

ISSUE DATE: March 28, 2023
 EFFECTIVE DATE: May 18, 2023
 REVISION DATE: XXXX/XX

RECOMMENDER: Sarah Begeal LCSW R DATE: 5/18/23
 Sarah Begeal, Deputy Director of Community Services

ADMINISTRATIVE APPROVAL: Lori Morgan LCSW DATE: 5/18/23
 Lori Morgan, Director of Community Services

COMMUNITY SERVICES BOARD APPROVAL: John Bezirgianian MD DATE: 5/18/23
 John Bezirgianian, Medical Director & Community Services Board Chair

REASON: Update to the 18 NYCRR Part 521 Regulations AND;
 Amendments of the New York State Social Service Law Section 363-D

Policy and Procedure: Corporate Compliance
Topic: Compliance Education and Training

Purpose:

The development and implementation of regular, effective education and training seminars is an integral part of the Compliance Program. Compliance education is divided into two general components. First, all Affected Individuals must receive an introduction to the Compliance Program. Second, those parties whose work is linked to identified risk areas should receive specialized compliance education pertaining to their function and responsibilities.

For purposes of this Policy, the term "Affected Individuals" include all employees, contractors, subcontractors, independent contractors, student interns, volunteers, supervisors, senior administrators, including the Compliance Officer, Director of Community Services and Community Services Board members (hereafter referred to as "Affected Individuals").

Policy:

It is the Policy of TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE (sometimes referred to as "TCDMH" or "TCMH") to ensure that all Affected Individuals receive formal training relating to the Tioga County Department of Mental Hygiene's Compliance Program. The Tioga County Department of Mental Hygiene will ensure that all trainings are provided in a way that is accessible to all Affected Individuals and that they are in alignment with the required State and Federal laws, rules, and regulations.

It is the Policy of the Tioga County Department of Mental Hygiene to ensure that Affected Individuals in identified risk areas, and members of the Board of Directors and Management, receive more detailed education related to their function and responsibilities.

This Policy applies to all Affected Individuals. Successful completion of the training sessions is mandatory and a condition of continued employment, contract, appointment, or assignment with the Tioga County Department of Mental Hygiene.

Regulatory Reference:

Social Service Law 363-D
18 NYCRR Part 521

Procedures:

1. The Compliance Officer is responsible for developing the compliance education curriculum and monitoring and ensuring that compliance training and orientation meet the Policy standards on this subject.
2. Compliance education and training seminars must include an explanation of the structure and operation of the Compliance Program. They will introduce the Compliance Officer and the roles and responsibilities of the Compliance Committee to Affected Individuals.
3. Compliance education and training seminars will include, at a minimum, information on the following aspects of the Compliance Program:
 - TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's Compliance Plan;
 - Standards of Conduct and other related written guidance;
 - Federal False Claims Act;
 - New York False Claims Act;
 - Whistleblower Protections;
 - Risk areas and Tioga County Department of Mental Hygiene experience;
 - The role and responsibilities of the Compliance Officer and the Compliance Committee;
 - Communication channels (name of Compliance Officer, reporting mechanisms, anonymous reporting mechanism);
 - TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's expectations for reporting known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct, the Compliance Program, and TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as "compliance concerns" for purposes of this Policy);
 - How the Tioga County Department of Mental Hygiene responds to reports of compliance concerns, including the investigation process and corrective actions;
 - TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's disciplinary policy and standards;
 - Prevention of fraud, waste, and abuse; and
 - Non-retaliation and non-intimidation policy.

Specialized areas for education will include, but not be limited to, the following risk areas:

- Improper or fraudulent billing for services;
- Preparation of inaccurate or incorrect cost reports;
- Misuse of TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE funds;
- Payment or receipt of remuneration or gifts in return for referrals of service recipients or business contracts;
- Medicaid requirements specific to TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's services and programs;
- Coding and billing requirements and best practices, if applicable;
- Claim development and the submission process, if applicable;
- Government and private payor reimbursement principles; and

- Government initiatives related to the services provided by the Tioga County Department of Mental Hygiene, if applicable.
4. Comprehensive education materials will be developed to facilitate the compliance sessions and ensure that a consistent message is delivered to all Affected Individuals. Education protocols and materials must be standardized, so as to evidence that everyone attending a seminar receives the same instruction.
 5. As part of their initial orientation, each employee, including the Director of Community Services and other senior administrators, and Board members shall receive a training session within the first thirty (30) days of employment or association with the Tioga County Department of Mental Hygiene. Each party will receive an introduction to TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's Compliance Program and objectives, and written copies of the Standards of Conduct and Compliance Plan, and be provided access to Compliance Program policies and procedures. Each party will sign an acknowledgement form (attached to this Policy), or equivalent, that they are aware of and will abide by the Compliance Plan and Standards of Conduct.
 6. All Affected Individuals will receive training and/or education at least once per year that includes a review of the existing Compliance Plan, the Standards of Conduct, and any applicable policies and procedures. The session will also focus on any changes in Federal or State laws and regulations.
 7. All education and training relating to the Compliance Program will be verified by attendance and a signed acknowledgement of receipt of training. Training records will include the date, start and end time of the training, and the content of the material presented. The Compliance Officer will maintain records of attendance for all training sessions.
 8. Only properly trained individuals will be used to provide compliance education and training seminars. Compliance Program trainers must be knowledgeable of the (a) Compliance Plan; (b) applicable Federal laws and regulations; (d) relevant TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE policies/procedures; (e) operations of the Compliance Program; and (f) content of the Standards of Conduct.
 9. The Compliance Officer is responsible for coordinating with Management to ensure that specialized compliance education occurs in identified risk areas.
 10. The Compliance Officer will ensure that all contractors and vendors meeting the criteria below are provided with a copy of the Compliance Plan and the False Claims Act and Whistleblower Protections Policy upon entering into a contractual agreement with TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE. For purposes of this Procedure, contractor and vendor are defined as:
 - Any independent contractor, contractor, subcontractor, or other person who, on behalf of the Tioga County Department of Mental Hygiene, furnishes or otherwise authorizes the furnishing of Medicare, Medicaid, or other federally-funded healthcare items or services, or performs billing or coding functions; or

