

Catholic Charities of the Roman Catholic Diocese of Syracuse, NY

Compliance Plan

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Catholic Charities of the Roman Catholic Diocese of Syracuse
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Compliance Plan Definitions

As used in the Plan, these terms have the following meanings:

Abuse

Actions that do not involve intentional misrepresentations of fact, but nevertheless are inconsistent with sound financial, business, or healthcare practices and create significant risk to the integrity of the organization such as 1) unnecessary cost to the programs, 2) reimbursement for services that are not medically necessary, or 3) reimbursement for services that fail to meet professionally recognized standards of care.

Affected Individuals

All persons who are affected by the required provider's risk areas including the required provider's employees, the Chief Executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers.

Agents

Any person or business that acts as a representative of or has the authority to act for or on behalf of Catholic Charities.

Anti-kickback statute

The federal statute, as it relates to healthcare, which prohibits anyone from knowingly and willfully soliciting, receiving, offering, or paying any remuneration directly or indirectly, in cash or in kind, in exchange for services or purchases for which payment may be made by Medicare and/or Medicaid.

Area

A separate geographical part of Catholic Charities on a county basis.

Area Compliance Committee

A group of people designated and chaired by the Compliance Officer to oversee and help administer this Compliance Plan for each Area.

Area Compliance Officer

A person within the organization who is assigned the responsibility of maintaining and overseeing an effective Compliance Plan for each Area.

Catholic Charities

Catholic Charities of the Roman Catholic Diocese of Syracuse, NY, a not-for-profit corporation organized under New York law in 1925.

Coding

The process of utilizing a medical classification system to assign a numeric code to diagnostic and procedural data.

Compliance Plan (“Plan”)

This Plan, which establishes the standards of conduct for Catholic Charities designed to promote honest and ethical behavior, which also provides a structure for educating and communicating those standards to Affected Individuals, with the overall objective to prevent, detect, and report significant noncompliance.

Diocesan Compliance Committee

A group of people designated by the Diocesan Catholic Charities Executive Director and chaired by the Compliance Consultant to oversee and help administer this Compliance Plan.

Effective Compliance Program

A compliance program adopted and implemented by the required provider that, at a minimum, satisfies the requirements of the regulation and that is designed to be compatible with the provider’s characteristics, which shall mean that it:

- (i) is well-integrated into the company’s operations and supported by the highest levels of the organization, including the chief executive, senior management, and the governing body;
- (ii) promotes adherence to the required provider’s legal and ethical obligations; and
- (iii) is reasonably designed and implemented to prevent, detect, and correct noncompliance with MA program requirements, including fraud, waste, and abuse most likely to occur for the required provider’s risk areas and organizational experience.

Federal Program

Medicare, Medicaid, and any other programs funded by the Federal government.

Fraud

Intentional misrepresentation designed to induce reliance by another person to obtain an unauthorized benefit.

Governing Bodies

The governing bodies of Catholic Charities are: the Corporate Board of Trustees, and the Broome County, Chenango County, Cortland County, Oneida/Madison Counties, Onondaga County, and Oswego County Boards of Directors.

Governmental Agencies

Agencies involved in healthcare investigations include, but are not limited to, the U.S. Department of Health and Human Services' Office of Inspector General, U.S. Department of Justice, Federal Bureau of Investigation, Centers for Medicaid and Medicare Services, New York State Department of Health, Office of the Medicaid Inspector General, New York State Medicaid Fraud Control Units, New York State Office for People With Developmental Disabilities, Office of Mental Health, and Office of Alcohol and Substance Abuse Services.

Knowingly

To act "knowingly" is to act with actual knowledge, deliberate ignorance, or a reckless disregard for the truth or the falsity of information.

Misconduct

Any action, behavior, or failure to act that is not in conformity with Catholic Charities' standards, guidelines, or procedures or that is a violation of any federal, state, or local law or regulation.

Negligent

Exhibiting lack of due care or concern.

Non-Compliance

Failure or refusal to act in accordance with this Compliance Plan, or other standards or procedures, or with federal, state, or local laws or regulations.

Organizational Experience

The required provider's:

- (i) knowledge, skill, practice and understanding in operating its compliance program;
- (ii) identification of any issues or risk areas in the course of its internal monitoring and auditing activities;
- (iii) experience, knowledge, skill, practice and understanding of its participation in the MA program and the results of any audits, investigations, or reviews it has been the subject of; or awareness of any issues it should have reasonably become aware of for its category or categories of service.

Private Payor Programs

Any payor of healthcare services other than Medicare or Medicaid, including but not limited to private individuals and insurance plans.

Qui Tam Relator

Individuals who bring an action on behalf of the United States under the federal False Claims Act or on behalf of New York State under the New York State False Claims Act. Qui Tam

Relators may share in a percentage of the proceeds from an FCA action or settlement. Also known as “whistleblowers”.

Regulatory Violation

Any action that constitutes fraud, abuse, or a violation of a federal, state, or local law or regulation.

