



# VANDERHEYDEN

Giving new life to youth, adults and families



**FAMILY FOCUSED • TRAUMA INFORMED • COMMUNITY BASED**

## Corporate Compliance Plan

**2022**

## **I. Overview**

### **Commitment**

Vanderheyden has been and remains firmly committed to its responsibility to conduct all business affairs with integrity based on sound ethical and moral standards. Vanderheyden's employees, contracted practitioners, vendors, and volunteers are also held to these same standards.

Vanderheyden is committed to maintaining and measuring the effectiveness of its Compliance Program through monitoring and auditing systems reasonably designed to detect noncompliance by its employees and agents. Vanderheyden requires the performance of regular, periodic compliance audits by internal and/or external auditors with expertise in federal and state health care statutes, regulations, and health care program requirements.

### **Duty to Report**

All current and former employees, volunteers, contracted practitioners and vendors have a responsibility to report incidents of non-compliance with all applicable laws, regulations, local ordinances, executive orders, and judicial and administrative decisions, rulings, and orders in which there is a "reasonable belief" that such requirements were violated to their immediate supervisor, the President & CEO, or the Compliance Officer. Reports may be made anonymously without fear of retaliation or retribution. Failure to report known noncompliance or making reports which do not represent a "reasonable belief" of violation are grounds for disciplinary action, up to and including termination.

Reports related to harassment or other workplace-oriented issues are referred to Human Resources. Allegations of abuse, neglect, and mistreatment of individuals served are reported to the NYS Justice Center for Protection of People with Special Needs, and are investigated by the assigned party.

### **Enforcement**

Vanderheyden will communicate its compliance program through required new employee orientation and annual refresher training to all employees. In addition, Vanderheyden communicates its commitment to these efforts through the distribution of this Corporate Compliance Plan, the Code of Ethics, and Corporate Compliance hotline information.

Vanderheyden's Corporate Compliance Program will be consistently enforced through appropriate disciplinary mechanisms including, if appropriate, discipline of individuals responsible for failure to detect and/or report noncompliance.

Detected noncompliance, through any mechanism, including auditing and confidential reporting, will be responded to in an expedient manner. Vanderheyden is dedicated to the immediate detection and resolution of noncompliance, including any necessary modifications to its Corporate Compliance Program.

## **Due Diligence**

Vanderheyden, at all times, exercises due diligence with regard to background checks and professional license investigations for all prospective employees, contractors, vendors, and members of the Board of Directors, as required by federal, state and local laws and regulations.

## **II. Code of Ethics and Philosophy**

### **Philosophy**

Vanderheyden is a multi-service treatment agency, which serves children, adolescents, young adults, adults, and families with diverse needs and expectations. They come from a broad range of socioeconomic and ethnic backgrounds, with varied physical, cognitive, and intellectual abilities; medical and psychological diagnoses; preferences, and life goals.

All come to Vanderheyden with expectations of receiving assistance and improved quality of life after engaging Vanderheyden's care. To be successful in assisting the individuals we serve to grow, develop and achieve their goals, Vanderheyden recognizes that natural supports including families, guardians, advocates, and others are involved in all aspects of the treatment plan development and implementation. These natural supports, especially families, are recognized as permanent fixtures in the lives of individuals. Whenever possible and appropriate, Vanderheyden works with these natural supports to foster independence, often towards reunification or other life goals.

### **Mission Statement**

"Empowering children, adults and families to build brighter futures".

### **General Expectations**

Vanderheyden ensures that all aspects of care and business conduct are performed in compliance with its mission statement, policies and procedures, professional standards, applicable governmental laws, rules and regulations; and other payer standards. Vanderheyden expects every person who provides services to individuals in care to adhere to the highest ethical standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.

Vanderheyden employees may not engage in any conduct that conflicts - or is perceived to conflict - with the best interest of its constituents. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor or investor in any entity that (i) engages in any business or maintains any relationship with Vanderheyden; (ii) provides to, or receives from, Vanderheyden any consumer referrals; or (iii) competes with Vanderheyden.



