



# **CORPORATE COMPLIANCE PROGRAM**

**ADOPTED BY THE BOARD OF DIRECTORS**

**DECEMBER 2, 2004**

**Amended February 9, 2006  
Amended September 24, 2009  
Amended May 15, 2019  
Amended May 5, 2020  
Amended December 1, 2021  
Amended November 30, 2022  
Amended May 15, 2024**

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## **CONSTRUCTIVE PARTNERSHIPS UNLIMITED**

### **Corporate Compliance Program**

#### **OVERVIEW**

##### **Our Commitment to Ethics and Integrity in Business**

Constructive Partnerships Unlimited, (“CP Unlimited”) prides itself in its over 75-year history of upholding the highest standards of quality in its programs and services on behalf of our individuals and their families. We strive to develop and maintain best practices in all areas of service. Consistent with this commitment to quality, CP Unlimited established a Corporate Compliance Program on Dec. 2, 2004 (amended on Feb. 9, 2006, Sept. 24, 2009, May 15, 2019, May 5, 2020, December 1, 2021, November 30, 2022 and May 14, 2024) to demonstrate and document our commitment to the highest standards of professional integrity and ethics in the agency’s business dealings with individuals, contractors, vendors, employees, volunteers, funding agencies and the general public.

This Corporate Compliance Program is established for the entire CP Unlimited community, including its employees, vendors, contractors, agents, Board of Directors, volunteers and others working on behalf of agencies that do business with CP Unlimited and its related corporations. This Corporate Compliance Program is intended to benefit not only the members of the CP Unlimited community, but those governmental and private agencies doing business with the agency, as well as the general public.

CP Unlimited’s Chief Compliance Officer and Corporate Compliance Committee will work closely with CP Unlimited’s employees, and other members of the CP Unlimited community, to make every effort to establish and implement systems which enhance each employee’s ability to understand and adhere to the complex laws and regulations that govern our business. In doing so, the Chief Compliance Officer and the Corporate Compliance Committee will regularly report their activities directly to CP Unlimited’s Audit, Compliance and Risk Board Committee, who will, in turn, make reports to the Board of Directors. In addition, the Chief Compliance Officer and Committee members will report directly to the Board of Directors at least annually to ensure compliance.

This Corporate Compliance Program, updated periodically to reflect the mandated elements set forth from the Office of the Medicaid Inspector General, demonstrates CP Unlimited’s commitment to the highest standards of business ethics and integrity. This program is in full compliance with the law as evidenced by the following seven elements:

**Element 1:**

**Statement of CP Unlimited's Commitment to Business Integrity**

**CONSTRUCTIVE PARTNERSHIPS UNLIMITED**

**BOARD OF DIRECTORS RESOLUTION**

At a regular meeting of the Board of Directors of Constructive Partnerships Unlimited, on May 14, 2024, after proper notice and upon motion duly made and seconded, and passed, the following Resolution was enacted:

**WHEREAS** Constructive Partnerships Unlimited, ("CP Unlimited") is committed to adherence to the highest standards of ethics and integrity in all of the business dealings of the agency, and

**WHEREAS** the Board of Directors of CP Unlimited seeks to demonstrate, document and reinforce those high standards to the entire CP Unlimited community, including its employees, contractors, agents, vendors, members of the Board of Directors, volunteers, and employees and others working on behalf of other governmental and private agencies and businesses doing business with CP Unlimited and its related corporations, as well as to the general public,

**IT IS HEREBY RESOLVED**, the Board of Directors hereby amends the Corporate Compliance Program to encompass all of the business dealings of CP Unlimited, and

**IT IS FURTHER RESOLVED**, that the Corporate Compliance Program include items such as the following:

1. (A) Adoption of a Board Resolution reinforcing the corporation's commitment to the principles of corporate compliance.
- (B) Promulgation of a Standards of Conduct for the CP Unlimited community, upholding the agency's commitment to ethics and integrity in all of its business dealings. Included in the program will be a compilation of standards and procedures for business integrity, including promulgation of standards, and references to detailed procedures for business transactions.
- (C) Compilation and Dissemination of Policies and Procedures addressing principles of business integrity and addressing compliance with applicable laws, regulations, and standards.

(D) Policy for Non-Intimidation and Non-Retaliation for Good Faith Participation to be accomplished by:

- Formal training and/or education for all employees and service partners on CP Unlimited's Whistleblower Policy Statement.
- Creating a culture at CP Unlimited that promotes prevention, detection, and resolution of instances of conduct that do not conform to federal, state, and private payer health care program requirements, as well as CP Unlimited's ethical and business practices.

2. Designation of a Chief Compliance Officer vested with responsibility of day-to-day operations, to develop and implement the Program. The Chief Compliance Officer, together with the Corporate Compliance Committee, and the Board's Audit, Compliance and Risk Committee, may designate subcommittees and work groups for aspects on development and ongoing monitoring of this Corporate Compliance Program.

3. Reinforcement of Compliance Principles through an Effective Training and Education Program for CP Unlimited employees and other agents, to be accomplished by:

(A) Initial and ongoing training and/or education on the Standards of Conduct and Compliance Guidelines, as well as other aspects of the Corporate Compliance Program and policies, procedures, and standards for business integrity.

(B) Communication and publication of the Standards of Conduct and Compliance Guidelines, as well as other aspects of the Corporate Compliance Program, and policies, procedures and standards, to all members of the CP Unlimited community.

4. Ongoing monitoring and detection of violations of CP Unlimited's adherence to the commitment to business integrity, including a reporting system with a "hotline", and mandatory reporting for identifying and reporting of violations of standards, policies and procedures for business operations.

5. Procedures for Audits of Operations and Business Transactions, to monitor compliance, identify problem areas, and assist in the reduction of identified problems.

6. Enforcement of the Corporate Compliance Program, including identification of violations of standards, policies, procedures, notification and disciplinary actions, to be accomplished by:

(A) Consistent enforcement of disciplinary policies that clearly set forth the consequences of violation of the Standards of Conduct, or policies and procedures.

(B) Delegation of authority to individuals who are appropriately trained.

7. Prompt and Appropriate Response to Identified Violations to be accomplished by:

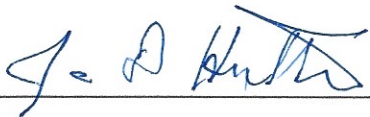
(A) Internal investigation procedures.

(B) Prompt and appropriate responses to identified violations.

(C) Voluntary disclosure of noncompliance where appropriate, and

**IT IS FURTHER RESOLVED**, that the Board of Directors authorizes to the President and CEO the responsibility for establishment of appropriate committees to develop, implement, review and monitor the Corporate Compliance Program on an ongoing basis, and that the President and CEO allocate appropriate funds for purposes of implementing this Corporate Compliance Program.

Adopted: December 2, 2004  
Amended: February 9, 2006  
Amended: September 24, 2009  
Amended: May 15, 2019  
Amended: May 5, 2020  
Amended: December 1, 2021  
Amended: November 30, 2022  
Amended: May 15, 2024



James D. Hutter  
Secretary

## **STANDARDS OF CONDUCT**

Constructive Partnerships Unlimited (CP Unlimited) requires that all members of the CP Unlimited community, including its employees, contractors, agents, vendors, members of the Board of Directors, volunteers and others working on behalf of governmental and private agencies that do business with CP Unlimited and its related corporations, to conform to the highest ethical standards and to meet or exceed legal obligations in the performance of their efforts on behalf of CP Unlimited. To this end, we have developed a Standards of Conduct for the entire CP Unlimited community. The appointment and retention of all members of the CP Unlimited community is contingent upon acceptance and compliance with CP Unlimited's Standards of Conduct.

CP Unlimited enjoys a reputation of integrity and excellence in its programs and services. This reputation is one of our strongest assets. It is expected that all members of the CP Unlimited community whose actions could be attributed to the work of CP Unlimited will adhere to the Standards of Conduct and to the policies and procedures outlined in this program.

The CP Unlimited Standards of Conduct encompasses commitments by CP Unlimited, coupled with related commitments by each member of the CP Unlimited community to uphold the highest standards of ethical behavior and practices on behalf of CP Unlimited.

### **1. Our commitment to compliance with the law.**

CP Unlimited is committed to conducting its programs and services in a lawful and ethical manner, in full compliance with all federal, state and local laws and regulations. All members of the CP Unlimited community will adhere to the highest standards of conduct through strict observation of all applicable legal and regulatory requirements.

CP Unlimited will only employ or contract with individuals or entities with proper credentials, experience and expertise. All business communications on behalf of CP Unlimited with outside individuals or entities, including claims for payment or reimbursement of any kind, will be truthful and, where appropriate, substantiated by accurate and complete records.

Neither CP Unlimited, its employees or agents, shall pay any employees, physicians, or other health care professionals, directly or indirectly, in cash or by any other means, for referrals of patients. Every payment to a referral source must also be supported by proper documentation that the services contracted for were in fact provided.

Employees or agents who perform billing and/or coding of claims must take every reasonable precaution to ensure that their work is accurate, timely, and in compliance with federal and state laws and regulations and CP Unlimited's policies.

No claims for payment or reimbursement of any kind that are false, fraudulent, inaccurate or fictitious may be submitted. No falsification of medical, time or other records that are used for the basis of submitting claims will be tolerated.

CP Unlimited will bill only for services actually rendered and which are fully documented in patients' medical records/individual's chart. If the services must be coded, then only billing codes that accurately describe the services provided will be used.

CP Unlimited shall act promptly to investigate and correct the problem if errors in claims that have been submitted are discovered.

## **2. Our commitment to ethical behavior.**

CP Unlimited is committed to ethical business dealings. All members of the CP Unlimited community will adhere to the highest ethical standards of behavior while performing CP Unlimited business, including preparing and maintaining accurate and complete records, and truthful communications with other members of the CP Unlimited community, and with government and private agencies and individuals doing business with CP Unlimited.

CP Unlimited seeks positive relationships with government programs and third party payers. Positive relationships require ongoing communication about patient progress and billing.

Employees or agents shall not use or reveal any confidential information concerning CP Unlimited or use, for personal gain, confidential information obtained as an employee or agent of CP Unlimited.

No employee or agent should subordinate his or her professional standards, judgment or objectivity to any individual. If significant differences of opinion in professional judgment occur, then they should be referred to management for resolution.

Employees and agents should be honest and forthright in any representations made to patients, vendors, payers, other employees or agents, and the community.

All reports or other information required to be provided to any federal, state or local government agency shall be accurate, legible, complete, and filed on time.

Employees and agents must perform their duties in a way that promotes the public's trust in CP Unlimited.

Employees and agents shall be honest in doing their jobs.



### **3. Our commitment to continuous training and improvement.**

CP Unlimited is committed to the professional development of the entire CP Unlimited community. All members of the CP Unlimited community will have access to all applicable laws, rules, regulations policies and procedures necessary for them to perform on behalf of CP Unlimited, and will be regularly trained on those laws, rules, regulations, policies and procedures, as well as this Corporate Compliance Program.

### **4. Our commitment to continuous monitoring and enforcement.**

CP Unlimited is committed to full and ongoing enforcement of this Standards of Conduct and of the standards contained in the corporate compliance program. As a condition of employment or appointment, all members of the CP Unlimited community are expected to rigorously comply with all applicable laws, rules, regulations policies and procedures.

All members of the CP Unlimited community will report suspected violations of these standards of conduct to their supervisor, an appropriate departmental head, an appropriate staff member of the Human Resources Department or to the Corporate Compliance Committee. CP Unlimited assures the entire CP Unlimited community that reports of suspected violations may be made without fear of reprisal or retaliation, and that confidentiality will be protected within the limits of the law.

All reports of suspected violations will be fairly, thoroughly and promptly investigated by appropriate individuals, and will be promptly resolved.

### **5. Our commitment to our ethical obligations, mission and purposes free of conflicts of interest.**

CP Unlimited is committed to clarity of our mission and purposes, free of any appearance of conflict or impropriety. CP Unlimited itself will not pursue any business opportunity or take any other action that will require it to engage in illegal or unethical behavior or is reasonably likely to fall outside of CP Unlimited's mission, purposes or powers.

In all of their activities on behalf of CP Unlimited, all members of the CP Unlimited community will act in a manner consistent with the agency's mission, purposes, powers, and consistent with the agency's reputation for integrity and excellence. Each member of the CP Unlimited community will ensure that no activity takes place that in any way jeopardizes the tax exemption, licenses, or governmental authorizations of CP Unlimited.

All members of the CP Unlimited community will accomplish their business on behalf of CP Unlimited without engaging in any business, professional or personal activity that would create a conflict of interest, or an appearance of a conflict of interest, without appropriate disclosure and advance approval by the Board of Directors or the President and CEO or their/his/her designee.

