

**COBBLESTONE ARTS CENTER  
CORPORATE COMPLIANCE PROGRAM**

**Adopted August, 2008**

**Revised May, 2016**

# **COBBLESTONE ARTS CENTER**

**1622 State Route 332 – Farmington, New York 14425**

**585-398-0220**

**585-398-0072 – Fax**

## **MISSION STATEMENT**

**It is our unique mission to use the Arts as the common denominator in our vastly diverse community, to let Art be that unspoken language of the heart that breaks through prejudices and stereotypes, that nurtures the soul and brings every member of the community together to appreciate each other's gifts.**

## **VISION STATEMENT**

**Cobblestone Arts Center is a non-profit organization dedicated to enriching the lives of individuals with disabilities through Art, Education, and Participation. Our classes in Music, Dance, Theater, Visual Arts, Public Speaking, and Media Studies are aimed to help students achieve a higher potential while developing a sense of involvement in the community.**

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**I. INTRODUCTION**

Agencies and departments of the U.S. Government have identified a number of instances of fraud, abuse, and waste in federally-funded health care programs including Medicare and Medicaid. The Board of Directors and Cobblestone's administration recognize the seriousness of the issues raised by the Government and recognize that failure to comply with applicable laws and regulations could threaten Cobblestone's continuing participation in day habilitation services.

Therefore, Cobblestone Arts Center will undertake an integrity program in order to continue the commitment to high standards of conduct, honest, and reliability in its business practices. This integrity program is called a Compliance Program (the "Program"). The primary purpose of the Program is to make a sincere effort to prevent, detect, and correct any fraud, abuse or waste at Cobblestone in connection with federally funded health care programs and private health plans. To be effective, the Compliance Program, should be a continuously evolving effort to meet the changing regulatory landscape.

**Expected Conduct**

The Program describes the expected conduct of all Cobblestone employees including:

Directors: Individuals appointed to serve as a member of the Cobblestone Board of Directors.

Employees. The Executive Director, Managers, and Staff as well as any other person or individual hired on a full, part-time, or seasonal basis and receiving compensation by Cobblestone Arts Center.

Volunteers: Those individuals assisting Cobblestone on an unpaid basis.

Students: Individuals in pursuit of a degree interning with Cobblestone.

Contractors: An Entity with whom Cobblestone has a written agreement to provide services or any function.

## **The Seven Elements of Compliance**

Cobblestone believes that an effective compliance program must have seven basic elements as first described by the U.S. Sentencing Commission Guidelines:

1. Written policies and procedures;
2. A designated compliance officer;
3. Effective training and education;
4. Effective lines of communication;
5. Standards enforced through well-publicized disciplinary guidelines;
6. Auditing and monitoring; and
7. Response to detected offenses and corrective action plans.

## **II. WRITTEN POLICIES AND PROCEDURES**

An effective compliance program should define the expected conduct of its employees through the establishment of written policies and procedures. Within Cobblestone these policies and procedures begin with the mission statement and the service standards which provide a framework.

### **Periodic Review**

To effectively manage known risks, adherence to policies and procedures should be reviewed on an ongoing basis by Cobblestone's management. In addition, newly identified risks should result in the promulgation of new policies and procedures or revisions to old ones as well as action plans, where necessary, to address those risks.

### **Communication**

Policies and procedures will be clearly communicated to employees in such a manner that they are capable of integrating them into their daily operations. Methods for accomplishing this will include training of policies and procedures through read and sign and/or face to face training, along with inclusion in employee handbooks, or performance evaluations.

## **III. OVERSIGHT AND MANAGEMENT OF THE PROGRAM**

### **Compliance Officer**

The Compliance Officer's primary responsibilities shall include:

- Overseeing and monitoring the Compliance Program;

- Looking for ways to reduce Cobblestone's vulnerability to fraud, abuse, and waste.
- Periodically revising the Compliance Program as required by changes in the law.
- Working with the Executive Director/Program Director in developing and coordinating a training program that focuses on the elements of the Compliance Program.
- Coordinating personnel issues to ensure SEL, criminal background and mental health checks have been conducted on all employees.
- Coordinating internal compliance reviews and monitoring activities, including annual or periodic reviews of programs and audits.
- Developing policies and programs that encourage managers and employees to report suspected fraud and other improprieties without fear of retaliation.

### **Compliance Officer Reports**

The Compliance Officer shall report on complaints received from employees, investigation, audits, and monitoring to the Board of Directors and Executive Director.

## **IV. TRAINING AND EDUCATION**

### **Requirement**

Rules and regulations relating to delivery of healthcare are complex. The consequences of failure to comply with these requirements, particularly in the areas of coding and billing of federal healthcare claims can be severe.

Sometimes conduct undertaken with good intentions, but with inadequate knowledge, may violate applicable laws and regulations.