Employees may not, without written permission of the Compliance Officer or the President & CEO, accept, solicit or offer anything of value from anyone doing business with Vanderheyden.

Employees are expected to maintain complete, accurate and contemporaneous records. The term "records" includes all documents, written and electronic, which relate to the provision of Vanderheyden services or provide support for the billing of Vanderheyden services. Records must reflect the actual service provided. Any records altered must reflect the date of the alteration, the name, signature and title of the person altering the document and the reason for the alteration if not apparent. No person shall ever sign the name of another person to any document. Backdating and predating documents is unacceptable and will lead to disciplinary action, up to and including termination.

When any person knows or reasonably suspects that these expectations above have not been met, this must be reported to immediate supervisors, the Compliance Officer, the President & CEO, and/or the Corporate Compliance Hotline.

#### **Vanderheyden Code of Ethics**

- I will not discriminate against or refuse professional services to anyone on the basis of race, color, creed, age, sex, religion, disability or nationality.
- I will not use my professional relationship to further my own interests.
- I will demonstrate a genuine interest in all persons served, and do hereby dedicate myself to their best interests and helping them help themselves.
- I will respect the privacy of persons served and hold in confidence all information obtained in the course of my professional service.
- I will maintain confidentiality when storing or disposing of client records.
- I will ensure that the clients that I serve receive informed consent and participate in decisions about services, care and/or treatment.
- I will ensure that the right to refuse to participate in clinical studies and research are adhered to and enforced.
- I will not participate in services or the provision of care, which is not solely based on the diagnostic and treatment needs of the individual.
- I will abide by the Agency's policy on Professional Boundaries.
- I will uphold and not interfere with anyone's right to negotiate internally or externally to resolve differences regarding care, service, and/or treatment, up to and including formal grievance process.
- I will maintain a professional attitude, which upholds confidentiality towards individuals served, colleagues, applicants and the agency.
- I, upon termination, will maintain client and co-worker confidentiality, and I will hold as confidential any information I obtained concerning the agency.

- I will respect the rights and views of my colleagues, and treat them with fairness, courtesy and good faith.
- I will not exploit the trust of the public or my co-workers. I will make every effort to avoid relationships that could impair my professional judgment.
- I will not engage in or condone any forms of harassment or discrimination.
- I will not permit fellow employees/volunteers to present themselves as competent or perform services beyond their training and/or level of experience.
- I will respect the confidences of my co-workers.
- When I replace a colleague or am replaced, I will act with consideration for the interest, character and reputation of the other professional.
- I will extend respect and cooperation to colleagues of all professions.
- I will not assume professional responsibility for the clients of a colleague without appropriate consultation with that colleague.
- If I see the client of a colleague during a temporary absence or emergency, I will serve that client with the same consideration afforded one of my clients.
- If I have the responsibility for employing and evaluating staff performance, I will do so in a responsible, fair, considerate and equitable manner.
- If I know that a colleague has violated ethical standards, I will bring this to my colleague's attention. If this fails, I will report the activity to my supervisor.
- I will accurately represent my education, training, experience and competencies as they relate to my profession.
- I will correct, when possible, misleading or inaccurate information and representations made by others concerning my qualifications or services.
- If serving as a supervisor, I will make certain that the qualifications of persons I supervise are honestly represented.
- I will abide by agency policies related to public statements.
- I have a total commitment to provide the highest quality of service to those who seek my professional assistance.
- I will continually assess my personal strengths, limitations, biases and effectiveness.
- I will strive to become and remain proficient in professional practice and the performance of professional functions.
- I will act in accordance with standards of professional integrity.
- I will not advise on problems outside the bounds of my competence.
- I will seek assistance for any problems that impairs my performance.
- I understand that violation of this code may be grounds for dismissal.



### **III. The Role of the Compliance Officer**

#### **Compliance Officer**

Vanderheyden's Director of Quality Assurance serves as its Compliance Officer (CO). The CO has direct lines of communication to the President & CEO, the Board of Directors, and Vanderheyden's legal counsel.

