

Recovery Technology Corporate Compliance Plan 2018

Introduction:

Recovery Technology has established this Corporate Compliance Plan tailored to the agency's principle lines of business. Recovery Technology is dedicated to managing and operating its programs in keeping with the highest of business, ethical and moral principles. Each employee, contract worker, agent, consultant and volunteer contributes to achieving these principals by conducting business activities on behalf of the agency with integrity and high ethical standards. Leadership personnel, supervisors and managers also contribute to achieving these principles by exercising prudent leadership and being a good example in creating and promoting a workplace environment in which compliance and ethical business conduct are expected.

Recovery Technology has adopted the following definition of Corporate Compliance: A Corporate Compliance Plan details the system which is designed to detect and prevent violations of law, as well as the likelihood of unethical activity by officers and directors, employees, contract workers, agents, consultants and volunteers.

Recovery Technology will transact its business in compliance with the laws of the jurisdiction in which it does business, including local, state and federal jurisdictions. Recovery Technology will conduct business in compliance with all IRS regulations. Instances where questions arise concerning interpretation or applications of laws and regulations should be referred to the Chief Executive Officer or the Corporate Compliance Officer. Applicable laws include, but are not limited to, anti-kickback statutes, labor laws, tax code and regulations, anti-trust laws, copyright laws, false claims laws, consumer rights laws and environmental laws.

Corporate Compliance Goals: The goals of the Corporate Compliance Program are:

1. Ensure that Recovery Technology complies with all federal and state statutes.
2. Ensure claims for services rendered are submitted accurately and timely.
3. Ensure agency practices protect against fraud, abuse and waste.
4. Ensure corporate leadership maintain up-to-date knowledge of law and standards applicable to Recovery Technology's scope of practice.
5. Ensure corporate leadership maintain up-to-date knowledge of corporate performance under this plan.
6. Ensure that services provided to Recovery Technology consumers are reasonable and necessary.
7. Ensure that documentation of services provided to Recovery Technology's consumers is timely, accurate, and complete.
8. Guard against employees and contract workers providing or accepting improper inducements, kickbacks, and/or self-referrals.
9. Guard against employees and contract workers behaving in an unethical manner.

Definitions:

Covered Individual: Except as otherwise provided in this plan, the term "covered individual" refers to all Recovery Technology employees and all of its contractors and individuals with responsibilities

pertaining to the ordering, provision, marketing, documentation, coding or billing of services payable by a federal, state or regional program from which Recovery Technology seeks reimbursement.

Corporate Compliance Plan: Procedural framework established to provide assurances that Recovery Technology is in compliance with all billing, collection and medical records and other documentation requirements of all federal and state programs through which Recovery Technology does business. The plan provides avenues for errors/problems in the system to be appropriately and timely identified and corrected.

Corporate Compliance Officer: Senior leadership member hired or contracted by the CEO to implement and monitor the Corporate Compliance Plan. The Corporate Compliance Officer (CCO) has necessary access to legal counsel and CEO in order to enforce the requirements of the plan.

Risk Management Committee: Acts as the Corporate Compliance Committee. Made up of senior staff members of the agency (and others, as appointed by the CEO) with the responsibility to review risk management and other compliance issues and activities.

Abuse: Payment for items or services when there is no legal entitlement to that payment and the provider has not knowingly and/or intentionally misrepresented facts to obtain payment.

Fraud: Knowingly and willfully executing or attempting to execute a scheme or artifice to defraud any federal or state program, or obtain by means of false or fraudulent pretenses, representations of promises any of the money or property owned by, or under custody or control of any federal or state program.

