



# VANDERHEYDEN

*Giving new life to youth, adults and families since 1833*

**•Family Focused •Trauma Informed •Community Based**

## Vanderheyden's

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### Corporate Compliance Program

2018 - 2019

***Vanderheyden's Corporate Compliance Program has programs and procedures in place to ensure that its employees do not knowingly present or cause to be presented a false or fraudulent claim for payment to the United States; knowingly make, use, or cause to be made or used, a false record or statement to obtain payment on a false or fraudulent claim; conspire to defraud the United States by getting a false or fraudulent claim to be allowed or paid; and knowingly make or use, or cause to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government.***

**Vanderheyden's**  
**Corporate**  
**Compliance Program**  
**2018 - 2019**

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## **CORPORATE COMPLIANCE PROGRAM**

### **Section I**

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#### **Overview**

It has been and continues to be the expectation for Vanderheyden's programs, departments, and divisions to comply with all applicable federal, state and local laws and regulations, and payer requirements. It is also Vanderheyden's requirement that all adhere to the Code of Conduct that is adopted by the Board of Directors, the President and CEO and the Corporate Compliance Committee.

#### **Commitment**

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

#### **Responsibility**

All employees, contracted practitioners, and vendors acknowledge that it is their responsibility to report any suspected instances of suspected or known noncompliance to their immediate supervisor, the President and 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 are not in good faith 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, serious reportable incidents, and notable occurrences are reported to program administration, Quality Assurance, the Justice Center, OPWDD, OCFS, SED, and any/all other required reporting entities.

#### **Enforcement**

Vanderheyden will communicate its compliance program through required new employee orientation and annual refresher training to all employees, contracted practitioners, and vendors. In addition, Vanderheyden communicates its commitment to these efforts

through distribution of this Corporate Compliance Plan, the Code of Conduct, 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.

### **Vanderheyden's Response**

Detected noncompliance, through any mechanism, i.e. compliance auditing and monitoring procedures, confidential reporting, etc., will be responded to in an expedient manner. Vanderheyden is dedicated to the immediate detection and resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to its Corporate Compliance Program.

### **Due Diligence**

Vanderheyden, at all times, exercises all due diligence with regard to background checks and professional license investigations for all prospective employees, contractors, vendors, and members of the Board of Directors.

### **Code of Ethics and Philosophy**

#### **Philosophy**

Vanderheyden is a multi-service treatment agency, which serves children, adolescents, young adults, adults, and families with a variety of needs. A common thread between all of those served is that they need outside assistance in order to function, grow and develop their potential.

The individual and families we serve come to Vanderheyden with diverse needs and expectations. They also come from a broad range of socioeconomic and ethnic backgrounds. Vanderheyden works with preadolescent, adolescents, young adults, adults, emotionally disturbed, developmentally disabled, rural, urban, impoverished and middle class individuals and their families.

All come to Vanderheyden with expectations of receiving assistance and the hope of a better life after leaving Vanderheyden's care. To be successful in assisting the individuals we serve to grow, develop and achieve their goals, the family must be involved in their child's care and treatment. Vanderheyden is only a temporary advisor, coach, and guardian. Lasting change will be responsibility of the individuals and their families. We recognize that families are permanent fixtures in their child's lives.

## **Mission**

“Empowering children, adults and families to build brighter futures”.

## **Expectations**

Vanderheyden ensures that all aspects of consumer care and business conduct are performed in compliance with our mission/vision statement, policies, and procedures, professional standards and applicable governmental laws, rules and regulations and other payer standards. Vanderheyden expects every person who provides services to our consumers 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 permission of the Compliance Officer accept, solicit or offer anything of value from anyone doing business with Vanderheyden.

Employees are expected to maintain complete, accurate and contemporaneous records as required by Vanderheyden. The term “records” includes all documents, both 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 to be appropriately 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 discipline up to and including termination.

When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to immediate supervisors, the Compliance Officer (CO), the President and CEO, and/or the Corporate Compliance hotline so each situation may be appropriately addressed. The CO may be reached at (518) 283-6500 ext. 291 or a message may be left by calling the 24-hour Corporate Compliance hotline at (518) 283-6500 ext. 266.

## **Corporate Compliance Program Oversight Section II.**

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

#### **Compliance Officer**

The Board of Directors of Agency designates the Compliance Officer (CO). The CO has direct lines of communication to the President and CEO, the Certifying Officer, the Board of Directors, and Vanderheyden's legal counsel.

#### **Job Duties**

The CO is directly obligated to serve the best interests of Vanderheyden's consumers and employees. 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 Program.
- Directing Vanderheyden's internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical/clinical program personnel and individual departments regarding policies and procedures, and governmental laws, rules and regulations.
- Updating, periodically, the Corporate Compliance Program as changes occur within Vanderheyden, and/or in the law and regulations or governmental and third party payers.
- Overseeing efforts to communicate awareness of the existence and contents of the Corporate Compliance Program.
- Coordinating, developing and participating in the educational and training program.
- Guaranteeing independent contractors (consumer care, vendors, billing services, etc.) are aware of the requirements of Vanderheyden's 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.