#### **Job Duties**

The CO is obligated to serve the best interests of all individuals, employees and other stakeholders of Vanderheyden. Responsibilities of the CO include, but are not limited to:

- Developing and implementing compliance policies and procedures.
- Overseeing and monitoring the implementation of the Corporate Compliance Plan, including updating as changes occur within Vanderheyden, and/or in the law and regulations or governmental and third-party payers.
- Directing Vanderheyden's internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical, clinical, program, personnel, and other departments regarding policies and procedures, and governmental laws, rules and regulations.
- Coordinating, developing and participating in the training program, including education of the contents of the Corporate Compliance Plan.
- Actively seeking up-to-date material and releases regarding regulatory compliance.
- Maintaining a reporting system (Corporate Compliance Hotline) and responding to concerns, complaints and questions related to the Corporate Compliance program.
- Acting as a resourceful leader regarding regulatory compliance issues.
- Investigating and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action.

#### **Delegation of Substantial Discretionary Authority Requirement**

Any employee or prospective employee who holds, or intends to hold, a position with substantial discretionary authority for Vanderheyden will disclose any name changes, and any involvement in non-compliant activities including healthcare related crimes. In addition, Vanderheyden will perform reasonable inquiries into the background of such applicants, contractors, vendors and Members of the Board of Directors. These background checks include, but are not limited to the following sources:

- General Services Administration: list of parties excluded from federal programs. The URL is: <https://sam.gov/content/home>
- The New York State Office of the Medicaid Inspector General (OMIG) Excluded Provider Check. The URL is: <http://www.omig.ny.gov>
- HHS/OIG Cumulative Sanction Report. The URL is: <https://exclusions.oig.hhs.gov/>
- Licensure and discipline record with NYS Office of Professional Medical Conduct. The URL is: <https://www.health.ny.gov/professionals/doctors/conduct/>
- New York State Department of Education (other licensed professionals) the URL is: <http://www.op.nysed.gov/opd/>
- The NYS Justice Center for the Protection of People with Special Needs maintains a statewide register known as the Staff Exclusion List (SEL). Individuals on the Staff Exclusion List (SEL) will be prohibited from being hired by any state operated, certified or licensed agencies/providers that serve people with special needs. The URL is: <https://www.justicecenter.ny.gov/staff-exclusion-list>

#### **IV. Education and Training**

Education and training are critical elements of the Corporate Compliance Plan. Every employee and agent is required to be familiar with Vanderheyden's Corporate Compliance Plan, and have a solid working knowledge of his or her responsibilities under the plan. Corporate Compliance-related policies and standards are communicated to all employees through required participation in regular training.

##### **Training Topics - General**

All employees and members of the Board of Directors participate in training on the topics identified below:

- State and federal government and private payer reimbursement principles
- State and federal government initiatives
- History and background of corporate compliance and elements of certification
- Legal principles regarding compliance and Board of Director's responsibilities related thereto
- General prohibitions on paying or receiving remuneration to induce referrals and the importance of fair market value

- Prohibitions against submitting a claim for services when documentation of the service does not exist to the extent required
- Prohibitions against signing for the work of another employee
- Prohibitions against alterations to medical records and appropriate methods of alteration
- Prohibitions against rendering services without a signed physician's order or other prescription, if applicable
- Proper documentation of services rendered; and
- Duty to report misconduct.

### **Training Topics - Targeted**

In addition to the above, targeted training is provided to all employees whose job responsibilities include activities related to compliance topics. Managers will assist the Corporate Compliance Officer in identifying areas that require specific training and are responsible for communication of the terms of this Corporate Compliance Plan to all independent contractors doing business with Vanderheyden.

### **Orientation**

As part of their orientation, each employee is trained in Corporate Compliance by the Corporate Compliance Officer, a member of the Quality Assurance Team, or a member of the Learning and Development Team, including training in how to access the Corporate Compliance Plan. All employees also receive and sign the Code of Ethics.

### **Attendance**

Attendance at compliance training sessions is mandatory and is a condition of continued employment.

