



Title:	Compliance Plan	Policy #:	CP Plan
Type:	Compliance	Effective Date:	2/4/2022
		Initial Board Approval Date:	2/4/2022
Revised Dates:	2/4/2022, 5/5/2023, 12/18/2024 (Board Approval 1/3/2025)		

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I. Definitions

For purposes of this Compliance Plan, “employees, volunteers and contractors” is defined as “[A]ll persons who are affected by FLIPA’s risk areas including FLIPA’s employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers.”

II. Mission and Value Statement

The mission of Forward Leading IPA (FLIPA; formerly Finger Lakes IPA) is to be an organized, highly effective integrated delivery network of community health centers, behavioral health and social care partners that promotes an equitable, accessible, and integrated healthcare system that leads to improved overall health and well-being for all.



As an integrated delivery network serving Upstate NY, FLIPA has and will continue to enter agreements with health plans offering financial incentives to improve patient outcomes. FLIPA's mission is built on the vision that the integration of behavioral health, social care needs and primary care is essential to improve the health and wellness of patients, and that failing to meet the needs in any one of these areas leads to greater challenges in the other two. FLIPA is the lead entity for the Social Care Network in the Finger Lakes Region.

III. **Corporate Compliance Policy**

A. Policy

Finger Lakes IPA, Inc. d/b/a Forward Leading IPA (FLIPA) has established a Corporate Compliance Program that takes a comprehensive approach to compliance. As a not-for-profit provider association dedicated to improving care to underserved populations, FLIPA is committed to complying with rules and regulations of applicable federal, state, local government, and payor requirements. This policy also includes FLIPA's Code of Conduct as adopted by the Board of Directors.

B. Commitment

FLIPA is committed to maintaining and measuring the effectiveness of our compliance policies and standards. This document represents a part of a dynamic process. FLIPA will continue to review and revise this tool. Comments and suggestions will be important and valuable to this on-going process. The Corporate Compliance Officer will welcome input and considers this document a collaborative effort.

We are committed to carrying out our mission, fulfilling our legal duties, and creating a culture of ethical behavior that promotes prevention, detection, and resolution of instances of conduct that do not conform to FLIPA principles. We hold our employees, volunteers, and contractors to these same standards.

C. Responsibility

All employees, volunteers, and contractors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance. Reports may be made anonymously, through FLIPA's compliance hotline without fear of retaliation or retribution. Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination of employment or business association. Reports related to harassment or other workplace-oriented issues will be referred to Human Resources.

D. Policies and Procedures

FLIPA communicates its compliance standards and policies through required training that is provided to all employees, volunteers, and contractors. We are committed to these efforts through the distribution of this Compliance Policy, our Code of Conduct (contained herein), summary provisions, and our orientation presentations, as well



as presentations at board member meetings, and any provided trainings throughout the year. To underscore FLIPA's commitment to a compliant corporate culture and assure compliance with Federal and State laws, this Compliance Plan and related policies and procedures encompass the seven key elements that have been specified as requirements aimed at detecting fraud, waste and abuse in the Medicaid programs by the New York State Office of the Medicaid Inspector General (OMIG). The effectiveness of this plan will be certified, if required, by FLIPA, as required.

E. Enforcement

This Compliance Policy articulates expectations for the reporting and resolution of compliance issues and outlines the sanctions for: failing to report suspected problems, participating in non-compliant behavior, encouraging, directing, facilitating, or permitting either actively or passively non-compliant behavior, and/or other violations of the Compliance Program. FLIPA shall apply discipline that is consistent with the violation and our Human Resources policies. Throughout the process of determining the appropriate disciplinary action to be taken, in each instance of non-compliance, the Corporate Compliance Officer (CCO), and Chief Executive Officer will be responsible for ensuring that the disciplinary action taken is consistent with similar instances of non-compliance across all levels of personnel. The Compliance Officer shall maintain a record of all disciplinary actions involving the Corporate Compliance Plan. Disciplinary actions applicable to the governing body will be handled in accordance with the Board's governing documents (e.g., the Bylaws) and contractors will be handled via the contracting process.

F. Response and Prevention

It is important to the integrity of our operations that all claims of suspected violations be thoroughly investigated and addressed, in accordance with FLIPA's policies and procedures. Detected noncompliance, through any mechanism such as compliance auditing procedures, and confidential reporting will be responded to in an expedient manner by the CCO, or designee.