State Program

Medicaid or any other program funded in whole or part by New York State.

Waste

Unnecessary expenditures or to use carelessly.

Whistleblower

See Qui Tam Relator.

Whistleblower Protection

Protection provided under the federal law and the State False Claims Act to whistleblowers or qui tam relators who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the federal law or the State False Claims Act.

Compliance Plan Compliance Policy

Purpose

Catholic Charities is committed to providing services of the highest quality and to being in full compliance with all federal, state and local laws and regulations. As part of that commitment, Catholic Charities has adopted this Compliance Plan and Code of Ethics/Standards of Conduct as the basis of its efforts in fostering an organizational culture that promotes responsible and honest conduct, transparency in all business transactions, and adherence to the laws and regulations of the government oversight agencies and funders.

I. Policy

It is the policy of Catholic Charities to comply with all applicable federal, state, and local laws and regulations and payer requirements. It is also Catholic Charities policy to facilitate the prevention of improper or illegal activities, to provide mechanisms to detect any violations of laws and regulations, work to prevent, detect, and investigate issues related to fraud, waste, and abuse, and adhere to the Code of Ethics/Standards of Conduct adopted by the Corporate Board of Trustees.

II. Commitment

Catholic Charities has always been and remains committed to its responsibility to conduct its affairs with integrity based on sound ethical and moral standards. Catholic Charities will hold all Affected Individuals to these same standards.

Catholic Charities is committed to maintaining and measuring the effectiveness of its Compliance Plan and Code of Ethics/Standards of Conduct through monitoring and auditing systems reasonably designed to detect noncompliance by Affected Individuals.

Catholic Charities is committed to the prevention of improper or illegal activities and to provide mechanisms to detect noncompliance, including but not limited to any violations of laws and regulations, healthcare program requirements, the Code of Ethics/Standards of Conduct, and Catholic Charities policies and procedures. Catholic Charities is committed to the prompt investigation and resolution of reported or detected noncompliance.

Catholic Charities is committed to the performance of regular, periodic compliance audits by internal and/or external auditors who have expertise in federal and state healthcare statutes, regulations, and healthcare program requirements.

III. Responsibility

All Affected Individuals shall acknowledge their responsibility to promptly report any instances of suspected or known noncompliance to their immediate supervisor, the Catholic Charities Executive Director, the Area Catholic Charities Executive Director, the Area Catholic Charities Compliance Officer, or the Compliance Hotline (see Appendix A). Reports may be made anonymously without fear of retaliation, retribution, or breach of confidentiality. Failure to report known noncompliance promptly or making reports that are not in good faith will be grounds for disciplinary action, up to and including termination of employment, contract, assignment, or appointment. Reports related to harassment or other workplace-oriented issues will be referred to Human Resources.

IV. Policies and Procedures and Code of Ethics/Standards of Conduct

Catholic Charities will communicate its compliance standards and policies through required training and communication initiatives to all Affected Individuals. Catholic Charities is committed to these efforts through distribution of this Compliance Plan and the Code of Ethics/Standards of Conduct.

V. Compliance Officer and Compliance Committee

Catholic Charities has appointed a Compliance Officer who is responsible for the overall operation of the Compliance Program. A Compliance Committee works with the Compliance Officer to implement and maintain an effective Compliance Program.

VI. Discipline and Enforcement

This Compliance Plan will be consistently enforced through appropriate disciplinary mechanisms including, if appropriate, discipline of Affected Individuals responsible for failure to detect and/or report noncompliance.

VII. Catholic Charities' Response

Detected noncompliance, through any mechanism (e.g., compliance auditing procedures or confidential reporting), will be responded to in an expeditious manner. Catholic Charities is dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to the Compliance Plan.

VIII. Due Diligence

Catholic Charities will, at all times, exercise due diligence with regard to background and professional license investigations for all Affected Individuals.

Catholic Charities is committed to maintaining high quality care and service as well as integrity in its financial and business operations. Therefore, Catholic Charities will conduct appropriate screening of key providers, employees, independent contractors, and business vendors to ensure that they have not been sanctioned by federal or state law enforcement, regulatory or licensing agency.

In addition, all prospective employees, independent practitioners, agents, vendors, and members of the Board of Trustees and the Boards of Directors will be checked to verify that they have not been excluded from federal healthcare programs.

IX. Non-Retaliation, Non-Intimidation, and Whistleblower Protections

Catholic Charities will not take any retaliatory action against an Affected Individual who, in good faith, reports actual or suspected noncompliance or illegal activities or for good faith participation in the Compliance Program.

Catholic Charities will not take any retaliatory action against an employee if the employee discloses certain information about the Organization's policies, practices, or activities to a regulatory, law enforcement, or other similar agency or public official. Protected disclosures are those that assert that the Organization is in violation of a law that creates a substantial and specific danger to the public health and safety; or that constitute healthcare fraud under the law; or that assert that the employee, in good faith, believes constitutes improper quality of care.