- Any independent contractor, contractor, subcontractor, or other person who provides administrative or consultative services, goods, or services that are significant and material, are directly related to healthcare provision, and/or are included in or are a necessary component of providing items or services reimbursed by Medicare, Medicaid, or other federally funded healthcare program; or
- Any independent, contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by the Tioga County Department of Mental Hygiene.

11. TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE will ensure that the Compliance Officer has sufficient opportunities to receive training on compliance issues. Compliance training will be secured and made available to new Compliance Officers as part of the orientation to the role.
12. The Compliance Officer is responsible for submitting periodic reports to the Compliance Committee and Board of Directors on all education seminars related to the Compliance Program. This information will be trended and analyzed to evaluate and ensure that the Tioga County Department of Mental Hygiene has an effective Compliance Program.
13. All education and/or training related to the Compliance Program will be incorporated into the Tioga County Department of Mental Hygiene's training plan. The training plan shall, at a minimum, outline the subjects or topics for training and education, the timing and frequency of the training, which Affected Individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated. The training plan will be reviewed by the Compliance Officer and Compliance Committee and updated as needed, but at minimum on an annual basis.

Sanction Statement:

Non-compliance with this policy may result in disciplinary action, up to and including termination.

Compliance Statement:

As part of its ongoing auditing and monitoring process in its Compliance Program, TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE will review this policy based on changes in the law or regulations, as TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's practices change, and, at minimum, on an annual basis. Additionally, this policy will be tested for effectiveness on an annual basis or more frequently as identified in accordance with TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's Compliance Program. Testing will include but is not limited to ensuring that the policy is appropriately followed; the policy is effective; the policy has been disseminated to all Affected Individuals, as well as notified of any updates or changes.

Tracking of the criteria above and results of this testing will be completed by the Compliance Officer, or designee. Additionally, results will be reported to the Compliance Committee and Governing Body on a regular basis.

Record Retention Statement:

TIoga COUNTY DEPARTMENT OF MENTAL HYGIENE will retain this policy and all subsequent revisions, and any related documentation will be retained for a period of, at minimum, six years.

Acknowledgement Form – Compliance Training and Education

Date of Training: _____
Location: _____

Time of Training: _____
Instructor: _____

Contents

- TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's Compliance Plan
- Standards of Conduct
- Prevention of Fraud, Waste, and Abuse
- Federal False Claims Act
- NY False Claims Act
- Whistleblower Protections
- Non-retaliation and Non-intimidation Policy
- The Role of the Compliance Officer and the Compliance Committee
- Reporting and Investigation of Compliance Concerns
- Disciplinary Standards
- Communication Channels (including name of Compliance Officer and methods to report)

- ✓ I acknowledge that I have attended Compliance training on this date. I have been provided with the opportunity to ask any questions that I may have.
- ✓ I acknowledge that I have received and read a copy of the Compliance Plan and the Standards of Conduct.
- ✓ I understand that I must comply with the Compliance Program, the Standards of Conduct, all laws, regulations, policies and procedures, and guidance provided.
- ✓ I understand that I must report any instances of known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal or State laws and regulations; actual or suspected violations of the Standards of Conduct, the Compliance Program, and TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as "compliance concerns") to a member of Management or the Compliance Officer.
- ✓ I understand that TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE maintains a hotline (607-689-8181) for confidential or anonymous reporting of compliance concerns and also accepts confidential or anonymous reporting of compliance concerns in writing by email, agency mail or fax to the Compliance Officer or Director of Community Services.
- ✓ I understand that my failure to comply with the Compliance Program, the Standards of Conduct, laws, regulations, and TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's policies and procedures or to report possible violations may result in disciplinary action, up to and including termination of employment, contract, assignment or association with the Tioga County Department of Mental Hygiene.

Print Name _____

Title _____

Signature _____

Date _____

Compliance Training – Attendance

Date of Training: _____
Time of Training: Start: _____ End: _____
Location: _____
Instructor: _____

Contents

- **TIOGA COUNTY DEPARTMENT OF MENTAL HYGIENE's** Compliance Plan
- Standards of Conduct
- Prevention of Fraud, Waste, and Abuse
- False Claims Act
- NY False Claims Act
- Whistleblower Protections and Non-retaliation Policy
- The Role of the Compliance Officer and the Compliance Committee
- Reporting and Investigations of Compliance Concerns
- Disciplinary Standards
- Communication Channels (including name of Compliance Officer and methods to report)
- Questions and Answers

Attendance

Note: Each attendee/participant must also sign an acknowledgement of attendance.

Print Name	Title	Signature
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