Placing business with any firm in which there is a family relationship may constitute a conflict of interest. Advance disclosure and approval are required in such a situation.

Employees and agents should not become involved, directly or indirectly, in outside commercial activities that could improperly influence their actions. For example, an employee or agent should not be an officer, director, manager or consultant of a potential competitor, customer, or supplier of CP Unlimited without first disclosing that relationship to the Board of Directors, President and CEO or their/his/her designee.

In addition, current employees cannot also be employed with firms that audit CP programs. There must be at least a year of separation from CP employment before working for an audit firm.

Employees and agents should not accept or provide benefits that could be seen as creating conflict between their personal interests and CP Unlimited's legitimate business interests.

Employees and agents should report any potential conflicts of interest concerning themselves, co-workers or family members to the Board of Directors, President and CEO or their/his/her designee.

Program and other staff should not have direct contact with vendors unless their input is required in the process of determining the choice of vendors. CP Unlimited will notify vendors and employees of this policy.

Please refer to the Rules Relating to Gifts, and Conflict of Interest Policy, which appear on the following pages.

## **6. Our commitment to respecting property rights.**

CP Unlimited is committed to respecting the property rights of all those with which we do business, including individuals and outside businesses. In their actions on behalf of CP Unlimited, all members of the CP Unlimited community will act in a manner consistent with this respect of the property of others.

Each member of the CP Unlimited community will ensure that all applicable laws, standards and policies regarding the confidentiality of agency records are upheld.

Each member of the CP Unlimited community will ensure that all private information owned by others, but in the custody and possession of CP Unlimited, be held in confidence and not utilized outside of the use contemplated by the owner of the information without the express permission of the owner. This includes prohibition against unauthorized use and / or copying of computer software not contained in the license granted to CP Unlimited, and installation of unauthorized software on agency computers. Employees shall take all reasonable steps to protect computer systems and software from unauthorized access or intrusion.

All employees and agents are personally responsible and accountable for the proper expenditure of CP Unlimited's funds and for the proper use of company property.

All employees and agents must obtain authorization prior to committing or spending CP Unlimited's funds.

Employees and agents may not use CP Unlimited's or a patient's/individual's resources for personal or improper purposes, or permit others to do so.

Surplus, obsolete or junked property shall be disposed of in accordance with CP Unlimited's procedures. Unauthorized disposal of property is a misuse of assets.

Any improper financial gain to the employee, or agent, through misconduct involving misuse of CP Unlimited's or an Individual's/patient's property is prohibited, including the outright theft of property or embezzlement of money.

CP Unlimited's confidential and proprietary information is valuable, and should be protected from unauthorized use or exploitation. Employees and agents are expected to respect the intellectual property rights of others with whom we do business.

Employees and agents are expected to report any observed misuse of CP Unlimited's property to management.

### **RULES RELATING TO GIFTS**

The following rules apply to all employees and agents of CP Unlimited:

1. Employees and agents may never accept gifts in the form of cash or cash equivalents from any individual or business entity that does business with CP Unlimited.

2. Employees and agents may never accept gifts of any kind from individuals or business entities who are in the process of competitive bidding for a contract with CP Unlimited, or whose contracts are under review as to whether the contract should be continued.

3. Employees or agents may accept a non-cash gift from a vendor not subject to paragraphs 1 or 2 above; however, any gift with a value in excess of \$50.00 must be reported to the Board of Directors, President and CEO or Executive Vice President CAO/CFO.

4. Outside vendors will be notified on an annual basis, in advance of the winter holiday season, of CP Unlimited's policies with regard to gifts. In that notice, outside vendors will be requested to refrain from giving gifts to individual CP Unlimited employees or agents. The notice will also suggest that if the vendor wishes to make a gift, it be done to the agency's "holiday fund"; alternately, an in-kind gift can be made for an individual or staff holiday party.

5. All CP Unlimited staff will be notified on an annual basis, in advance of the winter holiday season, of CP Unlimited's policies with regard to gifts.

### **CONFLICT OF INTEREST POLICY**

#### **POLICY STATEMENT:**

This policy applies to all Board Members, Board Committee Members, employees, volunteers and service partners of United Cerebral Palsy Associations of New York State, Inc., d/b/a, Constructive Partnerships Unlimited ("CP Unlimited"). It is the policy of CP Unlimited that all Board Members, Board Committee Members, employees, volunteers and service partners avoid conflicts of interest so that they may represent CP Unlimited in a positive and ethical manner.

A Conflict of Interest is defined as a situation in which an individual has competing interests or loyalties. A Conflict of Interest can exist in several kinds of situations such as: an employee who works for CP Unlimited but has personal interests that compete with his or her employment; Board Members, Board Committee Members or employees that have a position of authority with CP Unlimited that conflict with his or her interests with another agency; or Board Members, Board Committee Members, employees, volunteers or service partners that have conflicting responsibilities in general.

All CP Unlimited's Board Members, Board Committee Members, employees volunteers and service partners will accomplish their business on behalf of CP Unlimited without engaging in any professional or personal activity that would create a Conflict of Interest, or an appearance of a Conflict of Interest, without appropriate disclosure and advance approval by the Board of Directors or the President and CEO.

## **PROCEDURE:**

### **A. General:**

#### **➤ Employees:**

All employees should avoid situations involving a conflict between their personal interests and the interests of CP Unlimited. Employees should avoid outside business interests that could compromise an employee's commitment to CP Unlimited either by dividing loyalties or by diverting their attention owed to CP Unlimited in the normal course of their employment. Employees shall act in the best interests of CP Unlimited in their dealing with individuals, families, other staff members, volunteers, independent contractors, vendors and service partners.

#### **➤ Board Members and Board Committee Members:**

It is the obligation of the Board of Directors of CP Unlimited to enact policies and procedures to ensure that all contracts, transactions and dealings to which the agency is a party are in the best interest of the agency. In addition, the Board of Directors ensures that all contracts, transactions and dealings to which the agency is a party are undertaken for the benefit of the agency and not for the purpose of benefiting any individual member of the Board of Directors or Committee Members. Therefore, all Board and Committee Members shall act in the best interests of CP Unlimited in dealing with individuals, families, employees, volunteers, independent contractors, vendors and service partners.

### **B. Board Involvement Regarding Business Transactions:**

1. The agency shall not enter into any transaction (i.e., contract, dealings, business decision or business relationship) with any Board Member, Board Committee Member, family member of a Director, or any corporation, firm, association or other entity in which a Director, or family member of a Director or Board Committee Member has a personal or financial interest unless:
  - Prior to CP Unlimited entering into any transaction, the Board Member or Board Committee Member fully discloses the nature and extent of his or her known interest in the proposed transaction to the Board of Directors; and
  - The Board does not count the interested member in determining the presence of a quorum for a vote on the matter and does not count the vote of the interested Director.

2. A Board Member or Board Committee Member's failure to disclose to the Board that he or she has an interest in a transaction prior to the agency entering into the transaction shall be grounds for the individual's immediate removal by the Board or Board Committee. Furthermore, if a Board Member or Board Committee Member fails to disclose his or her interest in the transaction prior to the agency entering into the transaction, the agency may void the contract or transaction.

**C. Disclosure of Conflicts of Interest:**

Board Members, Board Committee Members, Directors, Officers and Key Employees (with the ability to make binding financial decisions for CP Unlimited) shall disclose any potential conflicts of interest upon initial appointment or hire, annually, and when a Conflict of Interest arises by completing or amending their Conflict of Interest Disclosure Statement.

Examples of potential conflicts that should be promptly and fully disclosed include:

- Ownership by a Board Member, Board Committee Member, employee or a member of his/her immediate family with a significant financial interest in a business enterprise that does business with, seeks to do business with, or is a competitor of CP Unlimited. Business interests that adversely affect the quality of a person's work or involve the use of agency equipment, supplies, facilities or name are not permitted.
- Serving as a Director, Officer, Consultant, or in any other key role in any outside enterprise that does or seeks to do business with, or is a competitor of CP Unlimited.
- Board Members, Board Committee Members or employees maintaining outside employment with a competitor or vendor, may pose a Conflict of Interest and should be disclosed.
- Any other arrangement or circumstance, including family or other personal relationships, which might prevent the Board Member, Board Committee Member or employee from acting in the best interest of the agency.
- Engaging in a separate employment relationship with any current service recipient (including the family, guardian, care provider, etc. of such individual) is prohibited.

While it is impossible to present an exhaustive list of all outside personal interests, activities or affiliations that might be considered as being in conflict with the best interests of the agency, two basic principles apply to every Board Member, Board Committee Member, Director, Officer and employee of the agency:

- The interest of the agency and the people we serve takes precedence over private business interests; and
- A business opportunity which belongs to CP Unlimited or which is based on confidential information not available to the public shall not be used for personal gain or for any purpose contrary to CP Unlimited's interest.

**D. Review of Potential Conflicts of Interest:**

**1. Conflict of Interest Review by the Corporate Compliance Committee:**

- CP Unlimited has established a process to review Conflict of Interest Disclosure Forms that have been identified with potential conflicts of interest. Following the initial review by the Chief Compliance Officer and General Counsel, the Committee will convene to determine if the situation that has been disclosed constitutes a Conflict of Interest covered by this policy.
- A minimum of four committee members are necessary to conduct a Conflict of Interest review.
- The Conflict of Interest review shall be conducted at least annually and as necessary.
- If the committee renders a decision that a potential Conflict of Interest exists or has the potential to occur, as a condition of continued employment with CP Unlimited, the employee may be requested, in writing, to relinquish his or her other offer of employment and/or independent consulting agreement, volunteer service, etc.
- The determination may also be reviewed with the Board Secretary and Board Chairman, when necessary.
- Failure of any employee to abide by the terms of this policy may be considered misconduct, which will subject the employee to disciplinary action, up to, and including termination.

## **2. Board of Directors and Board Committee Members:**

- All potential conflicts of interest disclosed by a Board Member or Board Committee Member shall be reviewed by the Board Chairman, Board Secretary, President/CEO, General Counsel and Chief Compliance Officer.
- If it has been determined that a Conflict of Interest exists, the Board Chairman shall ask the Board Member to recuse him/herself from any Board deliberations and/or voting on subject(s) that relate(s) to the Conflict of Interest. The at-issue Board Member may not attempt to improperly influence any deliberations or votes, and the Board, in consultation with relevant Board Committee(s), shall thereafter determine whether a proposed Board action (e.g. a transaction) remains in the best interests of CP Unlimited, notwithstanding the Conflict of Interest.

The Corporate Compliance Committee will ensure that this Standards of Conduct is posted in appropriate locations throughout the agency, and that each member of the CP Unlimited community has an opportunity to receive a copy.

The Corporate Compliance Committee will periodically review this Standards of Conduct and make appropriate modifications to reflect developments in applicable legal requirements.

### **THE FALSE CLAIMS ACT**

Under the federal False Claims Act (the “FCA”), the government and private citizens are entitled to bring lawsuits against organizations or other individuals who defraud the government. The FCA applies when a company or person:

1. Knowingly presents, or causes to be presented, a false or fraudulent claim for payment or approval;
2. Knowingly uses a false record or statement to get a claim paid by the federal government;
3. Conspires with others to get a false or fraudulent claim paid by the federal government; or
4. Knowingly uses a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the federal government.



Under 31 U.S.C. 3729(b), the terms “knowingly” means that a person, with respect to information: has actual knowledge of the information; acts in deliberate ignorance of the truth or falsity of the information; or acts in reckless disregard of the truth or falsity of the information. The government does not have to show proof of specific intent to defraud in order for a violation of the false claims act to be found.

Under the Federal False Claims Act, any person or entity that knowingly submits a false or fraudulent claim for payment by the government is liable for penalties and fines ranging from \$13,946 to \$27,894 per false claim, damages up to three times the amount of the false payment, costs of civil action against the entity that submitted the false claim and are subject to criminal penalties.

A private citizen may institute an FCA claim. This type of case is called a “Qui Tam” action, and the citizen who initiates such a claim is called a “Relator”. As part of the process in instituting an FCA claim, the relator must provide to the government all of the information he or she has about the claim. The federal government then reviews all of the information and decides whether or not to join in the lawsuit against the individual or agency. Qui tam plaintiffs can pursue their claims with or without the participation of the government, but if the government intervenes in the case, the relator may be entitled to a share in the eventual recovery.

The FCA provides protection to shield relators from retaliation for starting a qui tam case in good faith. Relators who are employees are protected from discharge, demotion, suspension, threats, harassment or discrimination. Any violation of this protection entitles the employees to reinstatement, back pay with interest, and attorney’s fees.