Compliance Plan

Element 1: Policies and Procedures, Standards of Conduct, and Code of Ethics

To support the operation of the Catholic Charities Compliance Program, policies and procedures are established to provide direction to Affected Individuals and address the following components of the Compliance Plan:

- Conflict of Interest
- Reporting and investigation of noncompliance
- Non-retaliation and non-intimidation
- False Claims Act and Whistleblower protections
- Compliance Program education and training
- Auditing and monitoring
- Billing errors and overpayments
- Kickbacks and business courtesies
- Discipline for noncompliance or failure to report
- Responding to governmental investigations

All Affected Individuals are expected to be familiar with and knowledgeable about the Compliance Program Policies and Procedures.

The Standards of Conduct and Code of Ethics serves as a foundational document that describes Catholic Charities fundamental principles and values, and commitment to conduct its business in an ethical manner. The Standards of Conduct and Code of Ethics provides Affected Individuals with guidance on requirements for conduct related to their employment, contract, assignment or association with Catholic Charities.

When any person knows or reasonably suspects that the expectations in the Standards of Conduct/Code of Ethics and the Compliance Program have not been met, this must be reported to the immediate supervisor the Catholic Charities Executive Director or designee, the Area Catholic Charities Executive Director or designee, the Area Catholic Charities Compliance Officer or the Compliance Hotline.

See Appendix A for detailed contact information.

Compliance Plan Code of Ethics/Standards of Conduct

I. Philosophy

The Catholic Church has a long-standing commitment to the respect and dignity of all life. It is important that all Affected Individuals are aware of the Church's position as they begin employment or affiliation with Catholic Charities, and that they respect the position in their behavior and conduct as employees and as representatives of Catholic Charities throughout the community.

II. Mission

Catholic Charities of the Roman Catholic Diocese of Syracuse, N.Y. is dedicated to caring for those in need while promoting human development, collaboration, and the elimination of poverty and injustice. We strive to empower those served to transform their lives in the spirit of God's love and compassion.

III. Value Statements

Each Catholic Charities Trustee, Director, employee, agent, and vendor shall:

- Support the dignity of human life,
- Prefer those suffering – the neediest and most vulnerable among us,
- Support the right of all to set and pursue their life goals,
- Strive for full measure of charity and justice,
- Seek to peaceably change oppressive laws,
- Respect privacy and confidentiality,
- Strive for quality and excellence,
- Support pluralism, and
- Promote honesty in all areas.

IV. Code of Ethics/Standards of Conduct

It is the policy of Catholic Charities to conduct all business and activities in accordance with uncompromising ethical standards. We are committed to complying with all applicable laws and regulations. We believe integrity and trust are essential to the mission of serving our consumers. Adherence to such standards will not be traded or compromised for financial, professional, or other business objectives.

We ensure 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.

Catholic Charities expects every person who provides services to our consumers to adhere to the highest ethical standards and to promote ethical behavior. Anyone whose behavior is found to violate ethical standards will be disciplined appropriately.

V. Expectations

Each person subject to this Code of Ethics/Standards of Conduct shall ensure that all aspects of client care and business conduct are performed in compliance with Catholic Charities' mission/vision statement, policies and procedures, professional standards, applicable governmental laws, rules, and regulations, and other payer standards. Catholic Charities expects every person who provides services 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.

Affected Individuals may not engage in any conduct that conflicts – or is perceived to conflict – with the best interests of Catholic Charities. An employee must promptly disclose to his or her immediate supervisor any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, vendor, or investor in any entity that (i) engages in any business or maintains a relationship with Catholic Charities; (ii) provides to, or receives from, Catholic Charities any consumer referrals; or (iii) competes with Catholic Charities.

Affected Individuals shall maintain complete, accurate, and contemporaneous records as required by Catholic Charities. The term “records” includes all documents, both written and electronic, that relates to the provision of Catholic Charities services or provides support for the billing of 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 requirements above have not been met, this must be promptly reported to their immediate supervisor, the Catholic Charities Executive Director, the Area Catholic Charities Executive Director, the Area Catholic Charities Compliance Officer or the Compliance Hotline (see Appendix A).

The Catholic Charities Executive Director, the Area Catholic Charities Executive Directors, the Area Catholic Charities Compliance Officers or the Compliance Consultant may be reached at the e-mail addresses and the telephone numbers set forth on Appendix A, attached.

Compliance Plan

Element 2: Compliance Program Oversight

I. Catholic Charities Diocesan Compliance Consultant

The Corporate Board of Trustees of Catholic Charities will designate a consultant with expertise in healthcare regulatory compliance as Catholic Charities Compliance Consultant. The Compliance Consultant position reports directly to the Catholic Charities Director. The Compliance Consultant has direct lines of communication to the Area Executive Directors and the Area Boards of Directors with input and approval of the Area Executive Director and the Catholic Charities Director.