## **The Structure, Duties and Role of the Corporate Compliance Committee**

### **Reporting Structure and Purpose**

The Corporate Compliance Committee (CCC) members are appointed by the President and CEO and approved by the Board of Directors. Compliance issues are reported by the CCC to the President and CEO and Board of Directors, where appropriate. The CCC's purpose is to advise and assist the President and CEO with implementation of the Compliance Plan

### **Function**

The roles of the Corporate Compliance Committee include:

- Analyzing the environment where Vanderheyden performs its business, including legal requirements with which it must comply.
- Reviewing and assessing existing policies and procedures that address these risk areas for possible incorporation into the Corporate Compliance Program.
- Working with departments to develop standards and procedures that address specific risk areas and encourage compliance according to legal and ethical requirements.
- Advising and monitoring appropriate departments relative to compliance matters.
- Developing internal systems and controls to carry out compliance standards and policies.
- Monitoring internal and external audits to identify potential non-compliant issues.
- Implementing corrective and preventive action plans.
- Developing a process to solicit, evaluate and respond to complaints and problems.



## **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 health care related crimes. In addition, Vanderheyden will perform reasonable inquiries into the background of such applicants, contractors, vendors and Members of the Board of Directors.

- a) General services administration: list of parties excluded from federal programs. The URL address is <http://epls.gov/epls/servlet/EPLSSearchMain/2>.
- b) The New York State Office of the Medicaid Inspector General (OMIG). The URL address is <http://www.omig.ny.gov>.
- c) HHS/OIG cumulative sanction report. The URL address is <http://exclusions.oig.hhs.gov/search.html>.
- d) NYS Medicaid Fraud Database. The URL address is <http://www.health.state.ny.us/nysdoh/medicaid/dqprvpg.htm>.
- e) Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants) the URL address is <http://www/health/state.ny.us/nysdoh/opms/main.htm> and/or New York State Department of Education (other licensed professionals) the URL address is <http://www.op.nysed.gov/raresearch.htm#name>.

<b>Education and Training Section III</b>
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### **Expectations**

Education and training are critical elements of the Corporate Compliance Plan. Every employee and agent is familiar and knowledgeable about Vanderheyden's Corporate Compliance Plan and has 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 training programs.

## **Training Topics – General**

All personnel 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 managers and any other 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 Program to all independent contractors doing business with Vanderheyden.

## **Orientation**

As part of their orientation, each employee and contractor receive a written copy of the Corporate Compliance Plan, and Vanderheyden’s policies, procedures, and specific standards of conduct that affect their position.

## **Attendance**

All education and training relating to the Corporate Compliance plan is verified by attendance and signed acknowledgement of receipt of the Corporate Compliance plan and Code of Conduct.

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

**Effective Confidential Communications**  
**Section IV**

**Expectations**

Open lines of communication between the Corporate Compliance Officer and every employee and agent subject to Vanderheyden's corporate Compliance Program is essential to the success of Vanderheyden's Corporate Compliance Program. 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**

If a Vanderheyden employee, contractor or agent witnesses, learns of, or is asked to participate in potential non-compliant activities, in violation of this Corporate Compliance Program, he or she must immediately contact the Compliance Officer, his or her immediate supervisor or the President and CEO. Reports may be made in person or by calling Vanderheyden's Corporate Compliance hotline dedicated for the purpose of receiving such notification, mailing information to the attention of the Compliance Officer at the Main Campus or placing it in the Quality Assurance Department's mailbox.

Upon receipt of a question or concern, any supervisor, officer or director 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 will be reported immediately to the President and CEO.

The Compliance Officer or designee records the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Code of Conduct or its application, the Compliance Officer or designee records the facts of the call, the nature of the information sought, and responds as appropriate. Vanderheyden will, as much as is possible, protect the anonymity of the employee or contractor who reports any complaint or question.

**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, or loss of employment. 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 Program by following the above shall not result in any retribution. Any threat of reprisal against a person who acts in good faith pursuant to his or her responsibilities under the Corporate Compliance Program is acting against the Vanderheyden's Corporate Compliance Program and Code of Conduct. Any employee who believes that the expectations of Vanderheyden's Corporate Compliance Program and

Code of Conduct were violated may report his/her concern to the Corporate Compliance Officer, and a full investigation will occur. If reasonable grounds exist to support the claim, a corrective action plan will be developed, which may include disciplinary action against any persons involved in any retaliatory action. Vanderheyden is committed to operating in furtherance of its tax-exempt purposes and in compliance with all applicable laws, rules and regulations, including those concerning accounting and auditing, and prohibits fraudulent practices by any of its board members, officers, employees, or volunteers. Thus, if/when there are compliance related matters, concerns, etc., the following applies:

If an employee has a reasonable belief that an employee or Vanderheyden has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information.

