



PORT HENRY, NEW YORK  
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# ***CORPORATE COMPLIANCE PLAN***

August 2021

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## **1. INTRODUCTION**

As a not-for-profit health and human resources organization dedicated to improving the everyday lives of people with intellectual and developmental disabilities, Mountain Lake Services is committed to complying with the rules and regulations of federal, state and local government, including but not limited to those promulgated by the U.S. Centers for Medicare and Medicaid Services (“CMS”) and the New York State Office for People with Developmental Disabilities (“OPWDD”).

Because Medicaid funding makes up a significant portion of Mountain Lake Services’ operating budget, we are under ongoing scrutiny to ensure that our services are appropriate, timely and properly reimbursed. As Medicaid providers, we are subject to the federal and state laws that govern this program. The law requires all providers to comply with standards and regulations and set organization wide standards to define, communicate and monitor compliance with the standards.

In support of our mission, and core values, Mountain Lake Services has adopted this Corporate Compliance Program to ensure our organization provides services to people we support and the community with integrity and without waste or fraud. Mountain Lake Services seeks to provide a work environment where high standards of ethical and legal behavior are recognized and practiced.

Our Plan will document the systems in place to ensure an efficient, legal and ethical standard. Several keys are set forth and are noted to ensure that we have programs in place to exercise due diligence to prevent, detect, correct and eliminate non-adherence to standards, policies and procedures by our employees or our agents. Mountain Lake Services developed this Corporate Compliance Plan, including our Standards of Conduct and a wide array of policies and procedures that address key risk areas, to guide our best efforts to operate under ethical and legal standards. Mountain Lake Services expects that all aspects of individual care and business conduct will be performed in compliance with this Corporate Compliance Plan, professional standards and applicable governmental laws, rules and regulations.

Key components of this Plan incorporate agency wide standards including:

- Compliance with all Policies and Procedures
- Appropriate authority and oversight

- Communication of the Corporate Compliance Plan; expected standards of conduct, education, training, and update communication
- A system for both confidential reporting and investigation of Compliance Concerns
- Enforcement and Discipline
- Internal controls, including; methods for audits, ongoing monitoring of practices, identifying concerns, correcting and measuring results for verification in a timely and effective manner
- Documentation and reporting

The Corporate Compliance Plan was instituted by the Board of Directors on March 11, 2003. Our Corporate Compliance Plan also supports and complies with the NYSARC Board of Governor's policy requiring that each chapter of NYSARC implement an effective Corporate Compliance Plan.

## **1.1 Authority and Oversight**

Ultimate accountability and oversight for Corporate Compliance lies with the Board of Directors and the Executive Director. Responsibility for the implementation of the plan lies with the Executive Director. The Board of Directors is committed to providing both the human and financial resources necessary to develop, implement, support, maintain, and monitor an ethical environment, which complies with all Federal, State, and Local Law. The acceptance of this plan and the designation of a Corporate Compliance Officer (C.C.O.) is evidence of this commitment.

Operational oversight and implementation of Mountain Lake Services' compliance activities rests with the designated C.C.O. with direct reporting of compliance concerns to the Executive Director and Board of Directors. The designation of this position includes:

A specific individual within high-level personnel of the organization who is assigned overall responsibility to oversee compliance with such standard and procedures.

High-level personnel of the organization mean individuals who have substantial control over the organization or who have a substantial role in the making of policy within the organization. The term includes: program directors, and individuals in charge of major program services or functional units of the organization.

In order for the C.C.O. to carry out his/her duties, s/he must have access and authority to review all documentation relevant to compliance activities, investigate compliance concerns as well as seek the advice of outside legal counsel where appropriate. This documentation includes but is not limited to the following:

- Policies and Procedures
- Billing records
- Contracts, service agreements, joint ventures, leases
- Any related documentation

We have established a Corporate Compliance Committee comprised of management and operations staff and Mountain Lake Services' leadership with responsibility to meet regularly to advise the Corporate Compliance Officer, to identify and resolve compliance concerns and to continue to improve and refine Mountain Lake Services overall compliance activities. Mountain Lake Services' Board of Directors will be an integral part of the Corporate Compliance Plan and will be knowledgeable about the content and operation of Mountain Lake Services' Corporate Compliance Plan and will exercise oversight with respect to the implementation and effectiveness of the Corporate Compliance Plan.

## **1.2 Communication, Education, and Training**

Mountain Lake Services effectively communicates expected standards of conduct and this Corporate Compliance Plan to all employees and other agents through educational programs and periodic updates. At the time of initial acceptance, this Plan will be presented to all current employees. Attendance of each instructional session will be mandatory, documented, and Human Resources will maintain signed acceptance and acknowledgment forms. Thereafter, Mountain Lake Services will adequately train the Board, all

employees and independent contractors on the organization's standards and procedures. Mountain Lake Services will continuously identify training topics, including those arising as a result of self-monitoring, audits by regulatory agencies and regulatory developments.