New York State has its own version of the FCA that punishes much of the same conduct as the federal law. However, there are no criminal penalties in the New York State law. Rather, individuals or agencies that are found to have committed violations may face restrictions on participation in the Medicaid program.

If you suspect any activity that may be considered a violation of the federal or New York State law, you should report it immediately to your Chief Compliance Officer, an Executive Vice President, Senior Vice President, President and CEO, member of the Board of Directors, or to the Business Integrity Hotline at 929-777-3714.

## **WHISTLEBLOWER POLICY OF CP UNLIMITED**

CP Unlimited, a New York not-for-profit Agency (the “Agency”), requires its directors, officers, employees, key persons, contractors and volunteers to observe high standards of business and personal ethics in the conduct of their duties and responsibilities within and on behalf of the Agency. As representatives and employees of the Agency, you must comply with all applicable laws and regulations and act with honesty and integrity in fulfilling your responsibilities.

The purpose of this Whistleblower Policy (“Policy”) is to ensure that the Agency has a governance and accountability structure that supports its mission, to encourage and enable directors, officers, employees, key persons, contractors and volunteers of the Agency to raise serious concerns about the occurrence of illegal, fraudulent or unethical actions within the Agency, and to protect those individual who report from retaliation.

Notwithstanding anything contained in this Policy, this Policy is not an employment contract and does not modify the employment relationship, if any, between the Agency and any of its directors, officers, employees, key persons, contractors or volunteers, nor does it change the at-will status of any employee of the Agency. Nothing contained in this Policy provides any director, officer, employee, key person, contractor or volunteer of the Agency with any additional rights or causes of action not otherwise available under applicable law.

It is intended that this Policy comply with the provisions of Section 715-B of the New York State Not-for-Profit Agency Law, as added by the Non-Profit Revitalization Act of 2013, as amended, and shall be interpreted and construed accordingly. This Policy applies to any matter which is related to the Agency’s business and does not relate to private acts of an individual not connected to the business of the Agency. The rights and protections set forth in this Policy are in addition to, and not in abrogation of, the protections provided by Sections 740 and 741 of the New York State Labor Law, Section 191 of the New York State Finance Law or any applicable Federal law, including but not limited to the False Claims Act (31 USC § 3730(h)).

### **ARTICLE I REPORTING RESPONSIBILITY**

1.1 Reporting Responsibility. All directors, officers, employees, key persons and volunteers of the Agency have a responsibility to report any action or suspected action taken by the Agency itself, by its leadership or by others on the Agency’s behalf, that is illegal, fraudulent, unethical or violates any adopted policy of the Agency (“Violations”).

12 Reporting in Good Faith. Anyone reporting a Violation must act in good faith, without malice to the Agency or any individual and have reasonable grounds for believing that the information shared in the report indicates that a Violation has occurred. A person who makes a report does not have to prove that a Violation has occurred. However, any report which the reporter has made maliciously or any report which the reporter has good reason to believe is false will be viewed as a serious disciplinary offense.

## **ARTICLE II No RETALIATION**

21 No Retaliation. No person who in good faith reports a Violation or who in good faith cooperates in the investigation of a Violation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, any adverse employment consequence. Any individual within the Agency who retaliates against another individual who has reported a Violation in good faith or who, in good faith, has cooperated in the investigation of a Violation shall be subject to discipline, including, without limitation, termination of employment or volunteer status.

22 Reporting of Retaliation. If you believe that an individual who has made a good faith report of a Violation or who has in good faith cooperated in the investigation of a Violation is suffering intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequence, you should make a report to the Chief Compliance Officer.

## **ARTICLE III PROCEDURES FOR REPORTING VIOLATIONS**

3.1 Reporting Procedure. All directors, officers, employees and volunteers should address their concerns relating to a Violation to any person within the Agency who can properly address those concerns. In most cases, the direct supervisor of an employee or volunteer is the person best suited to address a concern. However, if you are not comfortable speaking with your supervisor or if you are not satisfied with your supervisor's response, you are encouraged to speak to the Chief Compliance Officer, the Chief Legal Officer/General Counsel, and/or the Chief Human Resources Officer, to any member of the Executive Committee of the Board of Directors of the Agency (the "Board") or to anyone in management you feel comfortable approaching. If you are not an employee or volunteer, you should report any Violation directly to the Chief Compliance Officer.

32 Identity; Confidentiality. The Agency encourages anyone reporting a Violation to identify themselves when making a report in order to facilitate the investigation of the Violation. However, reports addressed to an individual within the Agency may be submitted on a confidential basis and reports may be submitted to the Chief Compliance Officer (or otherwise to Agency management or a member of the Board of Directors) anonymously by submitting them directly, without providing an identity or return address, to the Chief Compliance Officer using the contact information set forth in Section 5.2 below.

33     How to Report. The report of any Violation may be made in person, by telephone or by mail, electronic mail or other written communication. Such report should contain sufficient information to permit adequate investigation. At a minimum, the following information should be provided: (a) a description of the nature of the improper activity, with sufficient detail to permit an initial investigation; (b) the name(s) of the individual(s) and/or department(s) engaging in the activity or with knowledge of the activity; (c) the approximate or actual date(s) the activity took place; and (d) an explanation of any steps taken internally with the Agency's management to report or resolve the complaint. Reports may be made anonymously to the business integrity hotline by calling 929-777-3714.

#### **ARTICLE IV COMPLIANCE AND ADMINISTRATION**

4.1     Notification of Violation; Acknowledgement. Every supervisor, manager, director and other representative of the Agency is required to notify the Chief Compliance Officer of every report of a Violation. The Chief Compliance Officer will notify the sender and acknowledge receipt of a report of Violation within seven (7) business days, but only to the extent the sender's identity is disclosed or a return address is provided.

4.2     Investigation; Correction.

(a)     The Chief Compliance Officer, or an appropriate designee, is responsible for promptly investigating all reported Violations and for causing appropriate corrective action to be taken if warranted by the investigation. The Chief Compliance Officer, or an appropriate designee, in coordination with the Chief Legal Officer/General Counsel, shall conduct an investigation into the reported Violation as soon as practicable thereafter. Such investigation shall be conducted as confidentially as possible under the circumstances, consistent with the need to conduct an adequate investigation, to comply with all applicable laws, and if appropriate, to cooperate with law enforcement authorities.

(b)     The Chief Compliance Officer, or an appropriate designee, shall review the policies and procedures of the Agency, and make note of any alleged Violation. A log should be maintained of all Alleged Violations and the results of the investigation.

(c)     The Chief Compliance Officer, or an appropriate designee, shall assess, in the most confidential manner possible, the concerns of the director, officer, employee, key person or volunteer who reported the alleged Violation, as well as those of other directors, officers, employees or volunteers who may have an understanding of, or be complicit in, the alleged Violation, in order to form an informative opinion on the matter and determine potential recommendations for resolution.

(d)     The Chief Compliance Officer, or an appropriate designee, may contact the Agency's Chief Legal Officer/General Counsel, as needed, at any stage of an investigation of a reported Violation.

(e) The Chief Compliance Officer, or an appropriate designee, will prepare and submit a written report on the reported Violation to the Board of the Agency, together with recommendations as to resolution and a timeline for implementation of recommended actions. The Chief Compliance Officer will also forward a copy of the written report to the Board.

(f) The Board shall act on the Chief Compliance Officer's written report as appropriate, including reviewing all findings and recommendations identified therein, and submitting a written assessment of the matter, including recommendations as to resolution and a timeline for implementation of recommended actions, to the Board.

(g) Upon receipt of the written report from the Board, the matter will be considered binding and any action items, up to and including, the suspension or removal of any director, officer, employee, key person or volunteer found to have engaged in the reported Violation will be effectuated as soon as practicable.

#### 4.3 Administration.

(a) The Chief Compliance Officer shall administer this Policy and shall report directly to the Board.

(b) Any person who is the subject of a whistleblower complaint shall not be present at or participate in Board deliberations or vote on the matter relating to such complaint; provided, however, that the Board may require that the person who is subject to the complaint present cooperate in the investigation and provide information or answer questions at the Board meeting prior to the commencement of deliberations or voting relating thereto.

(c) The Board is responsible for addressing all reported concerns or complaints of Violations relating to chief accounting practices, internal controls or auditing. Accordingly, the Chief Compliance Officer must immediately notify the Board of any such concern or complaint. In addition, if the Chief Compliance Officer deems it appropriate, the Chief Compliance Officer may advise the chair of the Board of any other reported Violations.

4.4 Reporting. The Chief Compliance Officer has direct access to the Board and is required to report to it at least annually on compliance activity.

4.5 Documentation. The Board shall assure that all reported Violations and investigations are properly documented, including minutes of any meeting of any Committee or the Board where the matter was discussed. The documentation shall be maintained for a period of at least 10 years or longer in the event any investigation, audit or other inquiry is pending relating thereto.

**ARTICLE V**  
**MISCELLANEOUS**

5.1 Access to Policy. A copy of this Policy shall be distributed to all directors, officers, employees, key persons and volunteers who provide substantial services to the Agency.

5.2 Chief Compliance Officer. The contact information of the Chief Compliance Officer is as follows:

Ellen Gribbin, Chief Compliance Officer  
40 Rector Street, 15<sup>th</sup> Floor  
New York, NY 10006  
929-412-1550  
egribbin@cpofnys.org

5.3 Modification. The Board may modify this Policy unilaterally at any time without notice. Modification may be necessary, among other reasons, to maintain compliance with federal, state or local laws and regulations and/or to accommodate organizational changes within the Agency.

## **NON-RETALIATION AND NON-INTIMIDATION POLICY OF CP UNLIMITED**

### **PURPOSE**

The purpose of this Policy is to ensure that employees, Board of Directors ("Board") members, and contractors of CP Unlimited are encouraged to report concerns about the occurrence of serious illegal, fraudulent or unethical actions within the organization ("Compliance Issues"). "Compliance Issues" are actual or suspected fraud, waste, abuse, other wrongful or unethical conduct, or violations of laws, regulations, administrative guidance, or CP Unlimited's Compliance Plan<sup>1</sup> and policies. Employees, Board members, and contractors are protected from intimidation and retaliation for good faith participation in CP Unlimited's Compliance Program, including but not limited to reporting Compliance Issues, investigating issues, conducting self-evaluations, audits, and remedial actions, and reporting to appropriate officials.

### **APPLICABILITY**

This Policy applies to all CP Unlimited employees, Board members, and contractors.<sup>2</sup>

### **POLICY**

1. CP Unlimited prohibits any act of retribution, discrimination, harassment, retaliation, or intimidation against any employee, Board member, or contractor who, in good faith, participates in CP Unlimited's Compliance Program activities, including, but not limited to:
  - a. Reporting and responding to potential Compliance Issues to appropriate personnel;
  - b. Participating in investigation of, and investigating, potential Compliance Issues;

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<sup>1</sup> CP Unlimited's Corporate Compliance Plan ("Compliance Plan") is the document that provides an overview of CP Unlimited's Corporate Compliance Program ("Compliance Program"). The Program is CP Unlimited's implementation of the Compliance Plan and includes all of CP Unlimited's compliance activities.

<sup>2</sup> "Employees, contractors, and Board members" includes CP Unlimited's employees, Chief Executive Officer ("CEO"), senior administrators, managers, contractors, agents, subcontractors, independent contractors, corporate officers, and Board members who are affected by CP Unlimited's Compliance Risk Areas. "Compliance Risk Areas" are those areas of operation affected by CP Unlimited's Compliance Program, as set forth in its Compliance Plan.

- c. Conducting or responding to audits, investigations, reviews, or compliance self-evaluations;
  - d. Drafting, implementing, or monitoring remedial actions;
  - e. Reporting compliance-related concerns to any government entity;
  - f. Attending or performing compliance-related training;
  - g. Reporting instances of intimidation or retaliation; or
  - h. Otherwise assisting in any activity or proceeding regarding any Compliance Issue.
2. A good faith report means one where the individual believes the information reported to be true and where the report is not made for the purpose of harming the standing or reputation of CP Unlimited, or of another employee, Board member, or contractor.
3. The protections of this Policy do **not** apply to:
- a. Untruthful or unfounded allegations of wrongdoing;
  - b. Allegations whose nature or frequency indicate an intent to harass or embarrass CP Unlimited or any employees, Board members, or contractors; or
  - c. Instances where individuals report their own lapses or complicity in unacceptable conduct. In such instances, the act of reporting will not be subject to sanctions, but the underlying conduct may be subject to disciplinary action.