Written Standards:

1. Code of ethics: All person performing work functions for Recovery Technology, regardless of their relationship to the agency (employee, associate or contract worker) must adhere to the following ethical standards and rules of work. These standards are approved by the Leadership team and reviewed at least annually, and revised as necessary.
 - A. Drug Free Workplace: employees/associates/contract workers are required to report to work in an appropriate physical and mental condition to perform their job function in a satisfactory manner.
 - a. The possession and/or use of alcohol and/or illicit drugs while performing job functions is prohibited.
 - b. The use of licit drugs that may alter an employee's/associate's/contract worker's ability to perform job functions is prohibited (see policy "Drug Free Workplace).
 - B. All employees, associates and contract workers must treat consumers and co-workers with dignity and respect the rights of others; regardless of age, ethnicity, gender, sexual orientation, color, religion, national origin, veteran status, disability or any other status protected by state, federal or local law.
 - C. All employees, associates and contract workers must avoid engaging in dual/exploitative relationships with consumers, such as:

- a. Providing service to relatives and/or friends
- b. Engaging in sexual intimacy
- c. Borrowing money
- D. Employees, associates and contract workers must not exploit the vulnerability of a consumer, including befriending, lending money, accepting money or other gifts, providing gifts or engage in personal social activities with current Recovery Technology consumers. Employees, associates and contract workers are advised to refrain from such relationships with former consumers prior to 1 year post-discharge and are discouraged thereafter.
- E. Under no circumstances may an employee, associate or contact worker use the power and influence inherent in his or her position to take advantage of a consumer for the profit or advantage of the employee, associate or contract worker.
- F. All employees, associates and contract workers must comply with current state and federal mental health and/or substance abuse treatment laws, regulations, confidentiality policies and Recovery Technology policies and procedures. Employees, associates, and contract workers must respect the confidentiality of information as defined in federal and state law and Recovery Technology's policies "Confidential Electronic Information" and "Consumers' Right to Confidentiality. Employees, associates and contract workers must not access confidential information of relatives, friends, acquaintances, etc.
- G. Employees must maintain professional working relationships.
- H. Employees, associates and contract workers must accurately represent their competence, education, training and experience.
- I. Professional employees, associates and contract workers must adhere to the ethical guidelines as promulgated by the professional association related to their specific licensure and/or scope of practice.
- J. Employees must make continuous effort to improve their professional skills by:
 - a. Submitting to supervision, review and evaluation
 - b. Being guided by the findings of supervision, review and evaluation
 - c. Participating in in-service/training opportunities offered by Recovery Technology
 - d. Seeking and obtaining (at their own expense, is necessary) continuing education at the pace proscribed by their licensure/scope of duty.
 - e. Seeking consultation/supervision when their skill level of personal objectivity is questionable or their scope of practice is exceeded.
- K. Supervisory staff must not ask staff to carry out responsibilities outside those they are trained or licensed to perform.
- L. Employees/contract workers with responsibility to develop and/or present Recovery Technology marketing materials must accurately represent the agency's scope of services, performance, organizational structure and competencies, as well as descriptive information regarding the agency.
- M. Employees, associates and contract workers must maintain cultural competency in the area of diverse ethnic groups and cultural groups as required by Recovery Technology's policy entitled "Cultural Diversity."

- N. Employees, associates and contract workers must maintain professional conduct during work hours or while performing job functions for Recovery Technology, including:
 - a. Thorough, accurate and timely documentation of services performed
 - b. Accurate and timely documentation of the duration of services performed
 - c. Honest representation in the witnessing of document execution (witness signature indicates that the witness actually viewed the signature of the primary signer).
 - d. Maintain an environment that protects the health and safety of consumers and co-workers.
 - e. Refrain from any and all activities that could alter one's state of consciousness, including, but not limited to
 - i. Drinking alcohol
 - ii. Taking illicit or licit drugs
 - iii. Sleeping
 - f. Refrain from engaging in practices that are inhumane, illegal or discriminatory
 - g. Refrain from performing therapy techniques or procedures which are considered experimental.
 - h. Protect the integrity of the clinical decisions made regarding consumer's treatment, independent of any financial compensation/risk.
- O. Employees, associates and contract workers are of good moral character.
- P. Employees, associates and contract workers must not use their Recovery Technology affiliation to recruit consumers for a private practice or for church or political party membership.
- Q. Employees must present themselves ready for work at the time designated and work throughout their assigned shift unless otherwise pre-arranged with the employee's supervisor.
- R. Employees, associates and contract workers must fully inform consumers as to the purpose, nature, scope and progress of treatment, seeking the consumer's full participation in the process.
- S. Employees, associates and contract workers must complete work functions in good faith, understanding that they are representative of Recovery Technology as an organization.
 - a. Employees/contract workers with responsibilities for executing contracts or other business arrangements must do so in good faith, honestly and accurately representing what the agency will and will not do during the course of the contract.
 - b. Employees/contract workers with responsibilities for executing contract will not promise additional services or make verbal promises outside of the parameters of the contract. The written contract must always describe the complete and accurate understanding between the two parties.
- T. When a consumer's condition indicates a clear and imminent danger to the consumer or others, the employee, associate, or contract worker must take reasonable action to notify authorities.
- U. Employees with Human Resources responsibilities must perform all duties in compliance with written policies and standards, including:

- a. Refraining from any form of discrimination in hiring, performance appraisal, disciplinary action and competency/licensure checks
 - b. Honoring and encouraging diversity within the agency's workforce,
 - c. Maintaining employees' confidentiality
 - d. Ensuring a competent workforce
- V. Acceptance of a contract or employment with Recovery Technology implies that the employee/associate/contract worker is in agreement with the general policies, ethical standards and work rules established by Recovery Technology's Leadership.
 - a. This policy must be reviewed with new employees/contract workers at orientation training
 - b. This policy must be reviewed with all employees/contract workers at least annually.
- W. Any employee, associate or contract worker failing to fully comply with these ethical standards and work rules is subject to disciplinary/contract action up to and including termination.

2. Policies and Procedures that Address Compliance

- a. Corporate Compliance
- b. Welcoming
- c. Contract Monitoring
- d. Ethics and Work Rules
- e. Staff taking Consumers home
- f. Workplace violence
- g. Weapons and Drugs
- h. Reporting of Ethical Violations
- i. Corrective Action
- j. Discrimination and Harassment
- k. Drug free workplace
- l. Performance and appraisal
- m. Hiring practices
- n. Training
- o. Credentialing and Privileging
- p. Use of facilities
- q. Quality Records Review
- r. Financial controls
- s. Risk Management
- t. Personal Property
- u. Consent for Treatment
- v. Admission
- w. Individual Plan of service
- x. Person Centered Planning
- y. Forced Discharge
- z. Medication dispensing

- aa. Medical Record Maintenance
- bb. Clinical Supervision Record Review
- 3. Policies and Procedures that Address Privacy and security of Health Care Information
 - a. Company owned equipment
 - b. Information Technology Security
 - c. Data Back-up
 - d. Confidential Electronic Information
 - e. Consumer Recipient Rights
 - f. Duty to Warn
 - g. Staff taking consumers home
 - h. Grievance and appeals
 - i. Remediating Rights Violations
 - j. Consumer Confidentiality
 - k. Subpoenas
 - l. Natural Supports
 - m. Consent for Treatment
 - n. Medical Record Maintenance

Procedure:

Recovery Technology's Corporate Compliance Program utilizes the agency's Quality Improvement processes to address each of its seven components. Ongoing oversight of the Corporate Compliance program is completed by the Quality improvement team.

Program Components:

Designating a Corporate Compliance Officer: The Corporate Compliance officer is appointed by the CEO. Appointment of the Corporate Compliance Officer designation is not time limited and becomes a function of the designee's job functions. Duties of the Corporate Compliance officer include:

1. Overseeing and monitoring the implementation of the compliance program
2. Establishing methods, such as periodic audits, to improve the practice's efficiency and quality of services, and to reduce the practice's vulnerability to fraud and abuse
3. Periodically revising the compliance program in light of changes in the needs of the practice or changes in the law and in the standards and procedures of Government and private payer health plans
4. Developing, coordinating and participating in a training program that focuses on the components of the compliance program and seeks to ensure that training materials are appropriate
5. Ensuring that the HHS-OIG's List of Excluded Individuals and Entities, and the General Services Administration's (GSA's) List of Parties Debarred from Federal Program have been checked with respect to all employees, medical staff and independent contractors