New employees will receive training in the Mountain Lake Services' Standards of Conduct and those policies and procedures relevant to their job duties as part of the new hire orientation program. Mountain Lake Services will tailor its training based on the roles and responsibilities of each group of individuals and in a manner that the individual can understand. All existing employees will receive a training session annually with respect to the Corporate Compliance Program and Standards of Conduct. Upon hire, employees will review the existing Corporate Compliance Program, the Standards of Conduct, and any application policies and procedures.

As part of the educational program, staff will complete an electronic attestation that not only validates receipt of information, but also binds them to follow the Plan and that they are required to bring to the Corporate Compliance Officer's attention any violations.

Communication updates and enhancements to the Corporate Compliance Plan will be continuously communicated to the staff through established channels of communication. (i.e., bulletin boards, management meetings, staff meetings, memos, etc.)

### **1.3 Reporting and Investigation of Compliance Concerns**

Strict adherence to Mountain Lake Services' Corporate Compliance Plan and Standards of Conduct is vital. The Mountain Lake Services' Corporate Compliance Plan provides each employee a means to convey concerns regarding corporate integrity in confidence and without fear of retaliation and/or intimidation. Employees are required to report any known or suspected violations of the Corporate Compliance Plan, Standards of Conduct, policies and procedures or any laws, rules or regulations by which Mountain Lake Services is governed to their supervisor, manager, the Corporate Compliance Officer or through Mountain Lake Services' Compliance Hotline. Every concern can be conveyed to the Corporate Compliance Officer and will be investigated. Each report and findings will be documented and reported to the Executive Director, Corporate Compliance Committee and Board of Directors in a confidential manner.

The Corporate Compliance Officer is responsible for documenting concerns, initiating a confidential investigation, and reporting to the Board of Directors.

### **1.4 Enforcement and Discipline**

Standards must be consistently enforced through appropriate channels for disciplinary action. Adequate discipline of individuals responsible for an offense or failure to report an offense is an essential component to enforcement. Failure to comply with the Corporate Compliance Plan, Standards of Conduct and /or laws and regulations applicable to Mountain Lake Services and our operations may result in disciplinary action.

Employees and independent contractors/consultants who, upon investigation, are found to have committed violations of applicable laws and regulations, the Corporate Compliance Plan, the Standards of Conduct or the policies and procedures of Mountain Lake Services will be subject to appropriate disciplinary action, up to and including termination.

Retraining of staff will occur if misconduct is based on a lack of awareness or understanding of a regulatory obligation, policy or procedure. Resolution of disciplinary issues will be determined through the Corporate Compliance Plan structure in direct cooperation with the appropriate manager and the Corporate Compliance Officer and as appropriate, the Executive Director of Mountain Lake Services.

The degree of discipline may range from counseling, verbal warnings, written warnings, recommended change or discontinuation of privileges, termination of contract, termination of employment or removal from a particular position or function – Mountain Lake Services will endeavor to be consistent in its approach to discipline with the same disciplinary action for similar offenses.

The Corporate Compliance Officer shall consult with the Corporate Compliance Committee, the Executive Director and outside counsel as appropriate to determine the appropriate response to the violation, including those by an independent contractor/consultant.

### **1.5 Audits and Ongoing Monitoring of Practices**

Mountain Lake Services takes reasonable and prudent steps to achieve compliance with its standards, policies and procedures by utilizing both internal and external auditing systems. Utilizing safeguards maintaining the efficacy of our Corporate Compliance Plan and internal auditing systems can reasonably be expected to detect violations in a timely fashion. Appropriate individuals in key management positions will be responsible for engaging in self-monitoring processes conducted within specific departments.

Mountain Lake Services will conduct internal audits and review all areas of the organization to ensure compliance with federal, state, local and organizational standards by which Mountain Lake Services is governed and with Mountain Lake Services' policies and procedures.

Each employee has a responsibility to report through our compliance processes any activity by any colleague, clinician, independent contractor/consultant or client that appears to violate applicable laws, rules, regulations, accreditation standards, standards of medical practice or the Corporate Compliance Plan. We encourage a culture in which all employees feel free to report behaviors or actions which they believe should be reported. Therefore, the effectiveness of our Corporate Compliance Plan depends on the willingness and commitment of the employees in all parts and at all levels of Mountain Lake Services to step forward, in good faith with questions and concerns. Likewise, we are committed to making every effort to maintain, within the limits of the law, the confidentiality of the identity of any individual who reports a concern in good faith. If this is not comfortable or not a viable option then employees are encouraged to contact the Corporate Compliance Hotline at (518) 546-7487 or at [compliance@mountainlakeservices.org](mailto:compliance@mountainlakeservices.org) where reports may be made confidentially. In addition to ongoing monitoring systems, the Corporate Compliance Officer provides a secure medium for employees to report suspect violations without fear of retribution. Once a report is made, the Corporate Compliance Officer will initiate an investigation following Mountain Lake Services policy on internal investigations.

