

Great Rivers Behavioral Health Organization

Policy Title:	Compliance with Applicable Federal and State Laws	Policy No. 6008.02
Category:	Contract Compliance	Date Adopted: 04/01/2016
		Date Revised: 07/14/2017 03/08/2019
Reference:	Washington Health Care Authority (HCA) contract with Great Rivers Behavioral Health Organization Great Rivers Compliance Plan Great Rivers Code of Conduct and Standards of Conduct 42 CFR 438.608(a), 455, and 1000 through 1008	

Policy:

- 1.1 Great Rivers Behavioral Health Organization ("Great Rivers") shall ensure ethical business practices and regulatory compliance with applicable laws, regulations, principles and policies that govern Great Rivers and to maintain an active program to prevent and correct problems that arise.
- 1.2 Great Rivers' Compliance Plan sets forth all the required elements under Federal Sentencing Guidelines from the Office of Inspector General (OIG) for the Department of Health and Human Services (HHS) compliance program guidance, which reflects the commitment to conduct business with integrity and in compliance with all applicable laws:
 - 1.2.1 Standards of Conduct/Policies and Procedures
 - 1.2.2 Compliance Officer and Compliance Committee
 - 1.2.3 Conducting Effective Training and Education
 - 1.2.4 Monitoring and Reviewing
 - 1.2.5 Reporting and Investigating
 - 1.2.6 Enforcement and Discipline
 - 1.2.7 Response and Prevention
- 1.3 The Great Rivers Compliance Plan is incorporated by reference into this Policy and details the implementation of both policy statements above.

Definitions:

- 2.1. "Abuse" means contractor practices, or actions of staff, that are inconsistent with sound fiscal, business or medical practices and result in an unnecessary cost to Great Rivers and/or the Health Care Authority (HCA) Medicaid program or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards for health care. It also includes service recipient practices that result in unnecessary cost to Great Rivers and/or HCA.
- 2.2. "Fraud" means an intentional deception or misrepresentation made by a person or entity with the knowledge that the deception could result in some unauthorized benefit to himself, some other person, or the entity. It includes any act that constitutes fraud under applicable Federal or State law.

- 2.3. "Compliance Officer" means the person within Great Rivers with the primary responsibility to implement and coordinate the Business Ethics and Regulatory Compliance Program and associated activities.
- 2.4. "Contractor" means any individual, behavioral health agency or entity (business or facility) providing Great Rivers funded public behavioral health services through contractual agreement with Great Rivers Governing Board.
- 2.5. "Ethics and Compliance Committee(ECC)" means the Great Rivers Governing Board designated committee with the responsibility to recommend policy and standards for the Business Ethics and Regulatory Compliance Program for Great Rivers and its contractors and to provide oversight of compliance activities.
- 2.6. "Medicaid Managed Care Abuse" means practices in a capitated MCO, PCCM or PIHP program, or other managed care setting that are inconsistent with sound fiscal, business, or medical practices, and result in an unnecessary cost to the Medicaid program, or in reimbursement for services that are not medically necessary or that fail to meet professionally recognized standards or contractual obligations for health care.
- 2.7. "Medicaid Managed Care Fraud" is any type of intentional deception or misrepresentation made by an entity or person in a capitated managed care type setting with the knowledge that the deception could result in some unauthorized benefit to the entity, himself, or some other person.
- 2.8. "Medical Necessity" or "Medically Necessary" means a requested service which is reasonably calculated to prevent, diagnose, correct, cure, alleviate or prevent the worsening of conditions in the recipient that endanger life, or cause suffering or pain, or result in illness or infirmity, or threaten to cause or aggravate a handicap, or cause physical deformity or malfunction, and there is no other equally effective, more conservative or substantially less costly course of treatment available or suitable for the person requesting service. "Course of treatment" may include mere observation or, where appropriate no treatment at all.

Additionally, the individual must be determined to have a mental illness and/or substance use disorder covered by a Washington State program. The individual's impairment(s) and corresponding need(s) must be the result of a mental illness and/or substance use disorder. The intervention is deemed to be reasonably necessary to improve, stabilize or prevent deterioration of functioning resulting from the presence of a mental illness and/or substance use disorder. The individual is expected to benefit from the intervention. The individual's unmet need cannot be more appropriately met by any other formal or informal system or support.

Procedures:

- 3.1. **Standards of Conduct/Policies and Procedures:**
 - 3.1.1. The Great Rivers' Standards of Conduct and policies and procedures act as a framework for ethical and prudent decision-making and conduct.
 - 3.1.2. Great Rivers maintains a Code of Ethics and Standards of Conduct as guidelines for ethical business practices and regulatory compliance. The Code of Ethics includes organizational value statements and corresponding conduct code guidelines. The purpose is to communicate to all Great Rivers employees, contractors, subcontractors, Board Members and volunteers that there exists an expectation and requirement of ethical compliance with all applicable laws, policies, rules and regulations in the conduct of our business.
 - 3.1.3. Great Rivers' policies and procedures are extensive and include detailed guidance specific to most aspects of our business practices.
 - 3.1.3.1. Great Rivers' compliance policies and procedures provide further guidance on specific compliance risk areas.