6. Investigating any report or allegation concerning possible unethical or improper business practices, and monitoring subsequent corrective action and/or compliance

Conduct Internal Monitoring and Auditing: An ongoing evaluation process is important to the success of Recovery Technology's compliance program. Recovery Technology addresses this program component through the Quality Improvement Team. The purpose of this function is to have a routine method to evaluate whether the agency's departments and practitioners are accurately implementing Recovery Technology's policies and procedures and whether individuals are properly carrying out their responsibilities and claims are submitted appropriately. Routine internal monitoring and auditing assists the corporate compliance program to ascertain what, if any, problem areas exist and focus on the risk areas that are associated with those problems. The Quality Improvement Team routinely monitors the following areas and reports finding to the Leadership Team:

- a. Standards and procedure review: On an annual basis, the Quality Improvement Team facilitates the review of all agency policies by the Leadership Team. This review process is intended to ensure that agency standards and procedures are current and complete. If the standards and procedures are found to be ineffective or outdated, they are to be updated to reflect current practice, governmental regulations and/or best practice standards.
- b. Service Utilization and Billing Verification: services utilization and billing verification monitoring ensures that consumers are receiving treatment at a level consistent with their treatment plan and authorized level of care as well as that the agency is accurately billing for services delivered, ensuring that billing reflects the date, duration, and type (service code) of service delivered. Minimally, the billing verification process reviews for:
 1. Billing for services not rendered as claimed,
 2. Submitting claims for services that are not reasonable and necessary (based upon the consumer's diagnosis, treatment plan, and level of care)
 3. Double billing resulting in duplicate payment
 4. Knowing misuse of provider identification number, resulting in improper billing (e.g. using another person's provider identification number to bill for services rendered by an unapproved clinician).
 5. Unbundling (billing for each component of a service instead of billing or using an all-inclusive code)
 6. Failure to properly code services (including use of appropriate modifiers)
 7. Clustering (the practice of coding/charging one or two middle levels of service codes exclusively)
 8. Upcoding the level of service provided
- c. Monitoring and trending of "warning indicators." Warning indicators include:
 1. Significant changes in the number and/or type of claims submitted/services billed by service type
 2. Significant changes in the number and/or types of claims rejections and/or reductions
 3. Correspondence from the carriers and insurers challenging the medical necessity or validity of claims

4. Illogical patterns or unusual changes in the pattern of CPT-4, HCPCS, or ICD-9 code utilization
5. High volumes of unusual charge or payment adjustment transactions.

Implement Compliance and Practice Standards: Written Standards and procedures are a central component of any compliance program. Those standards and procedures help to reduce the prospect of erroneous claims and fraudulent activity by identifying risk areas for the agency and establishing tighter internal controls to counter those risks, while also helping to identify any aberrant billing practices. The Corporate Compliance Officer, with the assistance of the Leadership team provides routine oversight that ensures the implementation of practice standards in compliance with applicable laws. The Corporate Compliance Officers works with the Leadership team to ensure compliance practice standards are implemented across all agency departments. This component is primarily completed through ensuring:

1. Written policies and related standards are comprehensive and are appropriately compliant with legal and regulatory standards
2. Clinical forms are periodically reviewed and updated to facilitate and encourage clear and complete documentation of patient care.

Conducting Appropriate Training and Education: Recovery Technology ensures all staff receives corporate compliance training at least annually including distribution of the Corporate Compliance Plan. Upon receipt of the Corporate Compliance Plan all staff must sign an attestation, indicating:

1. The covered individual has received the plan, including the code of ethics
2. The covered individual has read the plan, including the code of ethics
3. The covered individual has had the opportunity to have their questions answered
4. The covered individual agrees to participate fully in the Corporate Compliance program and conduct themselves according to the code of ethics
5. The covered individual agrees to report any lack or potential lack of compliance with federal and state programs of which he or she is aware

