

## Chinese-American Planning Council Home Attendant Program, Inc.

### Fraud, Waste and Abuse (FWA) Policy & Procedure

Chinese-American Planning Home Attendant Program (CPCHAP) is committed to providing services in manner that meets the highest ethical standards and is in compliance with applicable laws, regulations and internal policies. CPCHAP will provide detailed information to its affected individuals, administrative staff, home care employees, personal assistants, patients, clients, consumers, designated representatives, board members, vendors and contractors regarding federal and state false claims laws, penalties, and non-retaliation protections, as well as CPCHAP's Organizational Integrity & Compliance Program and its policies for preventing and detecting and reporting fraud, waste and abuse. The Corporate Compliance Officer / COO must ensure that CPCHAP operates within all guidelines and regulations set forth in all CPCHAP contractual agreements as well as adherence to Federal, State and Local laws.

All affected individuals or entities may detect and report violations of the Corporate Compliance Program are as follows:

- Falsifying or altering any company documents including personnel records or medical records.
- Stealing anything from the Company or assigned patient.
- Billing for services not provided.
- Providing service to patients when employees have not completed the required New York State Department of Health compliance requirements.
- Signing for your assigned patient/consumer. All signatures must be signed by the person themselves.
- Falsifying any information on a duty sheet, such as, but not limited to, signatures, dates, hours worked and tasks performed, if applicable.
- Falsification of any credentials necessary to function in specific positions and perform certain job responsibilities.
- Others

#### PROCEDURES:

1. **Full and Complete Investigation.** All allegations of compliance issues against anyone who in good faith participates in the Compliance Program or who in good faith reports potential FWA, will be fully and completely investigated. Appropriate disciplinary and corrective action will be promptly undertaken. The Compliance Officer will oversee the investigation, and will be assisted by the Compliance Committee Members. The Compliance Officer and the Compliance Committee members shall investigate the allegation. For each allegation, investigative steps and actions are the following:

**a. Interviews:** Prompt interviews of individuals who may have relevant information. At the outset of the interview process, the interviewee will be reminded that intimidation of, and/or retaliation against, those who participate in good faith in the Compliance Program, FWA Policy or who in good faith report potential FWA is a violation of CPCHAP policy, the Compliance Program and the Code of Conduct and or any compliance issues. The interviewee will also be reminded of CPCHAP's Compliance Program Disciplinary Policy, Standards and Procedures related to the Compliance Program - FWA Policy.

- b. Document Review:** Review of hard copy and electronic materials that may include relevant information. All documents will be collected confidentially by the Compliance Officer, or her/his designee.

- c. Disciplinary Action:** If, as a result of the investigation, the Compliance Officer determines that there was violation of the FWA Policy against, anyone or any entity who/which in good faith participated in the Compliance Program or reported potential violation of the FWA Policy, then, in consultation with Compliance Committee members, appropriate disciplinary sanctions will be taken promptly against the offender(s), without regard to their title or position at CPCHAP. Such disciplinary sanctions will be imposed in accordance with the Human Resources Guidelines for Disciplinary Action in compliance program - FWA is mandatory for all Personnel. Failure to comply with requirements may result in disciplinary action consistent with the gravity of such non-compliance, such as suspension or termination of employment or contractual agreement or voluntary or involuntary resignation with CPCHAP or removal of a board member.
- d. Sanctions:** If, as a result of the investigation, the Compliance Officer determines that there was violation of the FWA Policy against, anyone or any entity who/which in good faith participated in the Compliance Program or reported potential violation with the FWA Policy, then, in consultation with Compliance Committee members, appropriate sanctions will be taken promptly against the offender(s), without regard to their title or position at CPCHAP. Such disciplinary sanctions will be imposed in accordance with the Human Resources Guidelines for Disciplinary Action in violation of FWA is mandatory for all Personnel. Failure to comply with FWA requirements may result in disciplinary action consistent with the gravity of such non-compliance, such as issue of warning notices, retraining, suspension or termination of employment or contractual agreement or voluntary or involuntary resignation with CPCHAP or removal of a board member.