We are dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to the Compliance Plan.

In accordance with FLIPA policies and procedures, the CCO will coordinate FLIPA's prompt response to each violation by implementing actions that are consistent with the following:

- Coordinate the development and implementation of a Corrective Action Plan/Improvement Plan;
- Disclosure to Federal, State and/or local regulatory agencies (upon consultation; and recommendations of outside counsel) within the requisite timeframe required.
- The restitution of any overpayments to the appropriate payor.

G. Due Diligence



Consistent with applicable federal, state, and local laws and regulations, FLIPA will at all times, exercise due diligence with regard to background and professional license reviews for all prospective employees, volunteers, and contractors, including reviewing for exclusion from federal or state health care programs.

IV. **Code of Conduct**

A. Expectations

These standards were written to explain how our employees, volunteers and contractors should act toward each other, and toward others performing their duties on behalf of FLIPA. Adherence to the Code of Conduct is a condition of employment and business association with FLIPA.

It is our expectation that every person who provides services for FLIPA adheres to the highest standards and promotes ethical behavior. Employees, volunteers and contractors must exhibit and promote integrity, teamwork, trust and respect in the workplace; and must also comply with FLIPA policies prohibiting discrimination, retaliation and harassment in all facets of FLIPA's operations, as set forth in the FLIPA Employee Manual.

Employees, volunteers and contractors must have an understanding of FLIPA's policies and procedures, applicable regulations, and federal and state laws that apply to their specific roles. Although FLIPA's Code of Conduct cannot address every issue or provide answers to every dilemma, it defines the spirit in which we intend to do business and should guide us in our daily conduct. There may be instances that are not addressed by the Code of Conduct. Employees and others associated with FLIPA must seek direction from FLIPA Administrators in these situations.

Employees, volunteers and contractors may not engage in any conduct that conflicts with or is perceived to conflict with the best interest of FLIPA. Employees should refer to FLIPA's policies CP002 related to same.

In accordance with the Federal and State False Claims Acts, it can be considered a crime to knowingly and willfully provide false information or omit information when collecting government funding.

During the course of employment or business association with FLIPA, employees, volunteers and contractors may be exposed to a great deal of highly confidential information about patients/clients, business operations and other employees. No information relating to patients/clients, FLIPA's business operations or employees is to be discussed or shared with persons outside or within FLIPA, except where appropriate given the person's role with FLIPA or legal requirement to share the information. Conversations within FLIPA relating to all FLIPA confidential information are limited to only those who need to know the information to perform the individual's job functions. It is everyone's responsibility to adhere to FLIPA policies and procedures that provide guidance on safeguarding confidential information.



FLIPA resources including time, equipment, supplies and information are only to be used for FLIPA purposes. Employees, volunteers and contractors are entrusted to use good judgment to conserve FLIPA's resources.

We all benefit tremendously when employees, volunteers, and contractors exercise their power to prevent mistakes or wrongdoing by asking the right questions. Everyone is responsible for the prompt reporting of any issue, concern, violation or suspected violation of the law, our Corporate Compliance Plan, FLIPA policies and procedures and/or the Code of Conduct within one (1) hour of discovery. Open lines of communication for questions and "good faith" reporting are accessible to all employees and others associated with FLIPA. Mechanisms for reporting include, but are not limited to, the following:

- Open door policy (reporting up the chain of command)
- Corporate Compliance Officer
- Compliance Hot Line (888) 808-0992 (for identified confidential reporting or anonymous reporting)

The hotline establishes an avenue for employees, volunteers and contractors to report in a confidential or anonymous manner. Where an anonymous method is used, no effort will be made to identify the individual making the report.

FLIPA will safeguard the identity of anyone who reports issues, concerns or suspected violations of the law, regulations, Corporate Compliance Plan, FLIPA policies and procedures and/or the Code of Conduct, unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by the Medicaid Fraud Control Unit (MFCU), Office of the Medicaid Inspector General (OMIG) or law enforcement, or disclosure is required during a legal proceeding, and such persons shall be protected under the FLIPA policy for non-intimidation and non-retaliation. . Discrimination or retaliation against any reporter making a good faith report of a potential compliance issue to appropriate personnel, participating in an investigation of a potential compliance issue, conducting or participating in internal reviews or self-evaluations, participating in audits and remedial actions, and/or reporting instances of intimidation and retaliation and/or reporting potential fraud, waste or abuse to appropriate government officials is strictly prohibited.