- 3.1.3.2. The Great Rivers staff regularly review and recommend, as needed, revisions to existing policies and procedures or for the adoption of additional policies and procedures. The Great Rivers Governing Board will revise and/or adopt additional policies and procedures that are designed to further prevent and detect compliance problems when deemed necessary.

3.2. **Compliance Organization and Oversight:**

- 3.2.1. The Great Rivers Governing Board has ultimate responsibility for Great Rivers' Business Ethics and Regulatory Compliance Program (Program).
- 3.2.2. Great Rivers has appointed a Compliance Officer who, with additional Great Rivers' staff, Quality Management Committee members and voluntary representatives shall serve as the Ethics and Compliance Committee (ECC) Chairperson. Together, the ECC and the Compliance Officer maintain primary responsibility to oversee and coordinate the Program. The ECC reports to the Great Rivers Governing Board through the Compliance Officer. While the Compliance Officer generally reports to the ECC, when circumstances warrant, such as allegations of Medicaid fraud at either the Great Rivers or the contractor level as determined by the Compliance Officer, the Compliance Officer has the authority to meet directly with the Governing Board.
- 3.2.3. The Compliance Officer shall have direct access to the ECC, Great Rivers Administrator, Governing Board and legal counsel. The Compliance Officer's duties and authority include the following:
 - 3.2.3.1. Implement and monitor Great Rivers' compliance activities.
 - 3.2.3.2. Report directly to the ECC on at least a semi-annual basis regarding all compliance activities including recommended policy development, training, monitoring, business and ethical issues addressed, and reports of suspected noncompliance.
 - 3.2.3.3. Recommend policies and procedures to the Great Rivers Governing Board that are designed to address substantive regulatory compliance risk areas.
 - 3.2.3.4. Develop and implement education and training programs for employees.
 - 3.2.3.5. Report on a periodic basis to the Great Rivers Governing Board on the progress of the implementation of the Program.
 - 3.2.3.6. Receive reports of possible violations of the Program.
 - 3.2.3.7. Research and provide answers to business ethics and regulatory questions that arise.
 - 3.2.3.8. Investigate all potential incidents of noncompliance, including reviews of relevant documents and interviews of relevant people.
 - 3.2.3.9. Refer potential fraud to one or more of the appropriate authorities including but not limited to:
 - 3.2.3.9.1. The appropriate HCA Compliance Officer;
 - 3.2.3.9.2. WA State Auditor's Office;
 - 3.2.3.9.3. WA State Medicaid Fraud Control Unit / Office of Attorney General;
 - 3.2.3.9.4. Office of Civil Rights;

- 3.2.3.9.5. Department of Health and Human Services / Office of Inspector General (DHHS/OIG); and/or
- 3.2.3.9.6. Center for Medicare and Medicaid Services (CMS) Regional Fraud and Abuse Coordinator.
- 3.2.3.9.7. Director of the Managed Care Contracting Division of the Department of Health Care Policy and Financing.
- 3.2.3.10. In consultation with the ECC, develop corrective action plans to correct compliance violations, prevent future incidents of noncompliance and oversee progress monitoring.
- 3.2.3.11. Develop a reporting process that is clearly defined and communicated to employees, contractors and clients.
- 3.2.3.12. Implement measures developed by the Administrator, the ECC and the Governing Board, which are designed to create an environment where employees, contractors and clients are encouraged to raise ethical questions, report potential incidents of noncompliance and report suspected fraud and abuse without fear of retaliation.
- 3.2.3.13. Assist the Administrator, the ECC and the Governing Board in reviewing Great Rivers' functions as they relate to fraud and abuse prevention, detection and reporting and in establishing methods to reduce Great Rivers' vulnerability to incidents of fraud and abuse.
- 3.2.3.14. Maintain a tracking system for business/ ethical issues, questions about regulatory compliance, reports of potential noncompliance and reports of suspected fraud, and abuse and
- 3.2.3.15. Ensure that appropriate contract provisions are in place that requires contractors and subcontractors to have a compliance program.
- 3.2.4. The ECC has direct access to the Compliance Officer, Great Rivers Administrator and Governing Board. The ECC duties include the following:
 - 3.2.4.1. Ensure that the Business Ethics and Regulatory Compliance Program is designed to provide an ethical framework for decision-making.
 - 3.2.4.2. Ensure that the Business Ethics and Regulatory Compliance Program is designed to prevent and/or detect violations of laws and regulations and Great Rivers' policies and procedures.
 - 3.2.4.3. Together with the Compliance Officer periodically review and make recommendations for the revision of the Business Ethics and Regulatory Compliance Program to meet changing regulations or trends and submit the revised Program to the Governing Board for approval.
 - 3.2.4.4. Receive reports on investigations being conducted by the Compliance Officer unless such reports would potentially compromise an investigation or should be made directly to the Great Rivers Governing Board.
 - 3.2.4.5. Receive status reports from the Compliance Officer on a semi-annual basis and take such steps as may be necessary to resolve any problems that prevent action or limit the effectiveness of the program.
 - 3.2.4.6. Together with the Compliance Officer, ensure communication of the Program and associated activities to all employees including changes in laws, regulations or policies, as necessary, to assure continued compliance.