Training is required by the federal and state governments and considered to be a necessity at Cobblestone in order to provide employees with the knowledge and skills to carry out their responsibilities in compliance with all requirements. Proper and continued training and education of employees at all levels is, therefore, a significant element of Cobblestone's Compliance Program. Adherence to and promotion of the program shall be a factor in evaluating the performance of employees, including supervisory, managerial and administrative personnel.

### **Content**

The Compliance Officer will strive to ensure that training and education for all Cobblestone employees, contractors, and agents includes the dissemination of written policies and procedures regarding:

The Federal False Claims Act

The New York State False Claims Act

Other applicable state, civil or criminal laws and state and federal whistleblower protections

Information regarding Cobblestone's policies and procedures for detecting and preventing waste, fraud, and abuse.

### **Initial Education**

The Compliance Officer strives to ensure that all new employees participate in compliance training during orientation and receive the Employee Handbook. In combination, they provide the new employee with an introduction to the compliance program and give them a sense of its importance in Cobblestone's culture.

### **Subsequent Retraining – General**

At least annually, employees should be retrained on Cobblestone's Compliance Program including the fraud, waste, and abuse laws as they relate to the claim development and submission process; how to identify and report potential violations of policy or law; and the consequences both to Cobblestone and to individuals for failing to comply with applicable laws and regulations. The purpose of this training is to emphasize the importance of the Compliance Program. Failure to comply with training requirements or to attend the scheduled training sessions of each program area may result in disciplinary action.

## **V. COMMUNICATION**

### **Reason**

Cobblestone strives to ensure that open, two-way communication lines to the Compliance Officer are accessible to all employees, management, and Board of Directors to allow compliance issues to be reported. This open communication is essential to maintaining an effective compliance program.

### **Questions**

At any time, employees should be free to request information or education. Employees should be able to seek clarification or advice from the Compliance Officer in the event of

## **VI. ENFORCEMENT THROUGH DISCIPLINE**

In addition to possible disciplinary action mentioned elsewhere in the program description, policies have been developed to encourage good faith participation in the Compliance Program by all affected individuals, including policies that articulate expectations for reporting compliance issues and assist in their resolution. These policies should outline sanctions for:

Failing to report suspected problems

Participating in non-compliant behavior

Encouraging, directing, facilitating, or permitting non-compliant behavior

Failing to perform any obligation or duty required of employees relating to compliance with the program or applicable laws or regulations

Failure of supervisory or management personnel to detect non-compliance with applicable policies and legal requirements and the program, where reasonable diligence on the part of the manager or supervisor would have led to the discovery of any violations or problems

Cobblestone Arts Center strives to ensure that any disciplinary action follows Cobblestone's existing disciplinary policies and procedures. Discipline should be fairly and firmly enforced.

## **VII. AUDITING, MONITORING, AND SCREENING**

Cobblestone strives to ensure that the agency's Compliance Program is effective. An important element of this effort is identifying and correcting any deficiencies in Cobblestone's business processes. Identification efforts should include periodic small reviews as well as audits conducted by the Compliance Officer.

The Compliance Officer should review documentation, billing, and reimbursement to ensure accuracy. The Compliance Officer will ensure all billing practices are accurate and allowable in accordance with Medicaid laws, regulations, and policies. Some non-allowable services would include when a student is on vacation, no services rendered, inaccurate documentation for services, etc.

### **Reimbursement Related Reviews**

Cobblestone strives to conduct periodic reimbursement related reviews and audits. These reviews might include claims submitted to Medicaid, as well as the claims development and submission process. Auditors and reviewers shall have access to all necessary documents

any confusion or question regarding any element of the program or any Cobblestone policy or procedure related to the program.

### **Reporting**

Employees who are aware of or suspect acts of fraud, abuse, waste or violations of the standards of conduct have a fiduciary duty to notify Cobblestone of such activities, including giving Cobblestone reasonable time to investigate and to respond to such allegations. Having knowledge of inappropriate conduct and choosing not to report it is, in itself, a violation of Cobblestone's policy and procedures. Cobblestone strives to establish and maintain several independent reporting paths for a member to report fraud, waste, or abuse so that such reports cannot be diverted by supervisors or other personnel.

- Individuals who feel that management is not responding, may express their concerns to the Compliance Officer or anonymously to the Compliance Officer.
- Cobblestone will strive to investigate all allegations individuals bring forward and will make every attempt to correct those found to be true and prevent future occurrences.
- Individuals who feel that nothing is being done to address their concerns have the right to report their suspicions to the appropriate government agency.

### **Helplines**

Cobblestone Arts Center can be reached at (585) 398-0220 at any time, day or night. Employees may also call the hotline of the Office of Inspector General of the Department of Health and Human Services at (1-800-447-8477) or the New York State Office of the Medicaid Inspector General at (1-518-473-3782).

### **Confidentiality**

The Compliance Officer will strive to treat all reports confidentially, to the extent possible under applicable law. However, there may be a time when an individual's identity may become known or have to be revealed if governmental authorities become involved or in response to a subpoena or other legal proceedings.