Any employee who intentionally makes a false accusation with the purpose of harming or retaliating against a colleague will be subject to appropriate disciplinary action.

### **1.6 Documentation and Reporting**

Mountain Lake Services is committed to fostering our culture of compliance through detecting, correcting and preventing non-compliance behaviors. Through the process of our corporate compliance reporting structure

and the articulation of compliance-related roles and responsibilities at every level of Mountain Lake Services' operations, detection, and correction of problems is expedited. If an internal investigation substantiates a reported violation, then it is our policy to engage in a two-fold process: (1) to initiate corrective action, including, as appropriate, making prompt restitution of any overpayment amounts, notifying the appropriate governmental agency, instituting whatever disciplinary action is necessary; and (2) implementing systemic changes to prevent a similar violation from recurring in the future.

Mountain Lake Services will not retaliate against any employee for taking any lawful action under the False Claims Act, see Section 3.2. Moreover, Mountain Lake Services will not retaliate against any employee, contractor or agent for reporting any potential compliance concern. Mountain Lake Services will not impose any disciplinary or other action in retaliation against individuals who make a report or complaint in good faith regarding a practice that the individual believes may violate Mountain Lake Services' Corporate Compliance Plan, Standards of Conduct, its Compliance Policies, or any of the laws, rules or regulations by which Mountain Lake Services is governed.

The Corporate Compliance Officer will maintain a log of all compliance-related complaints of which he/she is aware. The Compliance Log will be shared with the Executive Director and presented to the Board of Directors at scheduled board meetings and will be made available upon request to any member of the Board of Directors or any member of the Corporate Compliance Committee.

At a minimum, the Board of Directors will be updated on all Corporate Compliance activities by the Corporate Compliance Officer annually.

On an annual basis the Corporate Compliance Officer will monitor the effectiveness of the Corporate Compliance Plan and update compliance policies, procedures and other materials as necessary, for compliance with regulatory changes, industry trends and Mountain Lake Services' programs and services.

### **1.7 Documentation of Services for People We Support**

Mountain Lake Services requires that all employees, volunteers, and independent contractors/consultants accurately and completely document the services that they provide to individuals we support and shall maintain the security and confidentiality of all their information as required by HIPAA, New York State Law, and Mountain Lake Services' policies and procedures. All documentation prepared by Mountain Lake Services' employees and independent contractors/consultants shall be accurate and complete. Mountain Lake Services will bill and accept payment for only those services that were provided and documented as required by all applicable rules, contracts, regulations and/or laws. Employees should not falsify any document related to individuals' services or referrals. Documentation should be prepared contemporaneously with the provision of individuals' services and should be consistent with the applicable third-party payers' requirements for documentation. Mountain Lake Services will periodically audit documentation practices to evaluate whether employees are accurately and completely documenting the services provided to people we support. The results of the audit will be evaluated carefully and corrective action implemented, as needed.

Inaccurate documentation may subject Mountain Lake Services' employees and other representatives to civil or criminal penalties. Any employee or other individual who presents or otherwise is involved in the documentation of a false, fraudulent or fictitious claim for payment may be subject to immediate termination.

All employees shall follow all Mountain Lake Services practices and procedures with respect to the retention and safe guarding of records, as well as the destruction of outdated documents and the deletion or eradication of electronic records in a manner that preserves confidentiality and complies with HIPAA.

**1.8 Adhering to and Safeguarding the Plan**

This plan has been prepared with the assistance of the management team of Mountain Lake Services through the efforts of the Corporate Compliance Committee. Mountain Lake Services shall make every effort to assure compliance with the law given limitations imposed by practical and operational realities.

Mountain Lake Services will respond appropriately to violations of the law, regulations and the Mountain Lake Services Corporate Compliance Plan to protect Mountain Lake Services and to continue to improve upon our reputation as a reliable and trustworthy organization. The Corporate Compliance Officer shall coordinate Mountain Lake Services' response to a violation by evaluating each violation and promptly implementing action consistent with the following:

- Development and implementation of a Corrective Action Plan;
- Prompt notification to the Corporate Compliance Committee of the violation;
- Disclosure to state or federal regulatory agencies, if applicable;
- Making restitution of any overpayments to the appropriate payer (e.g., a commercial health plan, a government payor or an individual or their family)

It is the policy of Mountain Lake Services to fully cooperate with reasonable requests of government officials. The Corporate Compliance Officer will coordinate Mountain Lake Services' response to the government. A log of all contacts made by Mountain Lake Services and any government authority including, but not limited to NY Medicaid, OPWDD, Justice Center, CMS, OMIG and the OIG. The log will include the name, title, and agency of the person spoken to, the date of the call, the matter referenced and the response received from the individual along with information regarding the source of the response.

