individuals/entities may not knowingly offer, pay, solicit, or receive remuneration in exchange for referring, furnishing, purchasing, leasing or ordering a service or item paid for by Medicare, Medicaid, or other federal health care program. Criminal or civil penalties include repayment of damages, fines, imprisonment, and exclusion from participation in federal programs.

B. State Laws.

- New York has laws that are similar to the federal laws listed above. These include the New York False Claims Act, False Statements Law, Anti-Kickback Law, Self Referral Prohibition Law, Health Care and Insurance Fraud Penal Law.
- Individuals may be entitled to bring an action under the False Claims Act, and share in a percentage of any recovery.
 - However, if the action has no merit and/or is for the purpose of harassing Heritage Farm, the individual may have to pay the Heritage Farm for its legal fees and costs.

C. Whistleblower Protections.

- Federal Whistleblower Protection: An employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against because of his/her lawful acts conducted in furtherance of a False Claims Act action may bring an action against the employer.
 - However, if the employee's action has no basis in law or fact, or is primarily for harassment, the employee may have to pay the employer its fees and costs.

D. New York State Whistleblower Protection:

- Employees who, in good faith, report a false claim are protected against discharge, demotion, suspension, threats, harassment, and other discrimination by their employer. Remedies include reinstatement, two times back pay plus interest, and litigation costs and attorneys' fees.

XI. PROGRAM EVALUATION

The Corporate Compliance Officer will oversee an annual review of the Corporate Compliance Program.

The Corporate Compliance Officer will randomly survey staff as to their knowledge and understanding of the Program.

The Corporate Compliance Officer will make a report to Heritage Farm's Board of Directors at least annually on the activities and the effectiveness of the Program. In addition, the Corporate Compliance Officer shall examine any certifications of compliance required by law to be filed with government regulatory agencies. To the extent that

completion and filing of such certifications are necessary and appropriate, the Compliance Officer shall be responsible for their completion and filing with the applicable government regulatory agency.