Job Duties

The Compliance Consultant is directly obligated to serving the best interests of Catholic Charities. Responsibilities of the Compliance Consultant include but are not limited to:

- Facilitate ongoing Governance Compliance Committee meetings
- Create a summary report of Diocesan wide compliance activities, investigations and reviews, and report annually, or as needed, to the Board of Trustees
- Act as a resource for Area Compliance Officers, the Area Boards of Directors, the Corporate Board of Trustees, and staff
- Facilitate review and modification (as needed) of policies and procedures
- Assist in the identification, standardization, and/or creation of additional required or desired policies and procedures.
- Assist in the event of a government audit
- Remain available for off-site (via telephone, email, and facsimile) and on-site consultation at the request of Catholic Charities

II. Area Compliance Officers

Each Catholic Charities Area has designated a Compliance Officer. Each Area Compliance Officer (ACO) works closely with the Area Executive Director to administer the Compliance Plan within the Area.

Reporting Relationship

The ACO has direct lines of communication to the Area Executive Director, the Area Board of Directors, the Area Compliance Committee, and Catholic Charities legal counsel.

Job Duties

Each ACO is also obligated to serve the best interests of the Catholic Charities, clients, and Affected Individuals. Each ACO works reports directly to the Area Executive Director of their Area. The ACO has direct lines of communication to the Catholic Charities Director and the Corporate Compliance Consultant.

Responsibility of the ACO is to ensure the completion of certain tasks, including but not limited to the following:

- Overseeing and monitoring the adoption, implementation, and maintenance of the Compliance Program.
- Developing and implementing Compliance Program policies and procedures and Standards of Conduct/Code of Ethics.
- Reviewing and revising, periodically, the Standards of Conduct/Code of Ethics, the Compliance Program, and policies and procedures as changes occur within Catholic Charities, and/or in the law, regulations, or governmental and third-party payers.
- Evaluating the effectiveness of the Compliance Program, policies and procedures, and Standards of Conduct/Code of Ethics.
- Developing, implementing, and monitoring the annual Compliance Work Plan.
- Reporting, no less frequently than quarterly, to the Board of Directors, Area Executive Director, and Compliance Committee on the progress of implementation of the Compliance Program.
- Assisting the Area Executive Director, Senior Leadership, Management, and the Compliance Committee in establishing methods to improve Catholic Charities quality of service and to reduce vulnerability to fraud, abuse, and waste.
- Developing, coordinating, and participating in a multifaceted educational and training program that focuses on the elements of the Compliance Program and seeks to ensure that all Affected Individuals, consistent with roles and any associated risk areas, are knowledgeable of, and comply with, pertinent Federal and State standards and Catholic Charities Standards of Conduct/Code of Ethics.
- Ensuring that excluded individuals and entities are not employed or retained by the Organization.
- Directing Catholic Charities internal audits established to monitor effectiveness of compliance standards and the Compliance Program.
- Independently investigating and acting on matters related to compliance, including the flexibility to design and coordinate internal investigations (e.g., responding to reports of problems or suspected violations) and any resulting corrective action with all departments, providers, and sub-providers, agents, and, if appropriate, independent contractors.
- Coordinating internal investigations and implementing corrective action(s).
- Developing policies and programs that encourage managers and Affected Individuals to report suspected fraud and other improprieties without fear of retaliation.
- Providing guidance to Management, medical/clinical program personnel, and individual departments regarding policies and procedures and governmental laws, rules, and regulations.
- Maintaining a reporting system, including an anonymous means to report, and responding to concerns, complaints, and questions related to the Compliance Program.
- Overseeing efforts to communicate awareness of the existence and contents of the Compliance Program.
- Ensuring that independent contractors and contractors (recipient service provision, vendors, billing services, etc.) are aware of the requirements of Catholic Charities Compliance Program.
- Acting as a resourceful leader regarding regulatory compliance issues. Actively seeking up-to-date material and releases regarding regulatory compliance issues.
- Continuing the momentum of the Compliance Program and the accomplishment of its objectives.

III. Diocesan Compliance Committee - Reporting Structure and Purpose

The Governance Compliance Committee is facilitated by the Catholic Charities Diocesan Compliance Consultant and is composed of all Area Compliance Officers from each Area and the Catholic Charities Director.

The purpose of the Governance Compliance Committee is to advise and assist the Catholic Charities Compliance Consultant with the implementation of the Compliance Plan. The Committee assists with, and makes recommendations for, the development of policies which are set by the Board of Trustees.

Diocesan Compliance Committee – Function

Diocesan Compliance Committee is responsible for:

- Ongoing analysis of the environment in which Catholic Charities conducts its operations, including legal requirements with which it must comply.
- Ongoing review, modification, and creation, where necessary, of policies and procedures which address areas of risk, and which respond to new legislation and other mandates.
- Monitoring internal systems and controls to enforce compliance standards, policies, and procedures.
- Monitoring internal and external audits to identify and address potential non-compliance issues.
- Review corrective and preventive action plans.
- Participating in processes designed to solicit, evaluate, and respond to compliance complaints and issues.