If at any time an investigative demand letter, subpoena, or search warrant is received by an employee, the employee must immediately notify the Corporate Compliance Officer or Executive Director. If the Corporate Compliance Officer or Executive Director cannot be reached, the employee must immediately notify his/her supervisor. No Mountain Lake Services' employee should release or copy documents in connection with or in response to an investigation demand letter, subpoena, or search warrant without authorization of the Corporate Compliance Officer and or Executive Director.

**1.9 Corporate Compliance Officer**

The Corporate Compliance Officer for Mountain Lake Services, as of: March, 2003, is Patricia Allen,  
Date Name  
Human Resource Director.  
Title

S/he can be reached on a confidential telephone line at (518)546-7487 or by email to: [compliance@mountainlakeservices.org](mailto:compliance@mountainlakeservices.org).

## **2. STANDARDS OF CONDUCT**

The following statement of organizational policy constitutes Mountain Lake Services standards of conduct. It affirms our policy of delivering services and conducting business in accordance with both the law and the highest clinical standards. Our compliance philosophy is expressed within this Corporate Compliance Plan and related documents, including our Standards of Conduct, our policies and procedures related to compliance, clinical operations, human resources and fiscal management. Collectively, these documents establish standards and procedures that must be followed by Mountain Lake Services' employees, volunteers and, as applicable, independent contractors and the Board. It is our intent to provide clear direction to our employees and affiliates with respect to behavior within the scope of their practice.

All employees, volunteers, independent contractors and Board members must know, understand and follow Mountain Lake Services' Standards of Conduct because it is an integral component of our Corporate Compliance Plan and provides guidance to all employees and assistance with carrying out their daily activities within appropriate ethical and legal standards.

Mountain Lake Services is committed to complying with rules and regulations of federal, state and local government, including but not limited to those promulgated by the US Center for Medicare and Medicaid (CMS) and New York State Office for People with Developmental Disabilities (OPWDD).

It is the policy of Mountain Lake Services to conduct all corporate activities in a responsible and ethical manner. Board members, administration, employees, volunteers, independent contractors and all others associated with Mountain Lake Services must comply with Federal, State and Local Laws, Standards and Regulations and must report any actual or perceived violation of the Corporate Compliance Program or Mountain Lake Services policies. Mountain Lake Services will not impose any disciplinary or other action in retaliation, including intimidation, harassment and discrimination, against individuals, who in good faith, make a report or complaint or threaten to disclose to any government entity (including Office of Medicaid Inspector General, Medicaid Fraud Control Unit, Department of Health, Office for People With Developmental Disabilities, Department of Labor, Office of Inspector General, and US Attorney's Office) any action, suspected action, or inaction taken by or in Mountain Lake Services that the individual believes may violate Mountain Lake Services Corporate Compliance Plan, Code of Conduct, Compliance Policies, or any of the laws, rules, regulations by which Mountain Lake Services is governed.

The standards of conduct cannot cover every situation that our personnel might face. If one is unsure of what a proper course of conduct might be in a specific situation, or believe that the standards of conduct set forth in the Code may have been violated, then one must contact the Compliance Officer.

Mountain Lake Services will not tolerate any form of unlawful or unethical behavior by anyone associated with this organization. We expect and require all personnel to be law-abiding, honest, trustworthy, and fair in all of their business dealings, maintaining the highest standard of ethics. To ensure that these expectations are met, the compliance program becomes an integral part of our service operations.

Each employee will be provided with a copy of the Corporate Compliance Plan at the time of initial hire and will sign an acknowledgement indicating his/her understanding and commitment to follow the Plan. Independent contractors will be provided with a copy of the Corporate Compliance Plan at the time of entering into a written agreement with Mountain Lake Services. Each independent contractor will sign an acknowledgement of the Plan at the time of initial contracting indicating his/her understanding and commitment to follow the Plan. Each volunteer will receive a copy of the Corporate Compliance Plan at the commencement of volunteering and will sign an acknowledgement indicating his/her understanding and commitment to follow the Plan.