**e. Corrective Action:** If, as a result of the investigation, the Compliance Officer determines that there has been NOT complying with FWA Policy against, anyone who in good faith participated in the Compliance Program or who in good faith reported potential FWA, CPCHAP will promptly take appropriate corrective action. In a case involving an employee who has been violated the FWA Policy, such corrective action may include, but not be limited to, issue verbal and written warning notices for the first and second offense respectively, provide re-orientation or re-training, suspend or terminate employment, suspend or terminate contractual agreement or removing a non-compliant board member from the board. Overseeing by the Board, Compliance Officer and his/her Compliance Committee shall enforce the corrective action until compliance is met.

All affected individuals may report a violation by calling The Corporate Compliance Officer directly, contacting CPCHAP confidential hotline/internet connection or by calling any member of the Compliance Committee listed below:

John Sullivan, Chief Operating Officer/Corporate Compliance Officer – (212) 219-8100 Extension 111

Confidential Hotline Telephone Number – (844) 479-8663

Confidential Internet Connection – <http://cpchap.ethicspoint.com>

Members of the Corporate Compliance Committee:

Sheridan Chu, Board Member – 646 206-8138

Ling Ma, Chief Program Officer – (212) 219-8100 Extension 129

Wayne Ho, CEO - (212) 941-0920 Extension 143

CPC Medicaid Compliance Officer - 212 941-0920 Ext. 129

Alan Gerson, General Counsel – 646 723-6896

New York State Office of the Medicaid Inspector General at (518) 473-3782

CPCHAP Confidential Hotline is an independent Company not connected with CPCHAP and is staffed with live operators who will record each perceived violation that is reported. When reporting a violation, a caller may

provide contact information, or anonymously. Written reports of each call received will be confidentially forwarded to the Corporate Compliance Officer. Your reporting of a violation will be kept as confidential as possible. **No one will be disciplined or punished in any way for appropriately using the confidential hotline. CPCHAP hotline is only to be used for Corporate Compliance issues.**

## **POLICIES**

- All employees are expected to successfully function in their position within the Company while adhering to the requirements set forth in this Corporate Compliance Program.
- All employees are charged with the responsibility of ensuring they report any violation or perceived violation of the Corporate Compliance Program as outlined above.
- No employee is to present fraudulent documentation of any kind. The submission of any information known to be false or inaccurate is considered fraud and will not be tolerated. The submission of known false information will result in a full investigation and can result in termination.
- It is the policy of CPCHAP to encourage all employees to report any violation or perceived violation because we want to know about the violation so we can correct the violation and put additional measures in place to reduce the risk of a similar violation occurring in the future.
- Any employee who reports a violation will not be disciplined or retaliated against due to the reporting of the violation and will be protected against any reprisal in accordance with Whistleblower's Protection Act.
- CPCHAP will periodically conduct self-evaluations to determine risk factors and put processes in place, as may be needed to lower or eliminate the risk.
- Train and educate all employees, executives and governing body members to this Corporate Compliance Program upon hire/appointment and annually thereafter.
- Employees must conduct themselves in a legal and ethical manner including not sexually harassing or committing any type of harassment against individuals of group of individuals both on the job and off the job.
- Applicants will be screened to ensure they possess the appropriate credentials for their respective job function as applicable.
- Applicants will be screened through a database that will provide CPCHAP with any and all instances in which the potential employee was arrested.
- Any action by an employee that violates the Corporate Compliance Program or results in harm to a patient may be grounds for immediate termination. Additionally, any employee who is found to be encouraging or facilitating a violation of the Corporate Compliance Program will be disciplined up to and including termination.
- The FWA Policy and Procedure shall be distributed to all affected individuals and posted on the CPCHAP website, CPCHAP.org.
- The Compliance Officer establishes, maintains internal control and reports all suspected fraud, waste or abuse to the State of New York, Office of the Medicaid Inspector General as needed.
- The Board of Directors / President & CEO oversees the FWA Policy & Procedure.