### **Non-Retaliation**

The Compliance Officer strives to ensure that there will be no intimidation of or retaliation against any employee who in good faith reports acts or suspected acts of fraud, abuse, or waste; violations or suspected violations of the standards of conduct; or other wrongdoing or misconduct. However, an employee who makes an intentional false report or a report not in good faith may be subject to disciplinary action.



including those related to claim development and submissions. Auditors and reviewers shall at all times bear in mind confidentiality requirements.

### **Vendors and Contractors**

Vendors and Contractors shall be periodically checked on the SEL list to determine whether they have been disbarred or excluded by a federal agency.

## **VIII. RESPONDING TO OFFENSES AND DEVELOPING CORRECTIVE ACTIONS**

Violations of Cobblestone's compliance program, failure to comply with applicable Federal and State law, and other types of misconduct threaten an agency's status as a reliable, honest, and trustworthy provider, capable of participating in Federal healthcare programs. Cobblestone strives to ensure that all allegations of failure to comply are promptly and thoroughly investigated and that there is a prompt and appropriate response to all government inquiries.

### **Investigations**

Cobblestone strives to ensure that all issues reported to managers and supervisors, the Compliance Officer, are promptly and thoroughly investigated under the guidance of the Compliance Officer. The goals of an internal investigation include:

- Discovering facts and circumstances related to allegations of legal or regulatory noncompliance.
- Discovering all relevant facts, including those that are both incriminating and non-incriminating.
- Assessing the significance of the facts discovered to determine whether the conduct was illegal or legal but in violation of Cobblestone's policies and procedures.
- Recommend both disciplinary actions and corrective actions.

Managers or directors who receive a report of a suspected violation are expected to report the allegations to the Compliance Officer for prompt investigation. Reports of violations might include any reasonable indication of violations of the program, the Code of Conduct, Cobblestone's policies and procedures, or applicable law or regulation by employees or others within their supervision.

In undertaking investigations, the Compliance Officer may consult with the respective manager, director, or administrator who has responsibility for the program area. The Compliance Officer may also utilize other Cobblestone employees (consistent with appropriate confidentiality), outside attorneys, accountants and auditors, or other consultants or experts for assistance or advice.

An investigation by the Compliance Officer shall be preliminary to the initiation of disciplinary proceedings. If there is reasonable cause to believe a violation exists, the Compliance Officer or director, shall initiate a formal complaint against the employee. The adjudication of such complaint shall proceed in accordance with the applicable policies and procedures of Cobblestone.

The Compliance Officer, or his or her designee, may conduct interviews with any Cobblestone employee and with other persons; may review any Cobblestone document including but not limited to those related to the claim development and submission process, resident records, e-mails, and the contents of computers and electronic storage devices; and may undertake other processes and methods as the Compliance Officer deems necessary.

### **Documentation**

The Compliance Officer may prepare a report which (i) defines the nature of the situation or problem (ii) summarizes the investigation process (iii) identifies any person(s) whom the investigator believes to have acted deliberately or with reckless disregard or intentional indifference, particularly toward the Medicaid laws, regulations, and policies, and (iv) if possible, estimates the nature and extent of the resulting overpayment by the government or another entity.

### **Possible Criminal Activity**

In the event an investigation reveals or uncovers what appears to be criminal activity on the part of any employee, the following actions shall be taken:

-All billing involved in the situation or problem shall be reviewed until such time as appropriate corrections are made.

-A summary of the results of the investigation shall be sent for appropriate disciplinary action to the direct supervisor of the implicated employee, as well as to the Executive Director. Pending disciplinary action, any such employee may be removed from any position with oversight of or impact upon the claims development and submission process.

-Federal, State, and/or local agencies shall be notified as deemed appropriate by legal counsel, the Executive Director and/or the Fiscal Officer.

**Other Non-Compliance**

In the event the investigation reveals claims development and submission problems, which does not appear to be the result of criminal activity on the part of any employee, the following action shall be taken:

If duplicate payments have been made by Medicaid or other healthcare program or excessive payments made because of coding or other Cobblestone errors or mistakes (i) the defective practice or procedure will be corrected as quickly as possible; (ii) the duplicate or improper payments will be calculated and repaid to the appropriate payor or fiscal intermediary; and (iii) a program of education will be undertaken with appropriate employees to prevent future similar problems.

If no duplicate or excessive payments have been made because of Cobblestone errors or mistakes (i) the defective practice or procedure will be corrected as quickly as possible; (ii) a program of education will be undertaken with appropriate employees to prevent future similar problems.

A summary of the results of the investigation shall be sent for appropriate disciplinary action, if any, to the appropriate director or manager, and to the Executive Director as deemed appropriate.

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Pam Ferguson                      Date

President, Board of Directors

Cobblestone Arts Center

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Lorene Benson                      Date

Executive Director

Cobblestone Arts Center