## **PROCEDURE**

### **1. Reporting Mechanisms.**

Employees, Board members, and contractors have a duty to report actions that they believe in good faith to be an actual or suspected Compliance Issue. Employees, Board members, and contractors have a variety of reporting options; however, they are encouraged to take advantage of internal reporting mechanisms. These include reports to the Chief Compliance Officer or Compliance Committee member, the Chief Legal Officer/General Counsel, and/or the Chief Human Resources Officer, to any member of the Executive Committee of the Board of Directors of the Agency (the “Board”) or to anyone in management you feel comfortable approaching. In the case of an employee, reports may also be made to the employee’s supervisor or any supervisor. Reports may be made anonymously to the business integrity hotline by calling 929-777-3714.

### **2. Reporting to the Organization and Government.**

While CP Unlimited requires employees, Board members, and contractors to report Compliance Issues directly to CP Unlimited, certain laws provide that individuals may also bring their concerns directly to the government. Any perceived retaliation or intimidation should be reported to the Chief Compliance Officer immediately.

### **3. Confidentiality.**

Anyone who investigates a Compliance Issue shall maintain the confidentiality of the individual who made the report if the individual has requested confidentiality or reported through a confidential reporting mechanism, unless the matter is subject to a disciplinary proceeding, referred to or under investigation by the New York State Attorney General’s Medicaid Fraud Control Unit (“MFCU”), the New York State Office of the Medicaid Inspector General (“OMIG”), or law enforcement, or the disclosure is required during a legal proceeding.

### **4. Statutory Protections.**

In addition to the protections afforded to employees, Board members, and contractors under this Policy, the following New York State laws also protect employees from retaliatory action for good-faith reporting.

a. New York State Labor Law, Section 740.

An employer may not take any retaliatory action against an employee if the employee discloses, or threatens to disclose, information about the employer'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 employer is in violation of a law that creates a substantial and specific danger to the public health and safety, or which constitutes health care fraud under Penal Law § 177<sup>3</sup> or Social Services Law § 145-b.<sup>4</sup> The employee's disclosure is protected only if the employee first raised the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation. Employees are also protected from retaliatory action if the employee objects to, or refuses to participate in, any activity that is in violation of a law that creates a substantial and specific danger to the public health and safety or which constitutes health care fraud under Penal Law § 177 or Social Services Law § 145-b.

If an employer takes retaliatory action against the employee, the employee may sue in State court for reinstatement to the same, or an equivalent position, any back wages and benefits, and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, the court may impose a civil penalty of \$10,000 on the employer.

b. New York State Labor Law, Section 741.

A health care employer may not take any retaliatory action against an employee if the employee discloses, or threatens to disclose, certain information about the employer's policies, practices, or activities to a regulatory, law enforcement, or other similar agency or public official, to a news media outlet, or to a social media forum available to the public at large.

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<sup>3</sup> New York State Penal Law § 177 criminalizes knowingly filing, with intent to defraud, a claim for payment that intentionally has false information or omissions.

<sup>4</sup> New York State Social Services Law § 145-b criminalizes submission of false statements or deliberate concealment of material information in order to obtain public assistance, including Medicaid.

Protected disclosures are those that the employee, in good faith, believes constitute improper quality of patient care or improper quality of workplace safety. The employee's disclosure is protected only if the employee first raised the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or a patient, and the employee has a good faith belief that reporting to a supervisor would not result in corrective action. Employees are also protected from retaliatory action if the employee objects to, or refuses to participate in, any activity, policy, or practice of the employer that the employee, in good faith, reasonably believes constitutes improper quality of patient care or improper quality of workplace safety.

If an employer takes retaliatory action against the employee, the employee may sue in State court for reinstatement to the same, or an equivalent position, any back wages and benefits, and attorneys' fees. If the employer is a health care provider and the court finds that the employer's retaliatory action was in bad faith, the court may impose a civil penalty of \$10,000 on the employer.

## **Element 2:**

### **Designation of a Chief Compliance Officer, Vested with the Responsibility for the Day-To-Day Operation**

#### **DESIGNATION OF A CHIEF COMPLIANCE OFFICER**

CP Unlimited hereby designates a Chief Compliance Officer with the responsibility to oversee the day-to-day operations of the Corporate Compliance Program. The Chief Compliance Officer will monitor compliance activities with established standards. The Chief Compliance Officer will function within the organizational structure reporting directly to the Chief Legal Officer and General Counsel. The Chief Compliance Officer will report the required compliance activities to the Corporate Compliance Committee quarterly and as needed. In addition, the Chief Compliance Officer will provide reports, both oral and written, quarterly and as needed, to the Board of Directors' Audit, Compliance and Risk Committee. Furthermore, the Chief Compliance Officer will report at least annually to the Board of Directors.

The Chief Compliance Officer will chair the Corporate Compliance Committee meetings. The Chief Compliance Officer will ensure that all meeting minutes are documented, distributed to all committee members, and filed for review.

The Chief Compliance Officer will work closely with the department leaders to foster and enhance compliance with all applicable laws and regulations, operational policies and procedures and billing requirements. The authority of the Chief Compliance Officer shall extend to all program and business operations, whether on a fee-for-service basis or otherwise, provided by CP Unlimited's employees.

The Chief Compliance Officer or a designee will conduct formal corporate compliance training for all new employees upon hire. In addition, all current employees, vendors, contractors, volunteers and service partners will receive ongoing training and/or education to ensure compliance with rules, regulations, policies and procedures.

The Chief Compliance Officer or designee will monitor the "Business Integrity Hotline" and ensure investigations of all reported concerns. The Chief Compliance Officer or designee will also investigate other concerns when reported, discovered, or assigned by the Corporate Compliance Committee. A log of reports, investigations and results will be maintained by the Chief Compliance Officer.

The Chief Compliance Officer will ensure the completion of internal audits for both program and business operations. Reports of internal audits will be written and generated to the appropriate department administrators. A plan of corrective action responding to issues and recommendations will be obtained from the department administrators and forwarded to the corporate compliance committee for review.

The Chief Compliance Officer will ensure enforcement of the Corporate Compliance Program. Upon verification that a violation has occurred, disciplinary action will take place, up to and including termination.

The Chief Compliance Officer or a designee will complete a thorough investigation whenever non-compliance is identified. Written reports of investigative findings and recommendations will be submitted to the Corporate Compliance Committee for review and further instructions.

In addition, the Chief Compliance Officer will report investigations and findings of non-compliant activity to the Board of Directors' Audit, Compliance and Risk Committee, who in turn, will report to the Board of Directors, if necessary.

### **CORPORATE COMPLIANCE COMMITTEE CHARGE**

The Corporate Compliance Committee has been appointed by the President and CEO, a committee member, and includes representation from Corporate Compliance, HIPAA Privacy and Security, Finance, Human Resources, Communications, QA/QI Department, Program and Clinical Operations. The committee members are as follows: President and CEO; Executive Vice President of Finance CFO and CAO; Chief Legal Officer and General Counsel; Executive Director of Hudson Valley Division; Chief Compliance Officer; Chief Program Officer; Senior Vice President of QA/QI; Senior Vice President of Systems Optimization; Senior Vice President of Program Operations, Chief of Human Resources; Chief Communications Officer, Chief Technology Officer, Vice President of Management Information Systems; Director of Reimbursement and Entitlements and Director of Compliance and Special Projects. In addition to the committee members, other department managers will present to the committee when appropriate. If any member of the CP Unlimited Corporate Compliance Committee terminates their employment, their successor will assume the role as an active member of the Committee. The role of the Corporate Compliance Committee is to ensure the implementation and the overall effectiveness of the Corporate Compliance Program. The committee will also assist and advise the Chief Compliance Officer, as needed, to ensure compliance with Federal, State and local laws, rules and regulations. The Committee will meet at least quarterly, more often as needed.

#### **Principle Responsibilities:**

- Conduct regular and systemic reviews of the Corporate Compliance Program, including the Standards of Conduct, for the purpose of modifications and updates when necessary.
- Ensure a record keeping system is in place to document the ongoing operation of the Corporate Compliance Program.

- Analyze specific risk areas and existing policies and procedures that address those risk areas for possible incorporation into the Corporate Compliance Program.
- Promote a culture at CP Unlimited for all employees and service partners that insist on ethics and integrity while conducting business.
- Work with appropriate departments to develop standards of conduct and policies and procedures to promote compliance with legal and ethical requirements.
- Recommend the development of internal systems and controls to carry out the agency's standards, guidelines, policies and procedures.
- Assign the Chief Compliance Officer to conduct specific internal investigations and audits when appropriate.
- Assist CP Unlimited's supervisory staff in establishing and maintaining multi-level mechanisms to monitor compliance with the standards set forth in the Standards of Conduct and compliance guidelines in their departments. Receive periodic reports documenting the implementation of such mechanisms and their results.
- Monitor external and internal audits for the purpose of identifying potential non-compliance issues, and review recommendations from the Chief Compliance Officer for implementing corrective and preventative action.
- Make recommendations for the revision of the Corporate Compliance Program as needed.
- The President and CEO will allocate such funds to the Corporate Compliance Committee and Officer to ensure that they can successfully perform all of its functions under this Corporate Compliance Program.

### **Compilation of Legal Requirements and Policies and Procedures:**

The Corporate Compliance Committee will oversee the establishment or compilation of policies and procedures governing business dealings of CP Unlimited.

The Corporate Compliance Committee shall also oversee the compilation of all laws, regulations, rules, policies and procedures affecting the business of CP Unlimited, and the distribution of appropriate relevant information to each member of the CP Unlimited community. The Corporate Compliance Committee will oversee CP Unlimited's commitment to ensure that each member of the CP Unlimited community will have access to all relevant information necessary and appropriate for that individual to act on behalf of CP Unlimited.

The Corporate Compliance Committee will establish a record-keeping system designed to document the ongoing operation of the Corporate Compliance Program, including documentation of annual certification of compliance by all employees. Such record keeping system will encompass the following:

1. Establish policies and procedures regarding the creation, distribution, retention and destruction of documents;
2. Ensure complete and accurate documentation of all business transactions;
3. Include all records and documentation required for participation in federal and state, and private health care financing programs, and all records and documentation, and audit data that support and explain cost reports and other financial activity;
4. Preserve all records necessary to demonstrate the integrity of CP Unlimited's Corporate Compliance Program and confirm the effectiveness of the program.

## Policy and Procedure

**Department:** Corporate Compliance

**Policy:** Compliance Committee Charter

**Applicability:** CP Unlimited Senior Management, Executive Management and Board of Directors

**Effective Date:** December 20, 2023

### **CP UNLIMITED Compliance Committee Charter**

The Compliance Committee Charter addresses the Compliance Committee's purpose, authority and responsibilities, designation of a chairperson, composition, frequency of meetings, and the recordkeeping of meeting minutes.

<b>Chair</b>	Chief Compliance Officer	<b>Effective Date:</b> 12-20-2023
<b>Sponsor</b>	President and Chief Executive Officer Approval Date: December 20, 2023	
<b>Purpose</b>	<ol style="list-style-type: none"> <li>1. To assist and coordinate with the Chief Compliance Officer to ensure that Constructive Partnership Unlimited is conducting its business in a legal, ethical, and responsible manner, consistent with its Compliance Program.</li> <li>2. The Compliance Committee shall have the authority to undertake the specific duties and responsibilities described below and the authority to undertake such other duties as directed by the Chief Executive Officer and/or Chairman of the Board's Audit, Compliance and Risk Committee.</li> </ol>	
<b>Meetings and Procedures</b>	<ol style="list-style-type: none"> <li>1. The Compliance Committee shall meet on a regular basis, not less frequently than quarterly.</li> <li>2. The Compliance Committee shall meet with the Organization's Management and staff at the discretion of the Chief Executive Officer and/or the Chief Compliance Officer.</li> <li>3. The Compliance Committee shall maintain written minutes or other records of its meetings and activities. Minutes of each meeting of the Compliance Committee shall be distributed to each member of the Committee and filed electronically. The Chief Compliance Officer will maintain minutes and other records of Committee activity.</li> <li>4. The Chair of the Compliance Committee shall report to the President and Chief Executive Officer, if not present at committee meetings, and to the Board's Audit, Compliance and Risk Committee following meetings of the Compliance Committee, and</li> </ol>	



	as otherwise requested by the President and Chief Executive Officer or the Chairman of the Board's Audit, Compliance and Risk Committee.
<b>Membership</b>	<p>Committee members include:</p> <p>Chairperson Ellen Gribbin, Chief Compliance Officer; Joseph Pancari, President and CEO; Thomas Mandelkow, CFO and CAO; Michael Wigotsky, Esq. Chief Legal Officer and General Counsel; Sebastian Chittilappilly, Chief Program Officer; Denesh Persaud, Chief Technology Officer, Security and Privacy Officer; Cheryl Weekes, Chief Human Resources Officer; Jeremy Willinger, Chief Communications Officer; Penny-Lynn Pagliaro, Executive Director Hudson Valley; Heather Poore, Sr. V.P. of Quality Assurance and Quality Improvement; Steve Gach, Sr. V.P. of Systems Optimization; Altya Henson, Sr. V.P. of Residential Services; Carrieann Ricci, V.P. of Finance-Controller; Atul Kavi, V.P. of Information Technology; Angela Munguia, Director of Reimbursement and Entitlements; and Arlene-Perricone-Saumell, Director of Compliance and Special Projects.</p> <p>Should any member of the Compliance Committee terminate their employment with CP Unlimited, their replacement would assume committee membership upon hire.</p>
<b>Responsibilities</b>	<p>1. The Compliance Committee ensures that CP Unlimited has, and maintains, an effective Compliance Program. The Compliance Committee is responsible for the following:</p> <ul style="list-style-type: none"> <li>Analyzing the regulatory environment where CP Unlimited does business, including legal requirements with which it must comply.</li> <li>Reviewing and assessing existing policies and procedures that address risk areas for possible incorporation into the Compliance Program.</li> <li>Reviewing and monitoring Compliance Program training and education to ensure that they are effective and completed in a timely manner.</li> <li>Ensuring that CP Unlimited 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.</li> <li>Working with departments to develop standards and policies and procedures that address specific risk areas and to encourage compliance according to legal and ethical requirements.</li> <li>Coordinating with the Chief Compliance Officer to ensure that the written policies and procedures, and Standards of Conduct are current, accurate, and complete.</li> <li>Developing internal systems and controls to carry out compliance standards, Standards of Conduct, and policies and procedures.</li> </ul>