A person, however, who knowingly files a false report, may be subject to disciplinary action up to and including termination of employment or other association with FLIPA.

V. **The Role of the Compliance Officer**

A. Compliance Officer

The Compliance Officer (CCO) has direct lines of communication to the Chief Executive Officer, the Board of Directors and FLIPA counsel.

Job Duties



The CCO is directly obligated to serve the best interest of individuals served, employees, and FLIPA. Responsibilities of the CCO include, but are not limited to:

- Developing and implementing compliance policies and procedures and reviewing the Plan and the policies and procedures during a review of the effectiveness of the plan on an annual basis or more frequently if needed.
- Liaison to the Board of Directors, Chief Executive Officer, Compliance Committee, management, and employees.
- Drafting, implementing, and updating a compliance work plan for the coming year, no less than annually or as otherwise necessary.
- Reporting no less than quarterly to the Board of Directors, Chief Executive Officer, and Compliance Committee on the progress of adopting, implementing, and maintaining the Program.
- Coordinating with the Compliance Committee and Agency compliance counsel.
- Investigating and independently acting upon matters related to the Compliance Program.
- Working with Chief Executive Officer to ensure that FLIPA does not hire or contract with any individual or entity who has been excluded or debarred from participation in Federal and/or State health care programs.
- Coordinating, developing, and participating in the educational and training program, pursuant to the training plan.
- Overseeing compliance audits and utilizing monitoring auditing systems that detect unethical, non-compliant, or illegal activities conducted by employees and/or others.
- Promptly investigating, in accordance with FLIPA policies and procedure, any concern or complaints received via the Hotline or other methods of reporting.
- Ensuring that FLIPA imposes appropriate sanctions, working with the Chief Executive Officer, in accordance with FLIPA policy and procedures, against employees, and others, for failure to comply with the Corporate Compliance Program, related policies, Code of Conduct, and/or applicable federal, state or local laws and regulations.
- Ensuring that FLIPA takes appropriate corrective actions, as required, including prompt restitution of any overpayment amounts within required timeframes, notifying the appropriate governmental FLIPA through self-disclosure or other mechanisms as required, disciplinary action, changes in policies and procedures, follow-up auditing and implementing measures to prevent a similar violation in the future.
- Engaging legal counsel, where the need arises for guidance on issues relating to the Corporate Compliance Program.

VI. The Structure, Duties, and Role of the Compliance Committee

A. Reporting Structure and Purpose

Compliance Committee (CC) members are appointed by the Chief Executive Officer and approved by the Board of Directors. Compliance issues are reported by the Compliance Committee to the Chief Executive Officer and the Board of Directors,



where appropriate. The Compliance Committee's purpose is to advise and assist the CCO with implementation of the Compliance Plan.

B. Function

The roles of the Compliance Committee are outlined in its Charter and include:

- Reviewing the effectiveness of the Corporate Compliance Program; overseeing and approving the ongoing development and implementation of the Corporate Compliance Plan, related policies and procedures, Code of Conduct, and communications that establish FLIPA's compliance standards.
- Advocating for the allocation of sufficient funding, resources, and staff to allow the Compliance Officer to fully perform their responsibilities.
- Collaborating with the Compliance Officer on written policies and procedures.
- Advocating for the enactment of required modifications to the Compliance Program.
- Maintaining open lines of communications with FLIPA management; providing support, feedback, and strategic direction.
- Developing and evaluating internal systems and controls that carry out FLIPA's standards; evaluating internal and external audits for the purpose of identifying deficient areas and implementing corrective and preventative actions.
- Implementing corrective and preventive action plans.
- Developing a process to solicit, evaluate and respond to complaints and problems.
- Supporting the Corporate Compliance Officer and management in imposing appropriate sanctions for violations of law, regulations, Compliance Program, related policies and procedures and the Code of Conduct.
- Providing input into any corrective action plan; including self-disclosure to a governmental FLIPA; assisting the Corporate Compliance Officer to identify and implement changes to day-to-day policies and procedures in order to prevent violations of similar laws, regulations and policies.
- Fostering a culture of compliance within FLIPA at every level and every department.

VII. **Background Checks and Employment Eligibility**

- A. FLIPA's HR Vendor will conduct criminal background checks for all prospective hires in accordance with HR005 Personnel Screening Process & Documentation.
- B. FLIPA's HR Vendor will conduct employment eligibility using e-Verify for all hires in accordance with HR005 Personnel Screening Process & Documentation.