## **V. Effective Confidential Communications**

### **Expectations**

Open lines of communication between the Compliance Officer and all employees and agents subject to Vanderheyden's Corporate Compliance Plan are essential to the success of that Plan. Every employee is obligated to refuse to participate in any wrongful course of action and to report the actions according to the procedure listed below.

### **Reporting Procedure**

It is the responsibility of all current and former employees, volunteers, contracted practitioners and vendors to report incidents when there is a "reasonable belief" that concerns they may have



regarding actual or suspected activities which may be illegal or in violation of Vanderheyden policies, all laws, regulations, local ordinances, executive orders and judicial and administrative decisions, rulings and orders with respect to, without limitation, fraud, theft, embezzlement, accounting or auditing irregularities, bribery, kickbacks, and misuse of Vanderheyden assets, as well as any violations or suspected violations of business and personal ethical standards.

Any concerns should be reported as soon as practicable to the immediate supervisor, the President & CEO, the Compliance Officer or to any federal, state, or local department or, executive branch of government.

Confidential reports may be made in person during business hours, or by calling, mailing, or emailing the Compliance Officer using the contact information set forth below:

Jenny Wiegert, Director of Quality Assurance  
Vanderheyden  
614 Cooper Hill Rd  
Wynantskill NY 12198  
518.874.4963  
jwiegert@vanderheyden.org

Anonymous reports may be made any time by leaving a voicemail on the Corporate Compliance Hotline, which is a dedicated mailbox for the purpose of receiving such notifications. Voicemails are not traceable or identifiable, and therefore must contain sufficient detail to be actionable.

Upon notification of a question or concern, a supervisor will document the issue at hand and report to the Compliance Officer. Any questions or concerns relating to potential non-compliance by the Compliance Officer must be reported immediately to the President & CEO.

Vanderheyden will, as much as is possible, protect the identity of the reporter.

All reports, regardless of method of reporting, are tracked and investigated until resolution. A record of all investigatory activities is maintained by the Quality Assurance Department. Investigatory activities can include but are not limited to document collections, video reviews, and interviews. When necessary, a formal investigation report is created, and formal recommendations are dispersed to the appropriate parties. The Quality Assurance Department reserves the right to redact this investigation report for names, titles, and other identifying information.

### **Whistleblower Provisions and Protections**

Vanderheyden is committed to ensuring that any person reporting corporate compliance concerns will not be retaliated against. Retaliation includes threats, intimidation, loss of employment, and other adverse actions such as contacting US immigration authorities regarding immigration status. In addition, the identity of the reporter(s) is safeguarded to the fullest extent possible and is protected against retribution.

Reports of any suspected violation of the Corporate Compliance Plan by following the above shall not result in any retribution. Any threat of reprisal against a person who acts whenever they "reasonably believe" there is a violation pursuant to his or her responsibilities under the Corporate Compliance Plan is acting against the Vanderheyden's Corporate Compliance Plan and Code of Ethics.

Vanderheyden will not retaliate against an employee in the terms and conditions of employment because that employee: (a) reports to a supervisor, to the President and CEO, the Board of Directors or any federal, state, or local department of an executive branch of government and any division, board, bureau, office, committee, or commission of any of the public bodies in addition to any elected governmental body, a court, a governmental agency, or law enforcement, what the employee has a reasonable belief to be a violation of the law; or (b) participates in good faith in any resulting investigation or proceeding, or (c) exercises his or her rights under any state or federal law(s) or regulation(s) to pursue a claim or take legal action to protect the employee's rights.

An employee does not need to report it to the agency itself to be granted these protections.

In addition, Vanderheyden will not, with the intent to retaliate, take any action harmful to any employee who has provided to law enforcement personnel or a court truthful information relating to the commission or possible commission by Vanderheyden or any of its employees of a violation of any applicable law or regulation.

Vanderheyden will take disciplinary action (up to and including termination) against an employee who is found to have engaged in retaliatory conduct in violation of this Whistleblower Provision.

### **False Claims Provisions for Corporate Compliance**

The False Claims provisions allow for actions to be taken when/if Vanderheyden knowingly presents, or causes to be presented, a false or fraudulent claim for payment, a false record or statement to get a false or fraudulent claim paid, or conspires to defraud the government by getting a false or fraudulent claim allowed or paid.