- Coordinating with the Chief 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 Corporate Compliance Work Plan.
- Advocating for sufficient funding, staff, and resources to be allocated to the Chief Compliance Officer to carry out duties related to the Compliance Program.
- Ensuring that CP Unlimited has appropriate systems and policies in place that effectively identify risks, overpayments, and other areas of concern including fraud, waste, and abuse.
- Monitoring and evaluating the Organization's Compliance Program for effectiveness and making recommendations for necessary modifications to the Compliance Program as applicable.

2. The Compliance Committee shall conduct an evaluation of the effectiveness of the Compliance Program.

3. The Compliance Committee shall review and reassess its Charter at least annually and submit any recommended changes to the President and Chief Executive Officer for consideration.

4. The Compliance Committee shall perform such other functions and have such other powers as may be necessary or convenient for efficient discharge of its duties.

### **Element 3:**

#### **Reinforcement of Compliance Principles through an Effective Training and Education Program for CP Unlimited Employees and Service Partners**

As part of the Corporate Compliance Program, all members of the CP Unlimited community will have unimpeded access to the Corporate Compliance Program, and all appropriate laws, rules, regulations, policies and procedures that affect each member's actions on behalf of CP Unlimited. Regular and ongoing training will be provided on this information, as well as new developments and information relevant to the members' actions on behalf of CP Unlimited.

All staff will be trained in the contents of the Corporate Compliance Program. Training will be tailored to the level of participation that staff have in the material to which the corporate compliance pertains.

The Board of Directors and the Executive Management team will receive annual updated corporate compliance training that will be conducted by CP Unlimited's CEO/Executive Vice President, Chief Legal Officer, General Counsel, and/or the Chief Compliance Officer during the Board of Directors meetings.

The Chief Compliance Officer or designee will provide corporate compliance training for all new employees as part of their new hire orientation. A quiz will be taken at the conclusion of each training session to ensure that all new employees are fully aware of the contents of the corporate compliance training program. All existing employees will receive ongoing updated training and/or education on corporate compliance related issues, to ensure knowledge and understanding of the current laws, rules and regulations.

Senior level managers will be trained in all aspects of the program and will be given a copy of the Corporate Compliance Program, together with relevant policies and procedures. Managers will also be directed to the location of appropriate laws, regulations and standards governing the materials to which they are being trained. Senior level management training and education will be completed by the Chief Compliance Officer for inclusion of new or revised material. Senior managers will then train staff that report to them, tailoring the training to materials directly relevant to the staff being trained. Staff will be provided with relevant excerpts of the Corporate Compliance Program, together with applicable policies and procedures. Staff will also be directed to the location of appropriate laws, regulations and standards governing the materials to which they are being trained. Such training will be updated periodically for new staff, and for inclusion of new or revised material.

The Vice President for Clinical Services and/or the Chief Compliance Officer, where appropriate, will ensure that new contractors are trained and/or educated on the contents of the Corporate Compliance Program. Contractors will be provided with relevant excerpts of the Corporate Compliance Program, together with applicable policies and procedures. Contractors will also be directed to the location of appropriate laws, regulations and standards governing the materials to which they are being trained. Such training and education will be updated annually.

The Purchasing Manager, or other senior managers, where appropriate, will provide relevant information on aspects of the Corporate Compliance Program to appropriate vendors, to ensure that they are knowledgeable of relevant aspects of the Corporate Compliance Program. Such training will be updated periodically for all vendors, if appropriate, and for inclusion of new or revised material.

Other members of the CP Unlimited community, including volunteers, will be appropriately trained by senior staff, supervisors, or the Chief Compliance Officer as appropriate, on aspects of the Corporate Compliance Program relevant to their activities on behalf of CP Unlimited.

Training and education will ensure that every employee, vendor, contractor, volunteer and service partner is aware and understands the policies, procedures, laws and regulations that govern the agency's operations. Training will occur at the start of employment as part of Agency orientation and incorporated into employee annual training reviews. Training will also occur upon changes in the program, and upon the request of a supervisor or the Chief Compliance Officer.

The education provided will include but is not limited to:

Standards of Conduct; Purpose of Compliance Guidelines; Agency Policies and Procedures; Ethical Standards; Federal and State Laws and guidelines; False Claims Act; Whistleblower Policy; Reporting System and Procedure; Consequences of Non-Compliance. Documentation supporting each employee's completion of the mandatory corporate compliance training will be maintained for review.

## **HUMAN RESOURCES POLICIES AND PROCEDURES**

A compilation of corporate compliance policies and procedures can also be found contained in the Human Resources department handbooks and manuals. The Corporate Compliance Committee will recommend modifications to those policies and to other CP Unlimited policies and procedures, including modifications of the employee evaluation process and to ensure compliance with the Corporate Compliance Program.

## **LICENSING AND CREDENTIALLING**

All employees who are in positions requiring professional licenses must provide the Human Resources department with proof of a current license upon hire and a renewed license prior to the expiration date. Verification of all employee licenses will be maintained in the Human Resources department for review.

All independent contractors/medical staff will provide the appropriate credentials to the Medical Director prior to the decision to hire. The Medical Director will review applications and credentials. All Medical Staff must be re-credentialed every two years. The Vice President for Clinic Services will also ensure that all necessary credentials are obtained and filed in the Human Resources department for review.

## **MEDICAID EXCLUSION VERIFICATION PROCESS**

All employees, contractors, vendors and volunteers will be screened through the following three (3) fraud websites prior to being hired and/or utilizing their services or supplies:

1. New York State Medicaid Exclusion List [OMIG]
2. OIG, Office of Inspector General: List of Excluded Individuals/Entities
3. SAM, System for Award Management: Excluded Parties

All employees, contractors, vendors and volunteers will be re-screened through the three (3) fraud websites on a monthly basis.

If any employee, contractor, vendor or volunteer appears on any of the three websites, their services will be terminated immediately.

## **Policy and Procedure**

**Department:** Corporate Compliance

**Policy:** Compliance Training

**Applicability:** All Employees, Board Members and Contractors

**Effective Date:** December 20, 2023

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### **PURPOSE**

The purpose of this Policy is to establish compliance training and education requirements for CP Unlimited.

### **POLICY**

The proper education and training of personnel at all levels is a key element of an effective compliance program. CP Unlimited has established and implemented an effective compliance training and education program. All employees (including the Chief Compliance Officer, senior administrators, and managers), Board members, and contractors of CP Unlimited will receive training promptly at orientation or appointment, and at a minimum annually thereafter, regarding CP Unlimited's Compliance Program, as well as job-specific training pertaining to compliance matters. Training and education will be provided by CP Unlimited in a form and format that is accessible and understandable to all employees, contractors, and Board members, consistent with Federal and New York State language and other applicable laws, rules, and policies.

### **PROCEDURE**

#### **1. Compliance Training for Employees.**

All employees of CP Unlimited will receive Compliance Program training during orientation, which occurs promptly upon hiring and no later than the first thirty (30) days of employment, and at least once annually thereafter. This Compliance Training will include at least each of the training and education program areas set forth in Section 6, below.

Each employee will be required to attest to receipt of the Compliance Program and completion of the training. This information will be retained for no less than ten (10) years. The Chief Compliance Officer, Training Department Personnel, or their designee(s), will be responsible for conducting this training.

## 2. Compliance Training for Board Members.

All members of CP Unlimited's Board will receive compliance training and/or education promptly upon appointment to the Board, and at least once annually thereafter. The Chief Compliance Officer and the Chief Legal Officer will be responsible for developing this training program, which will cover, at a minimum, each of the training and education program areas set forth in Section 6, below.

Board members must acknowledge that they have received the training and/or participated in the Board meeting when the training was conducted to ensure that they understand their obligations under the Compliance Program. This documentation will be retained for no less than ten (10) years.

## 3. Compliance Training for Contractors.

Contractors, agents, subcontractors, and independent contractors who are affected by CP Unlimited's Compliance Risk Areas must participate in compliance training and/or education either prior to contracting with CP Unlimited or within thirty (30) days of contracting with CP Unlimited. The compliance training given to contractors will cover, at a minimum, each of the training and education program areas set forth in Section 6, below. The training and/or education may consist of providing the contractor with access to CP Unlimited's Compliance Program and compliance policies and procedures for self-study and affording the contractor the opportunity to ask questions and receive responses about the Compliance Program.

## 4. Compliance Program Refresher Training.

Annually, CP Unlimited provides Compliance Program refresher training for employees, contractors, and Board members. This Compliance Program refresher training will, at a minimum, cover each of the training and education program areas set forth in Section 6, below. The Chief Compliance Officer, Training Department Personnel, or their designee(s), will be responsible for scheduling refresher training sessions for employees. Additional Compliance Program refresher trainings will be provided to employees, contractors, and Board members on an as needed basis.

CP Unlimited will maintain records of all Compliance Program refresher trainings for ten (10) years. The records maintained will include, but not be limited to, course descriptions and frequency of training. The Chief Compliance Officer, Training Department Personnel, or their designee(s), will be responsible for ensuring Compliance Program refresher trainings.

## 5. Targeted Compliance Training for Employees.

The Chief Compliance Officer and/or the Chief Legal Officer, in consultation with the appropriate supervisor, will determine whether it is necessary and appropriate to develop a curriculum of targeted compliance training for employees. Targeted compliance training will consist of in-depth guidance on fraud prevention and other Compliance Issues arising in connection with the operation of a specific program. This customized targeted compliance training will be in addition to the initial and annual compliance training and education provided to all employees, Board members, and contractors.

Employees shall have access to all policies and procedures relevant to the performance of their duties. All targeted compliance training curricula must be approved by the Chief Compliance Officer and/or the Chief Legal Officer. CP Unlimited will maintain records of all targeted compliance training programs for ten (10) years. The records maintained will include, but not be limited to, course descriptions and frequency of training.

## 6. Training Program Requirements.

Training programs will include an overview of the elements of the Compliance Program and policies and procedures. All Compliance Program training and education will include, at a minimum, the following topics:

- a. CP Unlimited's Compliance Risk Areas and Organizational Experience;
- b. CP Unlimited's written policies and procedures related to its Compliance Program;
- c. The individual's obligation to participate in CP Unlimited's Compliance Program;
- d. The types of issues that constitute Compliance Issues (actual or suspected fraud, waste, abuse, or other improper or unethical conduct, violations of laws and regulations;
- e. The individual's obligation to report Compliance Issues in good faith and methods for reporting (including method for anonymous and confidential reporting) to the Chief Compliance Officer and others;
- f. The individual's ability to ask questions regarding CP Unlimited's Compliance Program;
- g. The Chief Compliance Officer's and Compliance Committee's role and their interactions with management and the Board;
- h. How internal and external audits and investigations are handled and an individual's obligation to assist in audits and investigations as requested;
- i. The various types of remedial measures and corrective action plans for non-compliance, including how CP Unlimited responds to Compliance Issues and implements corrective action plans;
- j. The consequences of failure to comply with CP Unlimited's Compliance Program *i.e.*, discipline, termination, liability) and information about CP Unlimited's non-intimidation and non-retaliation policies;
- k. The responsibilities of supervisors/managers to detect and report Compliance Issues;
- l. The requirements specific to the Medicaid Programs;
- m. An overview of relevant laws and requirements, including requirements related to reporting overpayments; and
- n. If applicable, coding and billing requirements and best practices, and the claim development and submission process.