If an employee has a reasonable belief that an employee or Vanderheyden has engaged in any action that violates any applicable law, or regulation, including those concerning accounting and auditing, or constitutes a fraudulent practice, the employee is expected to immediately report such information to the President and CEO.

If the employee does not feel comfortable reporting the information to the President and CEO, he or she is expected to report the information to the Corporate Compliance Officer either in person or via email, phone, or call to the hotline, which is 518-283-6500 x266. The hotline is available 24/7 and does not have caller ID.

All reports will be followed up promptly, and an investigation conducted. In conducting its investigations, Vanderheyden will strive to keep the identity of the complaining individual as confidential as possible, while conducting an adequate review and investigation.

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 to a federal, state or local agency what the employee believes in good faith 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.

Vanderheyden may take disciplinary action (up to and including termination) against an employee who in management's assessment has engaged in retaliatory conduct in violation of this policy.

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.

All employees will be trained on this policy upon hire and annually thereafter regarding Vanderheyden's prohibition against retaliation in accordance with this policy.

### **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 new employees will be trained on the federal and state False Claims Acts and also provided at least annual updated training for all existing employees. All employees at Vanderheyden, as well as contractors and vendors, are required to accept educational information offered and to participate in scheduled training.

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 will advise employees of the steps that are in place to detect fraud, waste, and abuse.

### **Guidance**

Any employee and agent may seek guidance with respect to Vanderheyden's Corporate Compliance Plan or Code of Conduct at any time by following the reporting mechanisms outlined above.

<b>Enforcement of Compliance Standards</b> <b>Section V</b>
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**Background Investigations**

For all employees who have authority to make decisions that may involve compliance issues, Vanderheyden conducts a reasonable and prudent background investigation, including reference checks, as part of every employment application.

**Disciplinary Action - General**

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, along with a written statement of reason(s) for imposing such discipline. The Compliance Officer maintains a record of all disciplinary actions involving the Corporate Compliance Program and reports at least quarterly to the Corporate Compliance Committee and the Board of Directors regarding such actions.

**Performance Evaluation - Supervisory**

Vanderheyden's Corporate Compliance Program requires that the promotion of, and adherence to, the elements of the Corporate Compliance Program be a factor in evaluating the performance of Vanderheyden's employees and contractors. They are periodically trained in new compliance policies and procedures. And, in addition, all managers and supervisors will:

- a. Discuss with all supervised employees the Corporate Compliance Program and legal requirements applicable to their function.
- b. Inform all supervised personnel that strict compliance with the program and requirements is a condition of employment.
- c. 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.

**Disciplinary Action - Supervisory**

Managers and supervisors are 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.

## **Auditing and Monitoring of Compliance Activities**

### **Section VI**

#### **Internal Audits**

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of Vanderheyden's Corporate Compliance Program. An ongoing auditing and monitoring system, implemented by the Compliance Officer, in consultation with the Compliance Committee and Quality assurance staff, is integral component of Vanderheyden's auditing and monitoring systems. 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 Program and its standards and expectations; and
- 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 and/or the Corporate Compliance Committee.

The audits and reviews examines and evaluates Vanderheyden's compliance with specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and consumer record documentation reviews.

#### **Plan Integrity**

Additional steps to ensure the integrity of the Compliance Plan includes:

- Annual review with legal counsel of all records of communications and reports by all employees or contractors kept in accordance with Vanderheyden's Corporate Compliance Plan.
- The Compliance Officer is notified immediately in the event of any visits, audits, investigations or surveys by any federal or state agency or authority, and immediately receives a photocopy 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.
- Establishment of a process detailing ongoing notification by the Compliance Officer to all appropriate personnel of any changes in laws, regulations or policies, as well as appropriate training to assure continuous compliance.

## **Detection and Response Section VII**

### **Violation Detection**

The Compliance Officer, President and CEO, and the Corporate Compliance Committee determine whether or not there is suspicion that a violation of the Compliance Plan has occurred.

If it is determined that a violation may have occurred, the matter is referred to legal counsel, who, with the assistance of the Corporate Compliance Officer, conducts a more detailed investigation. This investigation may include, but is not limited to, the following:

- Interviews with individuals having knowledge of the facts alleged;
- A review of documents; and
- Legal research and contact with governmental agencies for the purpose of clarification.

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

### **Reporting**

At the conclusion of an investigation involving Vanderheyden's legal counsel, he/she issues a report to the Corporate Compliance Officer, President and CEO, and Corporate Compliance Committee summarizing his or her findings, conclusions, and recommendations, and he/she renders an opinion as to whether a violation of the law has occurred.

The report is reviewed with legal counsel in attendance. Any additional action will be taken on the advice of Vanderheyden's legal counsel.

The Compliance Officer reports to the Corporate Compliance Committee regarding each investigation conducted.

### **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 is 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.



### **Record Keeping**

Regardless of whether a report is made to a governmental agency, the Compliance Officer maintains a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged, and it will not be release without the approval of the President and CEO and Vanderheyden's legal counsel.

**Vanderheyden's Corporate Compliance Hotline is (518) 283-6500 ext. 266**