If an employee has a reasonable belief that an employee or Vanderheyden has attempted and/or conspired to defraud the government to obtain payment of false claims, a federal False Claims actions may be brought forward on behalf of the government.

An employee may bring a qui tam action, which means that the individual files an action on behalf of the government alleging violation of the federal False Claims Act, which is punishable by civil penalties.

Under the False Claims Act, the statute of limitations is six years after the date of the violation or three years after the date when material facts are known or should have been known by the government, but no later than 10 years after the date on which the violation was committed. The submission of false claims may also give rise to criminal liability.



All employees will be trained on the federal and state False Claims Acts at orientation and annually. All employees at Vanderheyden are required to participate in these scheduled trainings.

Employees' training will include training on the federal and state False Claims Acts, remedies available under these acts and how employees and other can use them, and about whistle blower protections available to anyone who claims a violation of the federal or state False Claims Acts

Vanderheyden sets forth this Compliance Plan to advise employees of the steps that are in place to detect fraud, waste, and abuse.

### **Guidance**

Any employee may seek guidance with respect to Vanderheyden's Corporate Compliance Plan or Code of Ethics at any time by following the reporting mechanisms outlined herein. The Corporate Compliance Plan is available online through Vanderheyden's website, and accessible to employees through the Operations Manual. Questions can be directed at any time to the Compliance Officer.

## **VI. Enforcement of Compliance Standards**

### **Background Investigations**

Vanderheyden conducts a reasonable and prudent background investigation, including reference checks, as part of every employment application, and in accordance with federal, state, and local laws and regulations, including employees who have authority to make decisions that may involve compliance issues.

### **General Disciplinary Action**

Employees who fail to comply with Vanderheyden's Corporate Compliance Program, or who engage in conduct that has the potential of impairing Vanderheyden's status as a reliable, honest, and trustworthy service provider is subject to disciplinary action, up to and including termination. Any discipline is appropriately documented in the employee's personnel file, and when appropriate, reviewed by Human Resources.

### **Performance Evaluation**

Vanderheyden's Corporate Compliance Plan requires that the promotion of, and adherence to, the elements of the Compliance Plan be a factor in evaluating the performance of Vanderheyden's employees and contractors. In addition, all managers and supervisors will:

- Discuss with all supervised employees the Corporate Compliance Plan and legal requirements applicable to their function.
- Inform all supervised personnel that strict compliance with the Plan and requirements is a



condition of employment.

- Disclose to all supervised personnel that Vanderheyden will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

### **Supervisory Disciplinary Action**

Managers and supervisors may be subject to sanctions for failure to adequately instruct their subordinates, or failing to detect noncompliance with applicable policies and legal requirements, where reasonable diligence on the part of the manager or supervisor would, or could, have led to the earlier discovery of any problems or violations and would, or could, have provided Vanderheyden with the opportunity to correct them.

## **VII. Monitoring of Compliance Activities**

### **Medicaid Funded Services**

Vanderheyden provides 'categories' of Medicaid-funded services- Health Homes, Child and Family Treatment and Support Services (CFTSS), and OPWDD-licensed. Within each 'category', there is review at the Coordinator and Director Level of all service/billing related material, checking for issues like accurate dating, signing, credentialing, and coding. There is also a level of review within the Business Office by the Revenue Analyst and Senior Accountant.

Health Homes experiences a fourth level of review through the Children's Health Homes of Upstate New York (CHHUNY) Network.

Despite the redundant reviews and other best efforts, overpayments may happen. In the event an overpayment is suspected, the Senior Accountant and/or the Revenue Analyst will investigate the concern. This may include collecting documentation, talking to relevant program personnel, or reviewing attendance records. If an overpayment is confirmed, a self-disclosure is made to the Office of the Medicaid Inspector General (OMIG) via their self-reporting mechanism.