IV. Area Compliance Committees – Reporting Structure and Purpose

Each Area Compliance Committee is facilitated by the ACO and is composed of management and/or staff from each Area. Each ACO and Area Executive Director will determine the composition of their Area Compliance Committee, including the option to include a member of the Area Board of Directors as a regular member of the committee, and the frequency of meetings as referenced in the Area Compliance Committee Charter.

Each Area Compliance Committee will meet on a regular basis, but not less than quarterly. Meeting minutes will be maintained by the Compliance Officer.

Area Compliance Committees – Function

Area Compliance Committees are responsible for:

- Working with individual programs to develop standards, policies, and procedures that address specific risk areas and to comply with legal and ethical requirements.
- Analyzing the regulatory environment where Catholic Charities does business, including legal requirements with which it must comply.

- Reviewing and assessing existing policies and procedures that address risk areas for possible incorporation into the Compliance Program.
- Reviewing and monitoring Compliance Program training and education to ensure that they are effective and completed in a timely manner.
- Ensuring that the Organization has effective systems and processes in place to identify Compliance Program risks, overpayments, and other issues and has effective policies and procedures for correcting and reporting such issues.
- Coordinating with the Compliance Officer to ensure that the written policies and procedures and Standards of Conduct/Code of Ethics are current, accurate, and complete.
- Developing internal systems and controls to carry out compliance standards, Standards of Conduct/Code of Ethics, and policies and procedures.
- Coordinating with the Compliance Officer to ensure communication and cooperation by Affected Individuals on compliance-related issues, internal or external audits, or any other function or activity.
- Developing a process to solicit, evaluate, and respond to complaints and problems.
- Monitoring internal and external audits to identify issues related to non-compliance.
- Implementing corrective and preventative action plans and follow-up to determine effectiveness.
- Ensuring the development and implementation of an annual Compliance Work Plan.
- Advocating for sufficient funding, staff, and resources to be allocated to the Compliance Officer to carry out duties related to the Compliance Program.
- Ensuring that the Organization has appropriate systems and policies in place that effectively identify risks, overpayments, and other areas of concerns including fraud, waste, and abuse.
- Monitoring and evaluating the Organization's Compliance Program for effectiveness at least annually and making recommendations for necessary modifications to the Compliance Program as applicable.
- Developing and implementing a Compliance Committee Charter. The Charter will outline the Compliance Committee's duties and responsibilities, membership, designation of a chairperson and frequency of meetings. The Charter will be reviewed and updated annually.

V. Delegation of Substantial Discretionary Authority

Any employee or prospective employee who holds, or intends to hold, a position with substantial discretionary authority for Catholic Charities is required to disclose any name changes and any involvement in non-compliant activities including healthcare-related crimes. In addition, Catholic Charities performs reasonable inquiries into the background of such applicants, all prospective employees, Area Executive Directors and other senior administrators, Board members, interns, contractors, and vendors.

The following resources may be queried when conducting screening:

- a) The System for Award Management (SAM) available on the SAM website. The URL address is: <https://www.sam.gov>
- b) HHS/OIG List of Excluded Individuals and Entities. The URL address is: <http://exclusions.oig.hhs.gov/>.

- c) Medicaid Exclusions | Office of the Medicaid Inspector General. The URL address is: <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions>
- d) 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/opmc/main.htm>) and/or New York State Department of Education (other licensed professionals) (the URL address is <http://www.op.nysed.gov/opsearches.htm>).

Compliance Plan

Element 3: Education and Training

I. Expectations

Compliance training is a critical element of the Catholic Charities Compliance Program. All Affected individuals are expected to be familiar and knowledgeable about Catholic Charities Compliance Plan and to have a solid working knowledge of their responsibilities under the Program. Compliance Program policies and procedures, Standards of Conduct and the Code of Ethics will be communicated to all affected individuals through required participation in training programs.

II. Training Topics – General

All affected individuals shall participate in training on the topics identified below:

- Catholic Charities Compliance Plan;
- Standards of Conduct/Code of Ethics and other related written guidance;
- Federal False Claims Act;
- New York False Claims Act;
- Whistleblower Protections;
- Risk areas and organizational experience;
- The role and responsibilities of the Compliance Officer and the Compliance Committee;
- Communication channels (name of Compliance Officer, reporting mechanisms, anonymous reporting mechanism);
- Expectations for reporting known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct/Code of Ethics, the Compliance Program, and Catholic Charities policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as “compliance concerns”) and how the Organization responds to such reports including the investigation process and corrective actions;
- Catholic Charities disciplinary policy and standards;
- Prevention of fraud, waste, and abuse; and
- Non-retaliation and non-intimidation policy.