VIII. **Exclusion Review**

A. Requirement

FLIPA does not employ, contract with, or otherwise do business with any individual or entity excluded from participating in federally sponsored healthcare programs,



such as Medicare and Medicaid. To avoid affiliation with any such persons or entity, as per regulatory requirements, FLIPA performs exclusion checks of all new hires, employees, contracted business associates, volunteers, and vendors on a monthly basis. If the exclusion check indicates that any individual or entity has been excluded from federally sponsored healthcare programs, the individual or entity cannot be employed by or conduct business with FLIPA.

IX. Education and Training Expectations

The ongoing development of an effective education and training program is a fundamental part of FLIPA's compliance program. Education and training programs communicate FLIPA's compliance expectations.

In order to accomplish the objectives of an integrated and appropriate education and training program, designated compliance trainers will work with the CCO. The trainers shall be fully knowledgeable about the Corporate Compliance Program, related policies and procedures, Code of Conduct, and those Federal and State laws and regulations that are the subject of the topic being addressed in the training session. Training will be provided as part of FLIPA orientation and at least annually thereafter. Training for employees and volunteers will be provided within 30 days of hire or other association with FLIPA and at least annually thereafter. Governing body members will be trained within ninety (90) days of appointment. Contractors will receive materials about the Compliance Program and will be required to agree to contractual language regarding its review and understanding of the same.

FLIPA trainings include, but are not limited to the following aspects of compliance:

- Code of Conduct and other related written guidance;
- Applicable policies and procedures;
- False Claims Act;
- Whistleblower Provisions;
- New York State False Claims Act;
- Risk Areas;
- The role of the Compliance Officer and Compliance Committee;
- Communication channels (name of Compliance Officer, reporting mechanisms, hotline);
- Organizational expectations for reporting problems and concerns;
- Non-retaliation policy;
- Any changes in federal or state regulations;
- Disciplinary standards;
- Response to compliance concerns and corrective action plans;
- Information regarding the requirements of the Medicaid program related to the employee, volunteer or contractor;
- Claims submission and billing requirements best practices;
- Compliance as a condition of employment and/or business relationship.



Employees, volunteers, contractors, and members of the governing body are expected to seek and maintain a current knowledge of Federal and State laws, regulations, and FLIPA standards that directly apply to their responsibilities. Additional training may be provided depending on program/department requirements.

X. **Effective Confidential Communication**

A. Expectations

Open lines of communication between the CCO and every employee, volunteer and contractor subject to this plan are essential to the success of our Compliance Program.

B. Reporting Procedure

Everyone is responsible for the prompt reporting of any issue, concern, violation or suspected violation of the law, regulations, Corporate Compliance Plan, FLIPA policies, and procedures, and/or the Code of Conduct. Open lines of communication for questions and "good faith" reporting are accessible to all employees and others associated with FLIPA. Mechanisms for reporting include, but are not limited to the following:

- Open door policy (reporting up the chain of command)
- Corporate Compliance Officer
- Compliance Hot Line (for identified confidential reporting or anonymous reporting)
- Hot Line Number: (888) 808-0992

FLIPA will ensure that the confidentiality of persons reporting compliance issues is maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by MFCU, OMIG or law enforcement, or disclosure is required during a legal proceeding, and such persons shall be protected under the FLIPA's policy for non-intimidation and non-retaliation.

C. Whistleblower Protections

In accordance with FLIPA policies and procedures, all employees, contractors, consultants, business associates and Board Members are strictly prohibited from engaging in any act or conduct which results in, or is intended to result, in retaliation or retribution against any individual for reporting his or her concerns relating to a potential compliance issue to appropriate personnel, participating in an investigation of a potential compliance issue, conducting or participating in internal reviews or self-evaluations, participating in audits and remedial actions, reporting instances of intimidation and retaliation and/or reporting potential fraud, waste or abuse to appropriate government officials. Adverse actions in retaliation or retribution for an individual's report or complaint will result in disciplinary action, up to, and including, termination of employment or business association. A person, however, who knowingly files a false report or does not report in good faith, may be subject to



disciplinary action up to and including termination of employment and/or business association.