## 7. Compliance Training Plan.

The Chief Compliance Officer, Training Department Personnel, or their designee(s), shall be responsible for implementing this Policy and for developing and maintaining a compliance training plan. The training plan will, at a minimum, outline the following:



- o. The subjects or topics for training and education;
- p. The timing and frequency of the training;
- q. Which employees, contractors, and Board members are required to attend;
- r. How attendance is tracked; and
- s. How the effectiveness of the training will be periodically evaluated (e.g., pre- and post-tests, surveys, etc.).

The training plan shall be periodically updated by the Chief Compliance Officer, Training Department Personnel, or their designee(s), to indicate the outcome of the various trainings provided by CP Unlimited throughout the year. These periodic updates will include the following information, as applicable:

- a. A list of the employees, Board members, and contractors that received, or did not receive, the Compliance Program training during the year covering the training plan including the name and role of the individual (e.g., employee, Chief Executive Officer, senior administrator, manager, contractor, Board member, corporate officer, etc.);
- b. The type of compliance training(s) received (e.g., annual, orientation, both);
- c. The format in which the training was provided;
- d. The date(s) of completion; and
- e. The date of hire for those who received initial Compliance Program training.

#### **Element 4:**

### **Ongoing Monitoring and Detection of Violations of CP Unlimited's Adherence to the Commitment to Business Integrity.**

CP Unlimited has established a mandatory reporting policy which requires all members of the CP Unlimited community to report any suspected violations of the Corporate Compliance Program, including the Standards of Conduct, and appropriate laws, rules, regulations, policies and procedures.

Each employee has a responsibility for reporting any activity by a member of the CP Unlimited community that appears to violate applicable laws, rules, regulations, professional standards or CP Unlimited's Corporate Compliance Program. CP Unlimited encourages employees to report behaviors or actions they believe should be reported. The effectiveness of the Corporate Compliance Program depends on the participation of all employees, at all levels, to bring forth in good faith, any corporate compliance concerns.

Reports can be made in writing (including e-mail), by telephone (to an individual or the Business Integrity Hotline), or in person without fear of reprisal to any of the following persons: the President/CEO, any Executive Vice President or Vice President, the Chief Compliance Officer, a member of the Corporate Compliance Committee, the Chief Legal Officer, a Department Director or appropriate Supervisor, the Director of Human Resources, the Director of Volunteers, or any member of the Board of Directors.

To this end, a "Business Integrity Hotline" has been established through the agency's voice mail system to provide for anonymous, confidential reporting by any member of the CP Unlimited community. The "Business Integrity Hotline" phone number is 929-777-3714. All reports made to the "Business Integrity Hotline" will be thoroughly investigated by the Chief Compliance Officer, or referred to an appropriate department director/supervisor, if necessary, for an investigation. All corporate compliance reports, investigations and recommendations will be documented by the Chief Compliance Officer and filed in the compliance department for review.

The Vice President of Human Resources, the Chief Compliance Officer and the Vice President for Quality Management/Community Support Services will oversee CP Unlimited's efforts to ensure that reports of suspected violations of the Corporate Compliance Program do not result in reprisal or retaliation, and that confidentiality will be protected within the limits of the law.

## **Policy and Procedure**

**Department:** Corporate Compliance

**Policy:** Duty to Report

**Applicability:** All Employees, Board Members and Contractors

**Effective Date:** December 20, 2023

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### **PURPOSE**

CP Unlimited is committed to complying with all Federal and State laws, regulations, and standards that apply to its operations. The purpose of this Policy is to support CP Unlimited's legal compliance culture by establishing effective lines of communication for reporting actual or suspected matters of non-compliance.

### **POLICY**

Any person who is aware of, or suspects that, fraud, waste, abuse, or other improper or unethical conduct, violations of law, regulations, administrative guidance, or CP Unlimited's Compliance Program, policies and procedures, and Standards of Conduct (a "Compliance Issue") has been committed by CP Unlimited and/or an employee, Board member, or contractor is obligated to report the Compliance Issue to the Chief Compliance Officer, any member of CP Unlimited's Compliance Committee, CP Unlimited's Compliance Hotline, or, in the case of an employee, the employee's supervisor or any supervisor.

Anyone who files a complaint concerning a Compliance Issue must be acting in good faith and must have reasonable grounds for believing the information disclosed constitutes a Compliance Issue (a "Protected Disclosure"). Any person who knowingly, or with reckless disregard for the truth, gives false information or knowingly makes a false report of a Compliance Issue, or a subsequent false report of retaliation, will be subject to disciplinary action up to and including termination of their relationship with CP Unlimited. Allegations made in good faith that are not substantiated are not subject to corrective action.

No person (including Medicaid Program beneficiaries who receive services from CP Unlimited) who makes a Protected Disclosure will suffer intimidation, retaliation, or adverse employment consequences. Any person who retaliates against or intimidates any individual who makes a Protected Disclosure is subject to discipline up to and including termination. CP Unlimited's ***Non-Retaliation and Non-Intimidation Policy*** is intended to encourage and enable Medicaid Program beneficiaries, employees, Board members, and contractors to participate in good faith in the Compliance Program and to raise concerns within CP Unlimited prior to seeking resolution outside of the organization.

Protected Disclosures may be made on a confidential basis and anonymous Protected Disclosures may be submitted through CP Unlimited's Compliance Hotline (by telephone, online, email, or fax) or by mailing an anonymous letter to the Chief Compliance Officer. CP Unlimited will keep all Protected Disclosures confidential, whether requested or not, to the greatest extent possible. Protected Disclosures and investigatory records will be kept confidential unless the matter is subject to a disciplinary proceeding, referred to or under investigation by the New York State Attorney General's Medicaid Fraud Control Unit ("MFCU"), the New York State Office of the Medicaid Inspector General ("OMIG"), or law enforcement, or the disclosure is required during a legal proceeding.

## **PROCEDURE**

### **1. Duty to Report.**

When an employee, Board member, or contractor during the course of their employment or role first becomes aware of a Compliance Issue impacting CP Unlimited, the individual must report the information directly to any of the following:

- a. CP Unlimited's Compliance Hotline (anonymously or otherwise), by telephone @ 929-777-3714
- b. US mail @ Constructive Partnerships Unlimited, 40 Rector Street, 15<sup>th</sup> Floor, New York, N.Y 10006, Attn. Chief Executive Officer, or Chief Human Resources Officer
- c. The Chief Compliance Officer by telephone @ 929-412-1550, email @ [egribbin@cpofnys.org](mailto:egribbin@cpofnys.org) or fax @ 646-737-0965
- d. The Chief Compliance Officer by US mail to Attn: Chief Compliance Officer, Ellen Gribbin (anonymously or otherwise), Constructive Partnerships Unlimited, 40 Rector Street, 15<sup>th</sup> Floor, New York, N.Y 10006
- e. A Compliance Committee member; or
- f. To a supervisor or CP Unlimited's Chief Executive Officer

Any employees, Board members, or contractors who are aware of or suspect a Compliance Issue, and who do not fully disclose it in one (1) or more of the above-listed ways, may be subject to the same disciplinary action as those who are involved in the Compliance Issue. *See also **Disciplinary Policy**.*

### **2. Investigation of Reports.**

If the reporter identifies themselves, the reporter will be contacted to acknowledge receipt of the Compliance Issue within three (3) working days for most issues and within twenty-four (24) hours for Compliance Issues that involve alleged environmental violations. All reports will be promptly and thoroughly investigated. Appropriate corrective action will be taken if warranted by the investigation.

### **3. Chief Compliance Officer Responsibility.**

The Chief Compliance Officer will be responsible for initiating any further investigation of a reported Compliance Issue. Reports will be kept confidential, whether or not confidentiality is requested or the report is made anonymously, unless the matter is subject to a disciplinary proceeding, referred to or

under investigation by MFCU, OMIG, or law enforcement, or the disclosure is required during a legal proceeding. Reporters, including Medicaid Program beneficiaries who receive services from CP Unlimited, will be protected under CP Unlimited's ***Non-Retaliation and Non-Intimidation Policy***.

4. Communication.

CP Unlimited maintains effective lines of communication, ensuring confidentiality, for the reporting of Compliance Issues by CP Unlimited's employees, contractors, managers, service recipients that are Medicaid Program beneficiaries, Board members, Chief Compliance Officer, and members of the Compliance Committee. CP Unlimited maintains a method for anonymously reporting Compliance Issues directly to its Chief Compliance Officer.

5. Prohibition Against Intimidation or Retaliation.

CP Unlimited forbids any form of intimidation or retaliation against any individual, including service recipients who are Medicaid Program beneficiaries, for reporting a Protected Disclosure in good faith. Employees, Board members, and contractors must immediately report any perceived retaliation and/or intimidation to the Chief Compliance Officer. *See also ***Non-Retaliation and Non-Intimidation Policy***.*

6. Publication of Lines of Communication.

CP Unlimited publicizes its lines of communication to the Chief Compliance Officer and ensures that these lines of communication are available to all service recipients who are Medicaid Program beneficiaries, employees, Board members, and contractors. CP Unlimited makes information regarding its Compliance Program and Standards of Conduct, including its lines of communication for reporting Compliance Issues, available on its website.

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## **Element 5:**

### **Procedures for Audits of Operations and Business Transactions, to Monitor Compliance, Identify Problem Areas, and Assist in the Reduction of Identified Problems.**

CP Unlimited has instituted Business Quality Assurance and Corporate Compliance audit plans under the oversight of the Corporate Compliance Committee and Audit, Compliance and Risk Committee. Pursuant to these plans, a sample of business records will be periodically reviewed to assess compliance with applicable laws, regulations, rules policies and procedures. The Corporate Compliance Committee and the Audit, Compliance and Risk Committee, when appropriate, will review the results of these audits and take necessary action, including additional audits, training and / or disciplinary actions.

The Chief Compliance Officer and Corporate Compliance Committee members will conduct routine risk assessments designed to identify potential liabilities for the organization. The risk assessment will take into consideration the annual work plan from the Office of the Medicaid Inspector General and the NYS Office of the Medicaid Inspector General; external audit results conducted by regulatory agencies; and internal audits conducted by both the compliance department and the quality assurance department. The risk assessment process has provided a significant building block to CP Unlimited's Corporate Compliance Program. Results from the risk assessment process will also establish the Chief Compliance Officer's work plan for the upcoming year. Both the risk assessment and the Chief Compliance Officer's work plan will be reviewed and approved by both the Corporate Compliance Committee and the Board of Directors.

All internal audit results and recommendations will be documented and disseminated to the Corporate Compliance Committee and the department administrators. All reports will require a written plan of corrective action addressing the corporate compliance concerns and recommendations. All audit reports and plans of corrective action will be filed in the compliance department for review.

Auditing and compliance efforts will assess compliance with:

1. Federal and state health care statutes, regulations and program requirements, as well as private payer rules, with special attention paid to the risk areas identified by the Corporate Compliance Committee.
2. The process elements of CP Unlimited's Corporate Compliance Program, including dissemination of the Corporate Compliance Program, training efforts, and adequacy of investigations and resulting actions.

In addition to reviewing billing records to assess compliance, the Corporate Compliance Committee may direct assessment of compliance with other aspects of the Corporate Compliance Program. Such auditing may consist of a variety of actions, including but not limited to:

1. On site visits;
2. Tests administered to the billing and claims reimbursement staff on knowledge of program requirements and claims and billing criteria;
3. Unannounced surveys;
4. Review of compliance logs and investigative files;
5. Review of contractual relationships with contractors, consultants and potential referral sources;
6. Personnel records to assess compliance with Corporate Compliance Program requirements;
7. Trend analysis or other longitudinal studies to detect deviations over a specific period; and
8. Review of past surveys to detect patterns of deficiencies or to determine if proposed plans of action to correct past deficiencies have been implemented.



## **Policy and Procedure**

**Department:** Corporate Compliance

**Policy:** Auditing and Monitoring

**Applicability:** All Employees, Board Members, and Contractors

**Effective Date:** December 20, 2023

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### **PURPOSE**

The purpose of this Policy is to establish and implement an effective system for routine auditing and monitoring and identification of compliance risks at CP Unlimited.