Catholic Charities will maintain an annual training plan. The training plan will, at a minimum, outline the subjects or topics for compliance training and education, the timing and frequency of the training, which Affected Individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated. The training plan will be reviewed by the Compliance Officer and Compliance Committee and updated as needed, but at minimum on an annual basis.

III. Orientation

As part of their orientation, each employee and agent will receive a written copy of this Compliance Plan, Standards of Conduct and Code of Ethics and provided access to Compliance Program Policies and Procedures. As a routine part of orientation, new employees and agents are required to attend mandatory training on compliance during which the Compliance Plan is reviewed. Each employee and agent is required to sign an Employee Attestation Statement during orientation and annually, a Conflict of Interest Statement. Each employee and agent is required to document all relationships that are or could be perceived to be a conflict of interest during their orientation and annually thereafter.

IV. Targeted Topics

In addition to the above, targeted training will be provided to all managers and any other Affected Individuals whose job responsibilities include activities related to compliance topics, such as documentation of services and coding and billing procedures. Managers shall assist the Compliance Officer in identifying areas that require specific training and education.

V. Attendance

All education and training relating to the Compliance Plan will be verified by attendance and a signed acknowledgement of receipt of the Compliance Plan.

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

Compliance Plan

Element 4: Lines of Confidential Communication

I. Expectations

Open lines of communication between Catholic Charities management, Compliance Officers and each Affected Individual subject to this Compliance Plan are essential to the success of the Compliance Program and commitment to comply with all applicable laws and regulations and the prevention of Medicaid or Medicare fraud, waste, and abuse.

All Affected Individuals must report compliance concerns. Failure to report is deemed misconduct and a violation of this requirement.

Every Affected Individual has an obligation to refuse to participate in any wrongful course of action and to report the actions according to the procedure listed below.

II. Reporting Procedure

If an Affected Individual witnesses, learns of, or is asked to participate in an activity that could potentially violate or is suspected or known to violate any Catholic Charities' policy or any law or regulation, must promptly report the request or the activity. Affected Individuals should endeavor to first contact their immediate supervisor or the ACO. If that person is not available, or the reporter has reason to believe that the supervisor or ACO is a party to the activity, then the employee or agent should promptly contact the Area Executive Director, or the Catholic Charities Diocesan Director. Reports may be made in person; by mail, or email, phone; or by calling a telephone line dedicated for the purpose of receiving such notification, which is 1-866-460-2024 (see Appendix A).

Upon receipt of a question or concern, any supervisor, officer, or director shall document the issue at hand and report to the ACO. Any questions or concerns relating to potential non-compliance by the ACO should be reported immediately to the Catholic Charities Diocesan Executive Director or Compliance Consultant. The ACO may, at any time, contact the Compliance Consultant for advice, counsel, assistance, and/or support.

The ACO or designee shall record the information necessary to conduct an appropriate investigation of all complaints. If the Affected Individual was seeking information concerning the Corporate Compliance Plan (inclusive of policies and procedures) or its application, the ACO or designee shall record the facts of the contact and the nature of the information sought and respond as appropriate. Catholic Charities maintains a confidential and anonymous hotline (see Appendix A), via an external vendor, that protects that anonymity of the individual making a report.

III. Protections

Catholic Charities shall, as much as is possible, protect the anonymity or identity of the Affected Individual who reports a compliance concern or raises a question about the Catholic Charities Compliance Program, Standards of Conduct or Code of Ethics. Strict confidentiality regarding the reporting of compliance concerns will be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by Federal, State, or local law enforcement, or disclosure is required during a legal proceeding.

IV. Policy of Non-Retaliation and Non-Intimidation

Catholic Charities will not take any retaliatory action against an Affected Individual who, in good faith, reports a compliance concern, as defined by this Plan or for good faith participation in the Compliance Program, including but not limited to:

- Reporting potential issues;
- Investigating issues;
- Self-evaluations;
- Audits;
- Remedial actions; and
- Reporting to appropriate officials as provided in sections 740 and 741 of the New York State Labor Law.

Any threat of retribution, retaliation, or intimidation against a person who acts in good faith pursuant to their responsibilities under the Compliance Plan is acting against the Catholic Charities Compliance Policy. Discipline, up to and including termination of employment, contract, appointment, or assignment, will result if such retribution, retaliation or intimidation is proven.

Affected Individuals who believe they have been subject to retribution, retaliation and/or intimidation for reporting a compliance concern or for good faith participation in the Compliance Program shall report the actions to the Compliance Officer who shall conduct an investigation into the allegation in accordance with Element 7 of this Compliance Plan (Response to Compliance Issues).

V. Guidance

Any Affected Individual may seek guidance with respect to the Compliance Plan, Standards of Conduct/Code of Ethics, and any related document, policy, or procedure at any time by following the reporting mechanisms outlined above. Any Affected Individual who has concerns about activities, information, or compliance policies may seek guidance from the ACO or the Catholic Charities Compliance Consultant.

Compliance Plan

Element 5: Discipline and Enforcement of Compliance Standards

I. Background Investigations

Catholic Charities must comply with numerous employment requirements including but not limited to background checks, etc.