### **Internal Audits**

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of Vanderheyden's Corporate Compliance Plan. An ongoing auditing and monitoring system, implemented by the Compliance Officer, in consultation with Board Members, the President & CEO, Executive Team, and Quality Assurance Staff is an integral component of Vanderheyden's Corporate Compliance Plan. This ongoing evaluation includes the following:

- Review of relationships with third-party contractors, specifically those with substantive exposure to government enforcement actions

- Compliance audits of the Corporate Compliance Plan and its standards and expectations
- Review of documentation and billing relating to claims made to federal, state and private payers for reimbursement, performed internally or by an external consultant as determined by Compliance Officer.

These audits examine and evaluate Vanderheyden's compliance with applicable laws, regulations, rules, and policies. Audits may include thorough on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and individual record reviews.

### **Plan Integrity**

The Compliance Officer will be notified immediately in the event of any visits, audits, investigations or surveys by any federal or state agency or authority, and immediately receives a copy of any correspondence from any regulatory agency charged with licensing Vanderheyden and/or administering a federally or state-funded program or county-funded program with which Vanderheyden participates.

The Compliance Officer will notify appropriate personnel of any changes in laws, regulations or policies, through meeting, verbal exchange or issuance of memoranda, as well as work with appropriate personnel to update training and related materials to assure continuous compliance.

## **VIII. Detection and Response**

### **Violation Detection**

The Compliance Officer, with the advice of the President & CEO or legal counsel, when appropriate, will determine whether or not there is suspicion that a violation of the Compliance Plan has occurred through review of the finding or reported concern.

If advice is sought from a governmental agency, the request and any written or oral response is fully documented.

### **Reporting**

All reports and findings of potential or actual violations of this Compliance Plan, regardless of method of discovery, are tracked internally. A record of all investigatory activities is maintained by the Quality Assurance Department. Investigatory activities can include but are not limited to document collections, evidence retrieval, video reviews, and interviews. This record will be considered confidential and privileged, and it will not be released without the approval of the President & CEO and/or Vanderheyden's legal counsel.

Some reports and findings will necessitate a formal investigation. At the conclusion of all formal investigations, the Corporate Compliance Officer (CO) or designee will compile a report

summarizing findings, conclusions, and recommendations. This report will be reviewed by legal counsel in matters relating to violation of law, or when otherwise appropriate. The CO reserves the right to redact this investigation report for names, titles, and other identifying information.

If a preponderance of evidence supports a violation occurred, a corrective action plan will be developed, which may include disciplinary action against any persons involved in any retaliatory action.

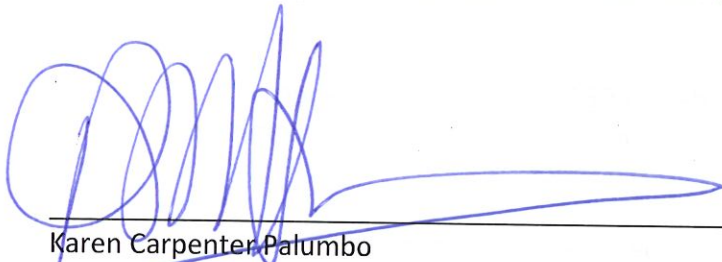
### **Rectification**

If Vanderheyden identifies that an overpayment was received from any third-party payer, the appropriate regulatory (funder) and/or prosecutorial (attorney general/police) authority will be appropriately notified with the advice and assistance of Vanderheyden's legal counsel.

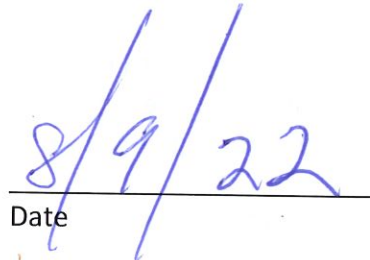
It is Vanderheyden's expectation that it will not retain any funds which are received as a result of overpayments. In instances where it appears an affirmative fraud may have occurred, appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Additional system checks will be put in place to prevent such overpayments in the future.

### **IX: Review of Plan**

The Corporate Compliance Plan will be reviewed every three years and as needed.



Karen Carpenter Palumbo  
President & CEO



8/9/22

Date