The Corporate Compliance Training has two goals: 1)All employees will receive training on how to perform their jobs in compliance with the standards of the agency and any applicable regulations; and 2) Each employee will understand that compliance is a condition of continued employment. Recovery Technology Corporate Compliance Training Program includes the following components:

1. The operation and importance of the compliance program
2. Review of applicable laws, including the False Claims Act (as required by the Deficit Reduction Act) and the privacy standards included in the Health Insurance Portability and Accountability Act (HIPPA).
3. The consequences of violating the standards and procedures set forth in the program, including disciplinary guidelines
4. The role of each employee and contract worker in the operation of the compliance program

5. Coding and Billing Training: This training is completed by the Billing supervisor for all billing department personnel upon hire and at least annually thereafter. Coding and Billing Training minimally includes:
 - a. Coding requirements
 - b. Claim development and submission processes
 - c. Proper documentation of services rendered
 - d. Proper billing standards and procedures and submission of accurate bills for services rendered
 - e. The legal sanctions for submitting deliberately false or reckless billings.

Additionally, the Executive Director is responsible to ensure ongoing, routine training opportunities. When updates to the policy and procedure manual are necessary, those updates are to be communicated to employees to keep them informed regarding the agency's operational standards. This communication flows from the Quality Improvement Team to departmental leaders to employees and contract workers within their departments. It is incumbent upon the Quality Improvement Team members to ensure all departmental leaders within their scope of authority are educated on policy and procedure changes. Corporate Compliance training occurs at new employee orientation and at least annually thereafter. In addition, the Corporate Compliance Officer may elect to augment the orientation and annual training schedule with additional training opportunities that are site of issue specific. These additional opportunities are developed based upon trends noted and time-specific issues.

Responding Appropriately to Detected Offenses and Developing Corrective Action: Recovery Technology takes corporate compliance offenses seriously and, upon detection, moves quickly to come into compliance and mitigate their effects. When a possible violation is detected Recovery Technology takes immediate steps (investigations must be implemented within twenty-four (24) hours of notification of a suspected violation) to determine the scope and causal factors of the violation, determine how to respond to the problem, and develop a corrective action plan. Once a determination of violation is identified, based upon the scope of the violation, corrective action may include:

1. Revision or implementation of new policies and practice standards that address procedural gaps that may have caused the violation
2. The progressive discipline of responsible staff person (employee or contract worker)
3. The return of overpayment
4. A report to the appropriate governmental unit or authority (including the involved PIHP, if applicable) of the detected violation, scope of the problem and mitigation efforts completed/planned
5. Referral to law enforcement authorities

Developing Open Lines of Communication: Recovery Technology seeks to maintain a system of meaningful and open communication regarding its corporate compliance program. Recovery Technology's corporate compliance program maintains a clear "open-door" practice. As such,

employees and contract workers are encouraged to report to the Corporate Compliance Officer all suspicions of violations. Communication standards of the Corporate Compliance Program include:

1. All employees and contract workers are required to report conduct that a reasonable person would, in good faith, believe to be erroneous or fraudulent
2. Recovery Technology's Corporate Compliance Officer maintains an "open-door" practice. As such, employees and contract workers are to report all suspected violations as soon as the suspicion is detected. Reports of suspected violations should be submitted in writing and include: the date of the communication, a summary of the suspected violation, the location of the suspected violation, persons believed to be involved in the violation, and any actions the employee/contract workers took to address the suspected violation. Suspected violations may be submitted anonymously as long as the above information is included in the report.
3. In the event that an employee/contract worker chooses to report a suspected violation to their supervisor, the supervisor must:
4. Complete the report to the Corporate Compliance Officer within 24 hours of the employee's/contract worker's report
5. Explain to the employee/contract worker that the report to the Corporate Compliance Officer will be made and that their anonymity will NOT be maintained. (If the employee/contract worker chooses to remain anonymous, the employee/contract worker must submit their anonymous report to the Corporate Compliance Officer directly. In the event that, upon understanding that the supervisor will not maintain anonymity, the employee/contract worker chooses to remain anonymous, the supervisor may maintain the conversation as confidential. However, the supervisor must make a report of suspected violation independent of the employee to ensure the suspected violation is communicated.
6. Failure to report erroneous or fraudulent conduct is a violation of the compliance program. If an employee, associate, or contract worker is found to have known about an ethical or work rule violation and to have failed to report that violation according to this policy, that failure to report is construed as support and/or participation in the ethical or work rule violation and, therefore, is subject to disciplinary/contract action up to and including termination
7. Reprisal against a reporting employee/contract worker is expressly forbidden. Recovery Technology practices a "no-reprisal" approach to persons reporting corporate compliance violations/suspicions of violations. That means that employees experience no adverse reaction from the agency for reporting suspected violations, even when the employee reports suspected violations to authorities and regulatory bodies outside of the agency. In addition, "no-reprisal" means that, as much as practicable, Recovery Technology guards employees against threats, intimidation, and other acts of reprisal from employees that may be affected by a report of suspected violation(s).
8. All known or suspected violations of ethical standards and work rules involving one or more consumers must also be reported utilizing the Recipient Rights Reporting process, as outlined in "Consumer Recipient Rights" policy.