D. Enforcement of Compliance Standards

FLIPA is committed to fostering a culture in which compliant behavior is encouraged, so that when instance of non-compliant behavior occurs, FLIPA can respond promptly with an investigation. FLIPA policies and procedures articulate expectations for the reporting and resolution of compliance issues and outline the sanctions for failing to report suspected problems, participating in non-compliant behavior and/or encouraging, directing, facilitating or permitting either actively or passively non-compliant behavior and/or other violations of the Program.

E. Disciplinary Action

Employees, volunteers and others who have engaged in conduct that has the potential of impairing FLIPA's good name may be subject to disciplinary action up to and including termination of employment and/or business association in accordance with PV008 Sanctions for Privacy Violations.

FLIPA shall apply discipline that is consistent with the violation as per our Human Resources policies. Throughout the process of determining the appropriate disciplinary action to be taken, in each instance of non-compliance, the CCO and Director of Human Resources will be responsible for ensuring that the disciplinary action taken is consistent with that taken in similar instances of non-compliance and consistent across all levels of personnel. Discipline will be appropriately documented in the employee's personnel file, along with a written statement of reason(s) for imposing such discipline. The CCO shall maintain a record of all disciplinary actions involving the Compliance Plan, and where appropriate report at least quarterly to the Board of Directors regarding such actions.

Disciplinary actions applicable to the Board of Directors will be handled in accordance with the Boards governing documents (e.g., the Bylaws). Discipline of contractors will be handled in the contracting process.

XI. **Auditing and Monitoring of Compliance Activities**

A. Internal Audits

FLIPA will conduct ongoing auditing and monitoring of compliance in identified risk areas including: billings; payments; ordered services; medical necessity; quality of care; governance; mandatory reporting; credentialing; contractor, subcontractor, agent, or independent contractor oversight; documentation; fiscal management, including contractual relationships; privacy/security and Human Resources practices relating to the Corporate Compliance Program, and other risk areas that are or should reasonably be identified by the FLIPA through organizational experience.

The scope of FLIPA's auditing and monitoring will include risk areas that are identified through the regular course of business by means of external alerts and/or internal reporting mechanisms.



XII. Detection and Response

A. Violation Detection

The CCO, Chief Executive Officer and the Compliance Committee shall determine whether there is any basis to suspect that a violation of the Compliance Plan has occurred.

If it is determined that a violation may have occurred, the CCO or designee will conduct a more detailed investigation. This investigation may include, but is not limited to, the following:

- Interviews with individuals having knowledge of the facts alleged,
- A review of documents, and
- Legal research and contact with governmental agencies for the purpose of clarification.

The Compliance Officer and appropriate compliance personnel will have access to all:

- records and documents,
- information,
- facilities, and
- individuals where this Compliance Plan is applicable.

If advice is sought from a governmental entity by FLIPA, the request and any written or oral response shall be fully documented.

B. Reporting

At the conclusion of an investigation involving legal counsel, counsel shall issue a report to the CCO, Chief Executive Officer, and Compliance Committee summarizing counsel's findings, conclusions and recommendations and will render conclusions regarding any violations of law, regulation, payor requirements or FLIPA policy. Documentation maintained will include a description of the investigative process; copies of interview notes; other documents essential for demonstrating that the provider completed a thorough investigation of the issue.

Legal counsel will be available to provide any follow-up information requested or answer any questions of management or the Board of Directors. Any additional action will be on the advice of counsel.

The CCO shall report to the Compliance Committee regarding each investigation conducted.

C. Restitution

If FLIPA identifies that an overpayment was received from any third-party payor, the appropriate regulatory (funder) and/or prosecutorial authority will be appropriately notified with the advice and assistance of counsel. It is FLIPA's policy to return any funds which are received as a result of overpayments. In instances where it appears



an affirmative fraud may have occurred; appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future.

D. Record Keeping

Regardless of whether a report is made to a governmental FLIPA, the CCO shall maintain a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged and will not be released without the approval of the Chief Executive Officer or legal counsel.

XIII. **Plan Revisions**

This document is intended to establish a framework for the ongoing implementation of a comprehensive and cohesive Corporate Compliance Program. This compliance plan is intended to be readily adaptable to changes in regulatory requirements. The plan shall be reviewed at least annually and modified as necessary.

In accordance FLIPA's Bylaws, the Board of Directors governs FLIPA and approves policies and procedures as developed by the executive staff inclusive of CCO.

Significant revisions to this Plan will be approved by the Board of Directors.