### **POLICY**

The Chief Compliance Officer will, in conjunction with the Compliance Committee, ensure that CP Unlimited conducts internal compliance auditing and monitoring and, as appropriate, external audits, to evaluate CP Unlimited's compliance with Medicaid Program requirements and the overall effectiveness of its Compliance Program. The Chief Compliance Officer, in conjunction with the Compliance Committee, will also ensure that CP Unlimited conducts internal compliance auditing and monitoring, and, as appropriate, external audits, to identify compliance risks at an early stage before they develop into significant legal problems. CP Unlimited's Compliance Program will be reviewed on at least an annual basis to ensure that the Medicaid Program requirements, as well as any other applicable requirements set out in State and Federal laws, rules, and regulations, have been met.

### **PROCEDURE**

#### **1. Oversight of Auditing Process.**

The Chief Compliance Officer, or an appropriate designee, will be responsible for overseeing CP Unlimited's auditing and monitoring activities. The Chief Compliance Officer is authorized to delegate auditing duties to other personnel of CP Unlimited, as well as outside attorneys, accountants, and vendors as necessary and appropriate.

#### **2. Identification of Risk Areas.**

Internal and external compliance audits will focus on CP Unlimited's Compliance Risk Areas. CP Unlimited's Compliance Risk Areas will be identified by the Chief Compliance Officer and Compliance



Committee by reviewing the:

- a. Results of all internal or external audits, including audits or surveys performed by Federal and State government agencies, payors, and credentialing bodies;
- b. Annual work plans and other resources from OMIG, the U.S. Department of Health and Human Services Office of the Inspector General ("HHS-OIG"), and other regulatory agencies; and
- c. Reviewing risk areas raised by compliance complaints filed or identified by CP Unlimited's employees, Board, and/or contractors.

The Chief Compliance Officer and their designee(s) will select audit subjects based on the level of risk associated with the subject, any prior history of violations, the length of time that has passed since the most recent audit of the same subject, and the cost and time to perform the audit. The Chief Compliance Officer, or an appropriate designee, will ensure that any internal audits mandated by law or contract are carried out on a schedule consistent with such requirements.

### 3. Audit Plan.

The Chief Compliance Officer and their designee(s) will develop a schedule for audits for the upcoming year. The schedule will be subject to the approval of the Compliance Committee. The subject of each audit, the audit methodology, the time period during which the audit will be carried out, and the employees or contractors to be used to perform the audit will be determined prior to audits. The Chief Compliance Officer is responsible for coordinating the implementation of the audit plan and will use best efforts to minimize any disruption of CP Unlimited's business activities caused by audits.

### 4. Audit Procedures.

The Chief Compliance Officer, in conjunction with their designee(s) and any appropriate supervisors, will determine the audit tools and procedures for carrying out the audits. Audits will be performed by internal or external auditors who have expertise in State and Federal Medicaid Program requirements and applicable laws, rules, and regulations, or who have expertise in the subject area of the audit. The Chief Compliance Officer may contract with outside companies to perform certain auditing functions. The Chief Compliance Officer, or an appropriate designee, will oversee the services provided by any outside vendors.

If the Chief Compliance Officer determines it is in the best interests of CP Unlimited to keep the contents and/or findings of an audit confidential, the Chief Compliance Officer will arrange for Chief Legal Officer to conduct and/or supervise the audit under the attorney-client and/or attorney work product privileges.

All employees, Board members, and contractors are required to participate in, and cooperate with, internal and external audits, as requested by the Chief Compliance Officer, or an appropriate designee. This includes assisting in the production of documents, explaining program operations or rules to auditors, and implementing any corrective action plans.

5. Written Report and Corrective Action.

Upon completion of an audit, the Chief Compliance Officer will arrange for the preparation of a written audit report. The report will set forth the subject of the audit, audit methodology, audit findings, and any recommended corrective action. The report or a summary thereof will be provided to the Compliance Committee, Chief Executive Officer, Board, and any appropriate supervisors.

The Chief Compliance Officer will work with the relevant program supervisors to ensure that all recommended corrective actions are taken and will require the program supervisor to report to the Chief Compliance Officer when implementation is complete.

Any overpayments and/or fraud and abuse discovered through an audit, including the potential for self-disclosure to the appropriate State and/or Federal health care program and/or agency, will be handled in accordance with CP Unlimited's **Compliance Investigations Policy** and other relevant policies. All audit reports will be maintained by CP Unlimited for ten (10) years.

6. Annual Compliance Program Review.

CP Unlimited's Compliance Program will be reviewed at least annually to ensure that the Medicaid Program requirements, as well as the requirements set out in State and Federal laws, rules, and regulations, have been met. The purpose of this review will be to determine the effectiveness of CP Unlimited's Compliance Program, as well as whether any revision or corrective action is required. Additionally, the annual Compliance Program review will determine whether:

- a. The Compliance Program and Standards of Conduct have been implemented;
- b. Employees, Board members, and contractors are following the policies, procedures, and Standards of Conduct;
- c. The policies, procedures, and Standards of Conduct are effective;
- d. Any updates are required;
- e. The Chief Compliance Officer is allocated sufficient staff and resources to satisfactorily perform their responsibilities for the day-to-day operation of the Compliance Program; and
- f. The Chief Compliance Officer was able to satisfactorily perform their responsibilities for the day-to-day operation of the Compliance Program, including whether the Chief Compliance Officer's other duties hindered the Chief Compliance Officer in carrying out their primary responsibilities, if applicable.

The annual Compliance Program review may be carried out by CP Unlimited's Chief Compliance Officer, Compliance Committee, the Board's Audit, Compliance and Risk Committee, external auditors, or other individuals who have the necessary knowledge and expertise to evaluate the effectiveness of the Compliance Program components that they are reviewing and are independent from the functions being reviewed. The annual review may include:

- a. On-site visits;
- b. Interviews with employees, Board members, and contractors;
- c. Review of records, internal audit reports; surveys and investigations;
- d. Any other comparable method CP Unlimited deems appropriate, so long as the method does not compromise the independence or integrity of the review.

The results of the annual review, corrective actions implemented, if necessary, and the Committee and Board approvals will be documented. The results of the review will be shared with CP Unlimited's Chief Executive Officer, senior management, Compliance Committee, and Board.

## **Element 6:**

### **Enforcement of the Corporate Compliance Program, Including Identification of Violations of Standards, Policies, Procedures, Notification and Disciplinary Actions**

Whenever non-compliance is identified by the Corporate Compliance Committee, corrective action will be taken in the form of an investigation.

The Corporate Compliance Committee will establish guidelines and procedures for investigation of complaints and will oversee investigations of alleged violations of the program.

Upon verification that a violation involving an employee has occurred, the Corporate Compliance Committee will recommend findings and conclusions to the Chief Human Resources Officer, to be taken into consideration in determining a remedy for such violation, including appropriate discipline or other action.

All members of the CP Unlimited community are expected to adhere to the Standards of Conduct and Compliance Guidelines, in addition to all other policies, procedures and standards issued by CP Unlimited, as well as all applicable laws, regulations, and rules. An employee who violates any work rule, or standard of performance outlined in the Corporate Compliance Program or otherwise issued by CP Unlimited, or who fails to satisfactorily perform his/her job, is subject to discipline, up to and including discharge.

Relative to employees, CP Unlimited may impose progressive discipline, including a verbal and written warning, corrective action plan, demotion, suspension, and termination. However, CP Unlimited reserves the right to determine in its sole discretion and judgment, the nature and level of discipline, if any, depending on the circumstances. This policy is not a guarantee of progressive discipline, and CP Unlimited reserves the right to terminate an employee at any time, for any lawful reason, with or without notice.

All employees will be treated fairly and consistently throughout the investigation and disciplinary process.

**In addition to the general rules and regulations established by CP Unlimited for employees, the following “zero tolerance policy” applies with respect to the Corporate Compliance Program:**

1. Signing or submitting a report for a service not rendered is fraud and will result in immediate administrative response.

2. Falsifying, or altering or destroying agency records without authorization will result in immediate administrative response.
3. Omitting required documentation, including signature, failing to complete treatment records or other agency paperwork will result in immediate administrative response.
4. It is the manager's responsibility to ensure that employees and contractors complete paperwork in accordance with agency policies, and that excessive errors or omissions in paperwork by supervised employees or contractors may subject the manager to appropriate administrative response.
5. Misapplication of agency or consumer funds will result in immediate administrative response.

This policy amends the general rules and regulations contained in the employee handbook and does not alter the at-will employment status of employees.

## **Policy and Procedure**

**Department:** Corporate Compliance

**Policy:** Discipline and Enforcement of Compliance Standards

**Applicability:** Employees, Board Members and Contractors

**Effective Date:** December 20, 2023

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### **PURPOSE**

The purpose of this Policy is to describe disciplinary standards for CP Unlimited, which are implemented and enforced to address potential violations and encourage good faith participation in CP Unlimited's Corporate Compliance Program.

### **POLICY**

CP Unlimited is committed to ensuring that State and Federal laws, rules, regulations, administrative guidance regarding fraud, waste, abuse, or other improper or unethical conduct, and its Compliance Program, policies, and Standards of Conduct (collectively, the "Compliance Standards") are adhered to by all employees, Board members, and contractors. It is CP Unlimited's policy to firmly, fairly, and consistently enforce the Compliance Standards by imposing appropriate disciplinary action against employees, Board members, and contractors for:

1. Engaging in, encouraging, directing, facilitating, or permitting fraud, waste, abuse, or improper or unethical conduct;
2. Failing to report actual or suspected fraud, waste, abuse, or improper or unethical conduct; or
3. Violating CP Unlimited's Compliance Program or a CP Unlimited policy designed to detect or prevent fraud, waste, abuse, or improper or unethical conduct.

### **PROCEDURE**

1. Discipline for Non-Compliance.

Employees, Board members, and contractors may violate CP Unlimited's Compliance Standards by:

- a. Engaging in, encouraging, directing, facilitating, or permitting fraud, waste, abuse, or improper or unethical conduct;

- b. Failing to report actual or suspected fraud, waste, abuse, or improper or unethical conduct; or
- c. Violating CP Unlimited's Compliance Program or a CP Unlimited policy designed to detect or prevent fraud, waste, abuse, or improper or unethical conduct.

## 2. Discipline for Not Reporting.

Employees, Board members, or contractors who fail to detect or report actual or suspected Compliance Issues may be subject to discipline or sanctions.

## 3. Disciplinary Actions and Sanctions.

CP Unlimited seeks to discipline and/or sanction individuals or entities in a fair, consistent, and appropriate manner, and will utilize the same disciplinary standards when enforcing violations of its Compliance Standards with all levels of personnel.

The Chief Compliance Officer will promptly notify the Chief Human Resources Officer of any employee conduct involving a Compliance Issue that may warrant discipline. The Chief Human Resources Officer and Chief Compliance Officer will be responsible for determining the appropriate discipline for employees, in accordance with CP Unlimited's standard employment policies. Discipline-related decisions made by the Chief Human Resources Officer and the Chief Compliance Officer will be made in consultation with the appropriate supervisor, the Chief Legal Officer, Chief Operating Officer, and the Chief Executive Officer.

The degree of disciplinary action or sanction taken by CP Unlimited will be dependent on the applicable facts and circumstances. However, intentional and reckless behavior will be subject to more significant disciplinary actions and sanctions. For more information on disciplinary actions and sanctions, please see CP Unlimited's ***Employee Handbook***. Disciplinary actions include, but are not limited to the following:

- a. Compliance with other training(s);
- b. Warnings (verbal or written);
- c. Reprimand (written), that describes the unacceptable conduct or performance and specifies necessary improvements;
- d. Probation;
- e. Demotion;
- f. Job reassignment;
- g. Immediate suspension (with or without pay), including, but not limited to, those cases where the conduct poses an immediate threat to individuals served by CP Unlimited or to CP Unlimited's operations, and/or property;
- h. Termination of contractor agreement (provided such termination is consistent with the terms of the relevant agreement);
- i. Removal from the Board in accordance with the terms of CP Unlimited's Bylaws and policies, as well as applicable laws and regulations;

- j. Reporting and refunding overpayments to government agencies; and/or
- k. Restitution.

Board member sanctions shall range from written admonition to, in the most extreme of cases, removal as a Board member in accordance with CP Unlimited's Bylaws and policies, as well as applicable laws and regulations. The Chief Legal Officer and/or the Chief Compliance Officer shall make a recommendation to the Board with respect to such sanctions.

Contractor sanctions shall range from written admonition, financial penalties (if applicable), and in the most extreme of cases, termination of the contractor's relationship with CP Unlimited, if feasible. The Chief Legal Officer and/or the Chief Compliance Officer shall make a recommendation to the Chief Executive Officer or Board with respect to such sanctions.