## **2.1 General Standards**

1. Mountain Lake Services requires compliance by all employees, consultants and affiliates with the both state and federal laws. When the application of law, regulation, or other policy is uncertain, the employee, consultant or affiliate must seek the guidance and advice in accordance with the Corporate Compliance Plan.
2. When either directly providing or managing the provision of services, Mountain Lake Services takes all reasonable efforts to ensure that the services are appropriately prescribed, medically necessary, and performed in accordance with appropriate standards. Mountain Lake Services is committed to ensuring that billing practices comply with all the federal and state laws regulations, policies and procedures. For a complete summary of fair billing practices see page 12. The False Claims Act prohibits discrimination by Mountain Lake Services against an employee, contractor or agent for taking lawful actions in furtherance of an action under the False Claims Act. If any Mountain Lake Services employee, contractor or agent has any reason to believe that anyone is engaging in false billing practices they should immediately report the practice in accordance with Mountain Lake Services' *Reporting Compliance Concerns/Whistleblower Policy*. The Mountain Lake Services Compliance Hotline telephone number is 518-546-7487.
3. Mountain Lake Services will treat all individuals with dignity, respect, and courtesy. The people we support and their families will be involved in decisions regarding the services delivered to the extent practical and possible. In all circumstances we will attempt to treat individuals in a manner appropriate to their background, culture, religion and heritage.
4. Staff will not engage in any activity that constitutes abuse of any kind toward any individual. All staff are required to report incidents of mistreatment, neglect or abuse towards individuals we support immediately.
5. There will be no discrimination toward any individual for any reason, including race, color, ancestry, religion, HIV status, national origin, creed, sex, sexual orientation, gender, gender identity, genetic information, ethnic background, marital status, domestic violence victim status, age or disability.
6. Mountain Lake Services will not refuse, transfer, or discharge individuals who need services based on issues unrelated to the individual's needs.
7. Mountain Lake Services recognizes that from time to time conflicts will arise among those who participate in agency and care decisions for people we support. Whether this conflict is between members of administration, employees, consultants, affiliates, and the Board of Directors, or between individual care givers and people supported, Mountain Lake Services will seek to resolve all conflicts fairly and objectively. In cases where mutual satisfaction cannot be achieved, the representative for the individual, administration or appropriate group will engage in the conflict resolution process. Other staff will be involved and their opinions sought as needed, to pursue a mutually satisfactory resolution.
8. Staff shall treat all information for people we support as confidential and utilize such information in a professional manner at all times as required by New York State and Federal Laws and Regulations.
9. Staff shall strive to keep people supported to staff relations on a level that is above question of any kind. The guidelines are as follows:

- a) There shall be no personal financial transactions between staff and people we support. This includes accepting gifts and lending or borrowing money.
  - b) Staff should not include people we support as guests in their home or take them on personal outings unless approved by their program director and agency administration.
  - c) During conversations and treatment, discretion should be exercised in sharing the details of a staff's private life.
  - d) Sexual contact with people we support by staff is prohibited. Contact for service related care, hygiene, or medical incidents are the only permitted contact.
  - e) Dating people we support or similar romantic involvement is not appropriate at any time or under any circumstances.
  - f) Staff who are assigned, through their job description, the duties and responsibilities of counseling, are the only authorized persons to carry out this function.
  - g) Sexual Harassment or the creation of a hostile work or living environment is unacceptable.
10. People we support shall not carry out the duties of staff unless such tasks are described in their Life Plan for the purpose of enhancing skills.
  11. No firearms or other weapons may be stored or brought onto the agency grounds, into any agency facility or any agency sponsored event.
  12. Staff shall be models of appropriate and acceptable behavior. Staff shall represent Mountain Lake Services positively in the community-at-large.
  13. Representatives of Mountain Lake Services must never place undue influence upon anyone, whether directly or indirectly, that may cast doubt on the integrity of the agency in any way.
  14. All of Mountain Lake Services' financial transactions must be properly authorized by management and be accurately and completely recorded on Mountain Lake Services' books and records in accordance with generally accepted accounting principles and established corporate accounting policies.
  15. Mountain Lake Services require the undivided diligence of its employees, consultants and affiliates while exercising their responsibilities. Except where otherwise approved, personal investments or activities that may create a conflict of interest, are prohibited, and situations that may give the appearance of conflict are to be avoided. Outside employment that raises any question in this regard must be disclosed to Mountain Lake Services and approved in advance by the Executive Director. In the event the Executive Director needs to make disclosure, or needs permission as set forth above, s/he shall address him/herself to the President of the Board of Directors of the Mountain Lake Services or to the Executive Committee.
  16. If any circumstance presents itself which casts any doubt on the integrity of services delivered by Mountain Lake Services operations, the employee, consultant or affiliate is directed to contact the Corporate Compliance Officer or Mountain Lake Services' leadership immediately, so that timely investigation and necessary correction may be enacted.
  17. As corporate compliance is a highly complex area, and this document cannot address all situations in which breach or concern may apply, employees, consultants and affiliates must contact their supervisor, or the Corporate Compliance Officer, who will make necessary determinations. The best policy is "if in doubt, ask".