II. Disciplinary Action – General

Affected Individuals who fail to comply with the Catholic Charities Compliance Program, who have engaged in conduct that has the potential of impairing the Catholic Charities' status as a reliable, honest, and trustworthy service provider or who, upon investigation, are found to have committed illegal or unethical acts or violations of applicable Federal and State laws and regulations, the Compliance Program, the Standards of Conduct/Code of Ethics, or Catholic Charities policies and procedures, will be subject to appropriate disciplinary action, up to and including termination of employment, contract, assignment, or appointment with Catholic Charities.

When the determination is made that a compliance violation occurred involving a contractor or vendor, the Compliance Officer will notify the Area Executive Director and work collaboratively to determine and execute the appropriate corrective action.

Catholic Charities will apply progressive discipline consistent with the violation. Examples of the disciplinary action that may be taken in accordance with the nature and scope of the infraction include but are not limited to: (a) verbal counseling or warning; (b) counseling with written warning; (c) retraining; (d) reassignment or demotion; (e) suspension without pay; and (f) termination of employment, contract, assignment, or appointment. Catholic Charities will consider intentional or reckless behavior as being subject to more significant discipline.

The following actions will result in more significant disciplinary action:

- Authorization of or participation in actions that violate Federal or State laws, regulations, the Compliance Program, Standards of Conduct/Code of Ethics, or any related policies and procedures;
- Failure to comply with the Organization's policies governing the prevention, detection, or reporting of fraud and abuse;
- Falsification of records;
- Submitting or causing to submit a false claim;
- Failure to report a violation by a peer or subordinate;

- Failure to cooperate in an investigation; and
- Retaliation/intimidation against an individual for reporting a possible violation or participating in an investigation.

Any discipline will be appropriately documented in the Affected Individual's file, along with a written statement of reason(s) for imposing such discipline. Such documentation will be considered during an employee's regular and promotional evaluations.

The Compliance Officer will maintain a written record of all disciplinary actions taken against Affected Individuals related to non-compliance and violations, including verbal warnings, and will reference these records when necessary to ensure consistency in application of disciplinary measures. The Compliance Officer will provide a report on disciplinary actions taken to the Compliance Committee and the Board of Directors.

III. Performance Evaluation – Supervisory

Catholic Charities Compliance Plan requires that the promotion of, and adherence to, the elements of the Compliance Plan be a factor in evaluating the performance of Catholic Charities Affected Individuals.

Affected Individuals will be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors will:

- a. Discuss with all supervised employees the compliance policies and legal requirements applicable to their function.
- b. Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment.
- c. Disclose to all supervised personnel that Catholic Charities will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

IV. Disciplinary Action – Supervisory

Managers and supervisors will be disciplined for failure to adequately instruct their subordinates or failure to detect noncompliance with applicable policies and legal requirements, where reasonable diligence on the part of the manager or supervisor would have led to the earlier discovery of any problems or violations and would have provide Catholic Charities the opportunity to correct them.

Compliance Plan

Element 6: Auditing and Monitoring

I. Internal Audits

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of Catholic Charities Compliance Program. At the Area level, routine internal audits identify areas of non-compliance with policy and procedure and monitor compliance with governing regulations.

An ongoing auditing and monitoring system, implemented by the Compliance Officer and in consultation with the Compliance Committee, is an integral component of Catholic Charities auditing and monitoring systems.

On an annual basis, the ACO, in conjunction with the Area Director, Senior Management, and Compliance Committee, will develop an audit plan based on an organizational risk assessment.

This ongoing auditing and monitoring will evaluate at minimum, the following risk areas:

- Billings;
- Payments;
- Ordered services;
- Medical necessity;
- Quality of care;
- Governance;
- Mandatory reporting;
- Credentialing;
- Contractor, subcontractor, agent, or independent contract oversight;
- Review of contracts and relationships with contractors, specifically those with substantive exposure to government enforcement actions;
- Review of documentation and billing relating to claims made to Federal, State, and third-party payers for reimbursement;
- Compliance training and education;
- Effectiveness of the Compliance Program; and
- Other risk areas that are or should reasonably be identified by the Organization through its organizational experience

Audits and reviews will examine Catholic Charities compliance with specific rules and policies through on-site visits; personnel interviews; general questionnaires (submitted to Affected Individuals); review of contracts, personnel records, training records, billing and other financial records; and client record documentation reviews.

Results of all auditing and monitoring activities will be reported to the Compliance Committee and Board of Directors.

II. Compliance Plan Integrity

Additional steps to ensure the integrity of the Compliance Plan will include:

- 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 shall immediately receive a photocopy of any correspondence from any regulatory agency charged with licensing the Organization and/or administering a Federally or State-funded program or county-funded program with which the Organization 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.