CP Unlimited will take mitigating or aggravating factors into account, as appropriate. When deciding upon the appropriate discipline, CP Unlimited will consider whether the individual or entity voluntarily reported the issue and/or fully cooperated in any investigation, and any other mitigating and/or aggravating circumstances. However, CP Unlimited retains the discretion to select the appropriate disciplinary action and sequence of action (if any) from these options, or others.

All disciplinary actions and sanctions are documented in the personnel or contractor file, and in CP Unlimited's compliance files. Additionally, all disciplinary actions and sanctions will conform with any collective bargaining agreements, when applicable. Any sanctions related to employee non-compliant behavior or practices addressed under the Compliance Program will be carried out by the Chief Human Resources Officer, Chief Legal Officer and Chief Compliance Officer, in consultation with the appropriate supervisor, Chief Operating Officer, and Chief Executive Officer.

#### 5. Publication of Disciplinary Mechanisms.

The Chief Human Resources Officer, Chief Legal Officer and Chief Compliance Officer are responsible for publishing and disseminating the consequences of violating CP Unlimited's Compliance Standards to all employees, contractors, and Board members on a regular basis. Methods of publication and dissemination may include, but are not limited to:

- a. Email notifications;
- b. Meetings with employees, Board members, and contractors;
- c. Implementing written policies and procedures; and
- d. Posting notices in CP Unlimited's common areas.

In publishing and disseminating CP Unlimited's position on the enforcement of its Compliance Standards, the Chief Human Resources Officer, Chief Legal Officer and Chief Compliance Officer will emphasize that all violations, including the failure to report the misconduct of others when required, will be viewed as a serious infraction, and that discipline up to and including termination of employment or a contractual relationship, may be imposed as a result of any finding or violation.

In addition to publishing and disseminating the consequences of violating CP Unlimited's Compliance Standards, the provisions of this Policy will be incorporated into CP Unlimited's Compliance Program training and education. *See also **Compliance Training Policy**.*



6. Role of Supervisors.

Supervisors may be subject to discipline for failure to detect violations of CP Unlimited's Compliance Standards that occur within their areas of responsibility. If a supervisor contributes to or perpetrates a violation of CP Unlimited's Compliance Standards, CP Unlimited will take appropriate disciplinary action that is commensurate with the seriousness of the violation at issue and will consider all the relevant circumstances (including mitigating and/or aggravating factors).

## **Element 7:**

### **Prompt and Appropriate Response to Identified Violations**

The Chief Compliance Officer will ensure that, where indications of violations of the Corporate Compliance Program exist, an internal investigation is conducted promptly, and necessary actions are taken if the investigation reveals violations.

The Chief Compliance Officer or designee will conduct investigations of all corporate compliance concerns received in writing, in person, anonymously or on the "Business Integrity Hotline". There may be times when the investigations are referred to other departments for several reasons. These reasons include but are not limited to: the complaint was not a corporate compliance concern but a supervisory, program or clinical related issue, Human Resources area of investigation, a need for a broader scope or internal or outside counsel. It is the responsibility of the Chief Compliance Officer to determine the need for legal consultation, and to communicate this need directly with the Corporate Compliance Committee.

Investigations will be completed in a timely and efficient manner, following an identified process. If improper or wrongful practice is identified following an investigation, a plan of corrective action will be required. The purpose of the corrective action plan will be to immediately correct improper practice. In addition, steps may be identified to implement changes in agency systems, if indicated.

The plan of corrective action report will be reviewed with the appropriate department director and supervisor. Plans must address the immediate corrective action taken, steps to prevent recurrence, future monitoring requirements, and disciplinary action if necessary.

If appropriate, plans for correcting overpayments and/or a plan for legal consultation must be included. All plans must have a timeline for implementation and follow up. The department director will be responsible for implementing the plan of corrective action. When this is complete, a written report is submitted to the Chief Compliance Officer. The Chief Compliance Officer will report all investigative findings, recommendations and plans of corrective action to the Corporate Compliance Committee.

If appropriate, the Chief Compliance Officer will develop an Action Plan to address any new policies and procedures or modifications to existing policies or procedures, to remedy the identified violation. The Corporate Compliance Committee will monitor implementation and adherence to the new or modified policies and procedures to ensure compliance.

The Corporate Compliance Committee will ensure that appropriate reporting of documented violations are made, including voluntary disclosure to governmental authorities, if appropriate.



## **Policy and Procedure**

**Department:** Corporate Compliance

**Policy:** Compliance Investigations

**Applicability:** All Employees, Board Members, and Contractors

**Effective Date:** December 20, 2023

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### **PURPOSE**

The purpose of this Policy is to establish and implement a system at CP Unlimited for promptly responding to Compliance Issues as they are raised, investigating potential Compliance Issues identified in the course of internal auditing and monitoring (including self-evaluations and audits), correcting such problems promptly and thoroughly to reduce the potential for recurrence, and ensuring ongoing compliance with CP Unlimited's Compliance Standards.

### **POLICY**

The Chief Compliance Officer, or an appropriate designee, shall have the primary responsibility of conducting and/or overseeing the investigation of, and independently acting on, matters related to CP Unlimited's Compliance Program, including reported Compliance Issues. This includes designing and coordinating internal investigations and documenting, reporting, coordinating, and pursuing any resulting corrective action with all CP Unlimited departments, contractors, agents, subcontractors, independent contractors, and New York State. The purpose of the investigation shall be to determine whether there is reasonable cause to believe an individual or entity may have knowingly or inadvertently participated in a Compliance Issue, to facilitate corrective action if appropriate, and to implement procedures necessary to ensure future compliance.

Employees, Board members, and contractors are required to fully cooperate in all audits and investigations subject to the individual's right against self-incrimination. Any employee who fails to provide such cooperation may be subject to termination of employment. Any Board member who fails to provide such cooperation will be subject to sanctions as set forth in CP Unlimited's Bylaws and policies, as well as applicable laws and regulations. Any contractor who fails to provide such cooperation may be subject to termination of contract or relationship, as appropriate.

After an investigation, CP Unlimited shall correct Compliance Issues promptly and thoroughly to reduce the potential for recurrence. The Chief Compliance Officer shall periodically report to the Compliance Committee and to the Board on the status of Compliance-related investigations.

## **PROCEDURE**

### **1. General Procedures.**

#### **a. Determination of Whether Investigation is Warranted.**

The Chief Compliance Officer, or an appropriate designee, shall have the primary responsibility of conducting and overseeing the investigation of both reported Compliance Issues and those Compliance Issues identified in the course of internal auditing and monitoring. **See *Auditing and Monitoring Policy*.**

The Chief Compliance Officer shall determine, in consultation with appropriate personnel and Chief Legal Officer, as necessary, whether a reported Compliance Issue warrants an investigation. If warranted, the Chief Compliance Officer will promptly coordinate the investigation and determine whether any outside advisors are needed.

#### **b. Use of Internal and External Resources.**

The Chief Compliance Officer may utilize CP Unlimited's employees (consistent with maintaining appropriate confidentiality) and outside advisors such as attorneys, accountants, auditors, or other consultants for assistance or advice.

#### **c. Attorney-Client Privileged Investigations.**

If the Chief Compliance Officer and/or senior management determines it is in the best interests of CP Unlimited to keep the information and documents obtained during the course of the investigation confidential under the attorney-client or attorney work product privileges, the Chief Compliance Officer and/or senior management shall arrange for Chief Legal Officer to conduct and/or supervise the investigation. Chief Legal Officer shall instruct CP Unlimited on how the investigation will be conducted to ensure that information provided and documents generated in the course of the investigation will be covered by the attorney-client and/or attorney work product privileges.

#### **d. Interviews and Document Review.**

The Chief Compliance Officer, or an appropriate designee, may conduct interviews with employees, Board members, contractors, and other individuals, may review any relevant document(s), and may undertake other processes and methods deemed necessary by the Chief Compliance Officer.

#### **e. Cooperation.**

Employees, Board members, and contractors are required to fully cooperate in all investigations, subject to an individual's right against self-incrimination. Employees, Board members, and contractors are strictly prohibited from destroying, modifying, or otherwise making inaccessible any documents or electronic information that they know are the subject of a pending investigation. Employees, Board members, and contractors are also barred from directing or encouraging another person to take such action.

f. Documentation.

Compliance investigations will be recorded into a confidential database by the Chief Compliance Officer for reporting and tracking purposes. The record of the compliance investigation will include any alleged violations, a description of the investigative process, and copies of any interview notes and other documents essential for demonstrating that a thorough investigation on the issue was conducted. All investigations will conclude with a written report of findings and recommendations for corrective action to correct the problem and prevent future recurrence.

g. Corrective Action.

The Chief Compliance Officer, or an appropriate designee, is responsible for drafting, reviewing, and approving corrective action plans. Although the Chief Compliance Officer will independently act on corrective actions, the Chief Compliance Officer may seek input from the Chief Executive Officer and/or the appropriate supervisor, as appropriate. However, if the subject of the corrective action plan is the Chief Executive Officer and the Chief Executive Officer is not promptly acting upon such a recommendation or acting in the best interests of CP Unlimited, the Chief Compliance Officer shall recommend and seek approval of the corrective action plan from the Board. Corrective action may include, but is not limited to, any of the following steps:

- i. Modifying CP Unlimited's existing policies, procedures, or business practices;
- ii. Providing additional training or other guidance to employees, contractors, or Board members;
- iii. Seeking interpretive guidance of applicable laws and regulations from government agencies and/or Chief Legal Officer;
- iv. Disciplining employees, terminating contractors, and sanctioning Board members as described more fully in CP Unlimited's ***Disciplinary Policy***;
- v. Promptly notifying government agencies of improper conduct by employees, contractors, Board members, or others; and/or
- vi. Reporting and returning overpayments or other funds to which CP Unlimited is not entitled to the appropriate government entity or payor, including through OMIG's voluntary self-disclosure program, if applicable.

2. Possible Criminal Activity.

In the event the investigation indicates possible criminal activity on the part of an employee, Board member, or contractor, the following action will be taken:

- a. The Chief Compliance Officer shall contact outside Chief Legal Officer promptly to assist with the investigation.
- b. An investigation should be conducted promptly by outside Chief Legal Officer so as to ensure that any determination and quantification of overpayments can be made such that CP Unlimited can repay government payors within sixty (60) days of any such determination and quantification of an overpayment.
- c. Billing of potentially improper claims should be suspended until an investigation has been completed and, if necessary, remedial action has been taken.

- d. If appropriate, individuals may be suspended from or removed from any position with oversight of, or impact upon, the relevant operational area or responsibility that is the subject of the investigation.
- e. CP Unlimited, in consultation with Chief Legal Officer, will determine whether the findings of the investigation results in credible evidence or a credible belief that a State or Federal law, rule, or regulation has been violated. If CP Unlimited identifies credible evidence or credibly believes that a violation of a State or Federal law, rule, or regulation has occurred, CP Unlimited will promptly report the violation to the appropriate government entity.

### **3. Non-Compliant Billing Issues.**

In the event that the investigation reveals a non-compliant billing issue, such as the use of an improper code, the following action will be taken: If an overpayment has been made by Medicaid, Medicare, and/or any other State or Federal health care program because of CP Unlimited's error, mistake, or otherwise inappropriate claims submission:

- a. The defective practice or procedure will be corrected as quickly as possible;
- b. Overpayments will be identified, quantified, reported, and repaid no later than sixty (60) days of from the date that the overpayments were quantified; and
- c. A program of education and/or a corrective action plan will be undertaken with appropriate individuals and entities to prevent similar problems in the future.

### **4. Documentation by Chief Compliance Officer.**

The Chief Compliance Officer shall record compliance investigations into a confidential database for reporting and tracking purposes. The record of the compliance investigation will include any alleged violations, a description of the investigative process, and copies of any interview notes and other documents essential for demonstrating that a thorough investigation on the issue was conducted. Any disciplinary action taken and/or corrective action implemented will also be documented. The Chief Compliance Officer will also receive and retain copies of any reports submitted to governmental entities.

All investigations will conclude with a written report of findings and recommendations for corrective action to correct the problem and prevent future recurrence. The written report may be prepared by the Chief Compliance Officer, an appropriate designee, and/or Chief Legal Officer, and may be subject to the attorney-client and attorney work product privileges.

The Chief Compliance Officer and/or Chief Legal Officer shall present the written report or a summary thereof to the Compliance Committee and Chief Executive Officer except when the Chief Executive Officer is the subject of the investigation. The written report and final resolution to the investigation shall be entered into the confidential database. Electronic and hard copy documentation of the complaint, investigation, and final resolution shall be retained for ten (10) years.