18. Report and Record all information honestly and accurately.

In addition to the information listed above, other rules of staff conduct must be maintained in order for employees to work efficiently and effectively together within Mountain Lake Services. These rules are summarized below. If one does not observe the rules, one will be subject to disciplinary measures, up to and including termination of employment.

- a) Habitual absenteeism or lateness;
- b) Failure to properly notify ones supervisor when late or absent;
- c) Failure to perform assigned duties as directed;
- d) Insubordinate, unlawful, or disorderly conduct;
- e) Verbal or physical altercations with other individuals;
- f) Theft or misappropriation of Mountain Lake Services property.

These guidelines are not meant to restrict day-to-day relationships. They are general guidelines of behavior in the course of ones job performance. If any questions should arise, please discuss the situation with your supervisor or your program director.

### **3. GENERAL COMPLIANCE STANDARDS AND APPLICATIONS TO PREVENT CRIMINAL CONDUCT**

All personnel associated with Mountain Lake Services, including consultants who are contracted by Mountain Lake Services to deliver services to those we support at Mountain Lake Services, must avoid all illegal or unethical conduct. No personnel will take any action that he or she believes is in violation of any statute, rule or regulation. In addition, all personnel must strive to avoid even the appearance of impropriety, and must never act in a dishonest or misleading manner when dealing with others, both within and outside Mountain Lake Services.

Mountain Lake Services will use due care not to employ, contract with or delegate substantial discretionary authority to any individual with the propensity to engage in illegal activities. In order to maintain the integrity of our services and financial and business operations, it is critical that Mountain Lake Services hire and contract with individuals and entities that have the same respect for applicable legal and ethical obligations that Mountain Lake Services has.

Mountain Lake Services will check to determine if new hires or existing employees, independent contractors and vendors have been excluded from participation in the federal healthcare programs by checking the OIG's "List of Excluded Individuals/Entities," and the General Services Administration ("GSA")'s Excluded Parties List System, databases which provide a list of parties excluded from participation in federal healthcare programs. Mountain Lake Services will also check to determine if new hires, existing employees, vendors and independent contractors have been excluded from participation in NY healthcare programs by checking the New York Office of Medicaid Inspector General's "List of Excluded Individuals/Entities," a database which provides a list of parties excluded from participation in NY healthcare programs. Mountain Lake Services will also check on a monthly basis the following exclusionary data bases: U.S. Treasury's Office of Foreign Assets Control Specially Designated Nationals (SDN List), U.S. Centers for Medicare and Medicaid Services National Plan and Provider Enumeration System (NPPES) and the U.S. Social Security Death Master File.

Mountain Lake Services will also comply with requirements promulgated under state law with respect to background checks and appropriate screening activities as those requirements apply to personnel within Mountain Lake Services operations. Effective June 30, 2013, Mountain Lake Services will conduct criminal history record checks on all new and returning employees, volunteers, and consultants according to Part 701

Title 14, NYCRR, and Justice Center Criminal History Information Checks. Under this legislation the Justice Center has the authority to conduct and consolidate all criminal background checks. Please refer to 3.0 Criminal History Record Checks for Mountain Lake Services' Criminal Background Check Policy.

Employees and individuals retained as independent contractors/consultants in positions which require professional licenses, certifications, or other credentials are responsible for maintaining the current status of their credentials and shall comply at all times with Federal and State requirements applicable to their respective disciplines. To assure compliance, Mountain Lake Services requires evidence of the individuals having a current license or credential status.

### **3.1 Accounting and Financial Reporting**

All of Mountain Lake Services' payments and transactions must be properly authorized by management and be accurately and completely recorded on Mountain Lake Service's books and records in accordance with generally accepted accounting principles and established corporate accounting policies and procedures. No false, incomplete or unrecorded corporate entries shall be made. No undisclosed or unrecorded corporate funds shall be established for any purpose, nor shall Mountain Lake Service's funds be placed in any personal or non-corporate account. All Corporate assets must be properly protected, and asset records must be regularly compared with actual assets with proper action taken to reconcile any variances. All internal controls must be followed.

### **3.2 Anti-kickback and False Claims Issues**

Mountain Lake Services is committed to prompt, complete and accurate billing of all services for each individual in our programs. Employees must not make or submit any false or misleading entries on any bills or claim forms, and no employee shall engage in any arrangement or participate in such an arrangement at the direction of another person, including any supervisor or manager, that results in such prohibited acts.