Compliance Plan

Element 7: Response to Compliance Issues

I. Violation Detection

Catholic Charities maintains a formal confidential and anonymous compliance reporting process to encourage the reporting of any compliance concerns. Affected Individuals must promptly report any compliance concerns to Compliance Officer, the immediate supervisor, a member of Management, or a member of the Compliance Committee. Service recipients, vendors, and any party conducting business with Catholic Charities may report compliance concerns to the Compliance Officer through the confidential or anonymous reporting process.

As part of its Compliance Program, Catholic Charities will ensure that all reports of compliance concerns are immediately and objectively investigated and resolved promptly. Such investigations may be conducted by the ACO, members of the Area Compliance Committee, other employees or external parties as indicated or recommended by the ACO, Area Executive Director, or legal counsel.

The ACO will take immediate measures to secure relevant evidence or documentation and will ensure the confidentiality of any information obtained from a report, interview or through an investigation, unless otherwise required by law.

Unless a potential conflict of interest exists, the ACO will inform the Area Executive Director of any pending investigations. The Compliance Officer or Area Executive Director will arrange to retain legal counsel, as deemed appropriate.

II. Reporting

The results of the investigation and remedial actions will be communicated confidentially to the Area Executive Director or Designee, members of the Board of Directors, and other employees based on a need-to-know basis. The ACO shall report to the Area Compliance Committee regarding each investigation conducted unless conducted under attorney privilege.

At the conclusion of an investigation involving legal counsel, they shall issue a written report summarizing the findings, conclusions, and recommendations and rendering an opinion as to whether a violation of the law has occurred. The report will be reviewed with legal counsel in attendance. Any additional action will be on the advice of counsel. Any written report will be sent by the ACO to the Area Director, Catholic Charities Compliance Consultant, and the Catholic Charities Director. In all cases, the outcome of the investigation and any written report will be presented to the appropriate Area Executive Director and the ACO, as well as the Area and Corporate Boards.

III. Repayment of Any Substantiated Overpayment

If the ACO, in consultation with legal counsel, identifies credible evidence or credibly believes that a State or Federal law, rule, or regulation has been violated, the ACO will promptly report such violation to the appropriate governmental entity, where such reporting is otherwise required by law, rule, or regulation.

If the Catholic Charities 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 counsel.

It is Catholic Charities policy to not retain any funds received from overpayments. Overpayments will be reported and refunded to Medicaid and Medicare in accordance with the appropriate self-disclosure protocols and any required time frames.

In instances where it appears that an affirmative fraud may have occurred, appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future.

IV. Recordkeeping

Regardless of whether a report is made to a governmental agency, the ACO shall maintain a record of the investigation, including copies of all pertinent documentation. The Compliance Officer will organize the information so that the Organization can determine if an infraction occurred. The Compliance Officer will securely maintain all notes of the interviews, all evidence and review of documents as part of the investigation file. This record will be considered confidential and privileged to the fullest extent permitted by law and will not be released without the prior written approval of the Catholic Charities Diocesan Director and legal counsel. All compliance records will be kept in a secure area accessible to authorized personnel only.

Appendix A
Directory of Area Compliance Officers, Area Executive Directors,
Catholic Charities Compliance Consultant, and Catholic Charities Director

AREA:

Broome County

Compliance Officer:	Carla Morgan	cmorgan@ccbc.net	(607) 729-9166
Executive Director:	Tonya Brown	tbrown@ccbc.net	(607) 729-9166

Chenango County

Compliance Officer:	Stephanie Stewart	sstewart@ccofcc.com	(607) 334-8244
Executive Director:	Robin Cotter	rcotter@ccofcc.com	(607) 334-8244

Cortland County

Compliance Officer:	Amanda Wilson	awilson@ccocc.org	(607) 756-5992, x201
Executive Director:	Tim Lockwood	tlockwood@ccocc.org	(607) 756-5992, x202

**Oneida/Madison
Counties**

Compliance Officer:	Ilene Smith	ismith@ccharityom.org	(315) 724-2158, x7009
Executive Director:	Jack Callaghan	jcallaghan@ccharityom.org	(315) 724-2158, x7000

Onondaga County

Compliance Officer:	Kimmy Radell	kradell@ccoc.us	(315) 362-7642
Executive Director:	Michael F. Melara	mmelara@ccoc.us	(315) 424-1800,x7512
Toomey Exec. Dir.:	Jennifer Francisco	jfrancisco@tommeyresidential.org	(315) 424-1845, x7604

Oswego County

Compliance Officer:	Lori Perrault	lperrault@ccoswego.com	(315) 598-3980, x225
Executive Director:	Mary-Margaret Pekow	mmpekow@ccoswego.com	(315) 598-3980, x223

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Catholic Charities Compliance Consultant:

Paul Mayer (The Bonadio Group)
pmayer@bonadio.com
(585) 249-2718

Catholic Charities Director:

Mike Melara
mmelara@ccoc.us
(315) 424-1800x7512

Catholic Charities Compliance Hotline: (866) 460-2024