On an annual basis, Recovery Technology's Quality Improvement team completes an internal assessment of trend in detected violations, including the type, frequency and corrective action completed. This internal assessment is inclusive of all detected violations in the previous year. This internal assessment is:

1. Reported to the Leadership Team
2. Utilized in the development of the next year's Corporate Compliance Plan

Enforcing Disciplinary Standards through Well-Publicized Guidelines: All Recovery Technology employees and contract workers are responsible for completing their defined job functions in a manner that is ethical and compliant with all applicable laws and regulatory guidelines. Both parties (employee/contract worker and Recovery Technology) have responsibility to ensure an environment conducive to this standard. Recovery Technology responsibilities include:

1. Developing and communicating policies and standards in conformance with applicable laws and regulatory standards.
2. Ensuring employees and contract workers have access to and attend routine corporate compliance training
3. Creating a work environment that values and encourages ethical behavior and compliance with the law
4. Consistent and appropriate application of disciplinary or contract action standards for employee/contract workers found in violation of this corporate compliance plan. Enforcement and disciplinary procedures are flexible to account for mitigating or aggravating circumstances, however, it is critical that employees and contract workers understand the importance of compliance. Disciplinary/contract actions may include: Warnings (oral); reprimands (written); probation; demotion; temporary suspension; termination; restitution of damages; and referral for criminal prosecution

Likewise, employees and contract workers have responsibilities to ensure an environment conducive to this standard. These responsibilities include:

1. Attending Corporate Compliance Training opportunities and demonstration understanding corporate compliance issues.
2. Adhering to approved policy and procedural guidelines
3. Maintaining continuing education requirements, including education in ethical practices
4. Ensuring that documentation of services is timely, accurate, legible, and agency forms are fully completed
5. Cooperating with investigations of suspected corporate compliance violations
6. Reporting in a timely manner any suspicious of corporate compliance violations. Individuals who fail to detect or report violations of the compliance program may be subject to discipline.

Communication to employees/contract workers, payers, regulatory and government authorities is documented in the record of the compliance investigation/finding maintained by the Corporate Compliance Officer. Documentation of communication includes the date of incident, name of the

reporting party (if known), name of the person responsible for taking action, and the follow-up action taken, including the communications made.

Recovery Technology seeks to ensure that a violation is not compounded once discovered. In instances involving individual misconduct, the report of investigation findings makes recommendations, based upon the specifics discovered regarding the violation, as to whether the employee/contract worker should be retrained, disciplined (in terms of contract employees, whether contract action should be taken) or, if appropriate, terminated. Disciplinary action(s) is progressive, and commensurate with the violation. Disciplinary action(s) may include, but is not limited to, one or more of the following: verbal warning, written warning, suspension with pay, suspension without pay, and termination. When the violation involved the misconduct of a contract worker, contract action(s) may include written notice of contract violation, written notice requiring the submission and implementation of a contract compliance plan, and termination of the contract.