It is the policy of Mountain Lake Services to detect and prevent fraud, waste and abuse according to the federal and state False Claims Acts. The False Claims Acts provide that anyone who knowingly submits false claims directly to the Government or on the Government's behalf is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties. The False Claims Acts apply to claims submitted by Mountain Lake Services, including Medicare and Medicaid.

Examples of actions that violate the False Claims Acts are listed in Section 3.5 Fair Billing Practices. Billing activities are to be performed in a manner consistent with Medicare, Medicaid and other payor regulations and requirements and in accordance with Mountain Lake Services' documentation/billing policies. If an employee has any reason to believe that anyone is engaging in false billing practices, that employee will immediately report the practice to his/her supervisor.

Mountain Lake Services will not retaliate against any employee for taking any lawful action under the False Claims Acts. Copies of Mountain Lake Services' False Claims Acts policies are available upon request at the Human Resource Office, 10 St. Patrick's Place, Port Henry, NY.

It is the policy of Mountain Lake Services to comply with all federal, state and local laws, rules and regulations with respect to billing procedures, contracts and agreements with other providers. Both federal and state laws specifically prohibit any form of kickback, bribe or rebate made directly or indirectly, overtly or covertly, in cash or in kind to induce the purchase, recommendation to purchase or referral of any kind of goods or service paid

for by Federal, State or Local Programs. The term “kickback” as defined in these statutes means the giving of remuneration, which is interpreted under the law as anything of value. Under the federal law, the offense is classified as a felony and is punishable by fines and imprisonment.

Federal and State “anti-referral” laws impose substantial penalties relative to billing for services referred by anyone who has a contractual or business relationship with Mountain Lake Services. One should become familiar with these statutes and assure that all of ones activities are conducted in such a manner that no question may arise as to whether any of these laws have been violated. Any questions concerning these statutes or any business arrangement subject to anti-kickback or anti-referral laws should be directed to the Corporate Compliance Officer.

The laws prohibit accepting a kickback. In addition, there are laws that prohibit the filing of false claims. As this is a highly complex area of the law, this policy cannot list all situations in which the antikickback or false claims laws may apply. Therefore, employees must take special care in this area and promptly refer the question to their supervisor, or the Corporate Compliance Officer, if appropriate.

Examples of the types of actions that could violate the Federal Medicare/Medicaid anti-kickback statute and similar state laws include the following:

- a) Offering or paying anything of value to induce someone to refer an individual to Mountain Lake Services.
- b) Offering or paying anything of value to anyone (individuals we support or referral sources) in marketing Mountain Lake Services.
- c) Soliciting or receiving anything of value for the referral of people supported at Mountain Lake Services to others.

### **3.3 Making Political Contributions**

Because Mountain Lake Services is a nonprofit organization operated exclusively for charitable purposes and is exempt from federal income taxation under Section 501 (c)(3) of the internal revenue Code, Mountain Lake Services may not engage in any political campaign activities. Employees may not contribute or donate Mountain Lake Services funds, products, services or other resources to any political cause, party or candidate. However, employees may make voluntary personal contribution to any lawful political causes, parties or candidates, as long as the individual does not represent that such contributions come from Mountain Lake Services, and as long as the individual does not obtain the money for these contributions from Mountain Lake Services for the purpose of making such a contribution.

### **3.4 Providing Business Courtesies to Customers or Sources of Customers**

Mountain Lake Services does not seek to gain an improper advantage by offering business courtesies such as entertainment, meals, transportation or lodging to customers, potential referral sources and/or his/her immediate family member, or purchasers of Mountain Lake Services’ services. Employees should never offer any type of business courtesy to a referral source and/or his/her immediate family member or a purchaser for the purpose of obtaining favorable treatment or advantage. Mountain Lake Services and its employees shall not offer or transfer remuneration to any individual eligible for benefits under federal or state health care programs (including Medicare or Medicaid) that Mountain Lake Services and its employees know or should

know is likely to influence the individual to order or receive from a particular provider, practitioner, or supplier any item or service for which payment may be made in whole or in part, by a federal or state health care program. To avoid even the appearance of impropriety, employees must not provide any referral source and/or his/her immediate family member or purchaser with gifts or promotional items of more than nominal value (e.g. pens, calendars, and the like).

Mountain Lake Services and its employees shall not offer waivers of coinsurance or deductible amounts as part of any advertisement or solicitation.

Employees may pay for reasonable meal, refreshment and entertainment expenses for referral sources and purchasers of *Mountain Lake Services'* services which are incurred only occasionally, are not requested or solicited by the recipient, and are not intended or likely to affect the recipient's business decisions with respect to Mountain Lake Services. An employee may provide or pay travel and lodging expenses of a customer or source only with advance approval of the Executive Director, and only if the travel or lodging is not for a directly business-related purpose.

### **3.5 Fair Billing Practices**

Mountain Lake Services will bill individuals or third parties for services actually provided, and/or as defined by federal and state laws, regulations and revenue contracts entered into, and will give assistance to individuals seeking to understand the costs relative to their care. Mountain Lake Services strives to provide the highest quality of supports and services. Mountain Lake Services' employees and independent contractors/consultants will provide only those services that are necessary and submit only true and accurate bills to third party payors that reflect accurately the services provided and that are not fraudulent. No employee or independent contractor/consultants may knowingly present or cause to be presented a claim for payment that is false, misleading or fraudulent. Inaccurate claims submission may subject Mountain Lake Services' involved employees and other representatives to civil or criminal penalties. An employee who violates these laws and/or these laws will be subject to appropriate disciplinary action.

Examples of the type of actions that could violate federal false billing laws include but are not limited to:

- a) Billing and receiving reimbursements for items, supports or services not actually rendered;
- b) Providing and keeping reimbursement for unnecessary supports or services;
- c) Submitting a claim containing information one knows to be false;
- d) Billing for supports or services with inadequate supporting documentation;
- e) Charging more than once for the same service or billing for medically unnecessary services;
- f) Misusing Social Security or Medicare symbols, emblems or names, in marketing;
- g) Having an unlicensed person perform services that only a licensed professional should render, and bill as if the professional provided the service;

h) Falsifying time records used to bill Medicaid;

Mountain Lake Services is committed to ensuring that billing practices comply with all the federal and state laws, regulations, policies and procedures. In addition, billing personnel should refer to specific departmental policies and procedures for guidance regarding reimbursement and billing practices.

### **3.6 Coding**

It is the policy of Mountain Lake Services that coding changes on bills or accounts can and will only be made if the medical records documentation, supports making the changes. Claim submissions will be conducted in accordance with the requirements of the applicable payor (e.g., Medicaid, Medicare, OPWDD, State Education Department), including but not limited to those related to coding, bad debt reporting, medical necessity, credit balances and duplicate billing.

### **3.7 Conflict of Interest**

It is the policy of Mountain Lake Services that all employees avoid conflicts of interest so that they may represent the organization in a positive and ethical manner. All employees should avoid situations involving a conflict between their personal interests and the interests of Mountain Lake Services. No employee of Mountain Lake Services may have employment, consulting or other business relationship with a competitor, customer or supplier, or invest in any competitor, customer or supplier (except for moderate holdings of publicly traded securities) unless disclosure is made to the Executive Director.

Upon hire an employee will be required to disclose possible conflicts of interest or when a conflict arises by filling out a Conflict of Interest Disclosure Statement.

### **3.8 Acceptance of Business Courtesies**

Mountain Lake Services employees should never accept anything of value from someone doing business with the Agency or someone whose services are subject to the Agency's review. To avoid even the appearance of impropriety, the acceptance of gifts or gratuities are not permitted.

An employee may accept meals, drinks or entertainment only if such courtesies are unsolicited, infrequently provided and reasonable in amount. Such courtesies must also be directly connected with business discussions, unless a program director or administration approves an exception. Do not accept reimbursement for lodging or travel expenses or free lodging or travel without the express written approval of the Executive Director unless such lodging and travel reimbursement is required by contract (e.g. training for computer systems, technological equipment, etc.)

### **3.9 Charitable Contributions**

All charitable contributions received from individuals and organizations must directly benefit Mountain Lake Services. Under no circumstances may a check be made payable to a Mountain Lake Services staff, or will donations be accepted that require Mountain Lake Services to use the donation to purchase supplies or other goods and services from the vendor or persons making the contributions.

Please complete the Corporate Compliance acknowledgment below and return to the Human Resource Office.

**3.10 Acknowledgment**

I acknowledge that I have read and understand the August 2021 Mountain Lake Services' Corporate Compliance Plan and Standards of Conduct and have received a copy for my records.

I understand and agree that I must comply with Mountain Lake Services' Corporate Compliance Plan and the Standards of Conduct and all laws, regulations, policies, procedures and other guidance applicable to the responsibilities of my position.

I agree to fully cooperate with the implementation of the Mountain Lake Services' Corporate Compliance Plan, to participate in any auditing or monitoring processes and to report any instances of possible violations of law, regulations, or policies that are applicable to Mountain Lake Services of which I become aware.

I acknowledge that Mountain Lake Services maintains a hotline for the purpose of receiving notifications of possible violations of the law, regulation and Mountain Lake Services' Corporate Compliance Plan.

I understand that my failure to report any concerns regarding possible violations of law, regulations or the Corporate Compliance Plan may result in disciplinary action, up to and including termination.

Employee Signature

Printed Name

\_\_\_\_\_ Title

Date