- 3.2.4.7. Make efforts to create an environment where employees, contractors and clients are encouraged to raise ethical questions, report potential incidents of noncompliance, and report suspected fraud and abuse without fear of retaliation.
- 3.2.5. Any potential fraud and/or abuse occurrences identified by contractors or by Great Rivers employees during the course of performing their duties are reported to the Great Rivers Compliance Officer. The Compliance Officer may conduct an investigation in an effort to verify such items as the source of the complaint, type of contractor, nature of fraud or abuse complaint, approximate dollars involved, and the legal and administrative disposition of the case. The Compliance Officer reviews the report with Great Rivers Administrator and if appropriate, Legal Counsel. When required, a report is forwarded to one or more of the authorities. The Compliance Officer is authorized to exercise independent discretion in reporting suspected fraud and/or abuse to any and all appropriate authorities.
- 3.3. **Training and Education:**
 - 3.3.1. Great Rivers is committed to communicating our Code of Conduct, compliance awareness and compliance policies to all employees. All Great Rivers employees have access to Great Rivers' policies and procedures, Code of Ethics and receive mandatory training on compliance and ethics.
 - 3.3.2. Under the terms of the Great Rivers contractor agreements, each behavioral health agency is required to participate in Medicaid fraud and abuse training. Great Rivers will notify contractors of applicable fraud and abuse training opportunities offered through CMS, Washington State Attorney General's Medicaid Fraud Unit, Washington State Auditor's Office, HCA, Great Rivers or any other relevant entity.
- 3.4. **Compliance Monitoring and Auditing:**
 - 3.4.1. Detection and prevention of fraud and abuse is conducted by Great Rivers through a variety of auditing and monitoring processes and activities. Great Rivers' Quality Management plan includes activities designed to ensure contracted behavioral health agency compliance. Great Rivers' annual on-site contract reviews and monthly utilization reviews are designed to ensure contractor compliance. Other fiscal policies and audits ensure compliance with payment standards that apply to Great Rivers.
- 3.5. **Reporting:**
 - 3.5.1. Great Rivers' employees and contractors have a responsibility to raise questions about business ethics and regulatory compliance, to report incidents of potential noncompliance and to report suspected fraud and abuse identified during the course of performing work responsibilities to the Compliance Officer.
 - 3.5.2. A report is made to the Great Rivers Compliance Officer using one of the following options:
 - 3.5.2.1. In person, to the Compliance Officer.
 - 3.5.2.2. Emailing Compliance Officer at comply@greatriversbho.org.
 - 3.5.2.3. Calling the Compliance Officer at 360-795-5941.
 - 3.5.2.4. Faxing a report to the Compliance Officer at 360 795-3126.
 - 3.5.2.5. Mailing a written concern or report to:
Compliance Officer
Great Rivers Behavioral Health
PO Box 1447

Chehalis, WA 98532

(Please identify as Confidential on outside of envelope)

- 3.5.3. In addition, Great Rivers and contractor employees may report any potential fraud or abuse to their supervisors who must then report the suspected misconduct to the Great Rivers Compliance Officer.
- 3.5.4. All contacts are documented to track and monitor reported concerns to resolution.
- 3.5.5. All known reporting persons are advised that they may call back at a later time to receive an update on their reports.
- 3.6. **Investigations, Corrective Action Plans and Other Responses:**
 - 3.6.1. All reports of potential violations of laws, regulations, policies or questionable conduct, from any source will be logged and reviewed by the Great Rivers Compliance Officer. If after initial investigation and consultation with the Great Rivers Administrator and, when appropriate, Legal Counsel, and the Compliance Officer determines there are genuine compliance concerns, the Compliance Officer informs the ECC and Great Rivers Governing Board and forwards reports of potential fraud and abuse to the appropriate staff at HCA and all other appropriate regulatory authorities.
 - 3.6.1.1. When an instance of non-compliance has been determined and confirmed, the Compliance Officer develops and recommends an initial corrective action plan and submits it to the ECC for review when appropriate. The ECC, after consideration and any modification, shall approve a corrective action plan. Upon approval, the Compliance Officer and ECC will develop a strategy for implementation of the corrective action plan, with the advice and guidance of the Great Rivers Administrator and, as appropriate, Legal Counsel. The corrective action plan will focus on implementing changes designed to ensure that the specific violation is addressed and, to the extent possible, improve, prevent or detect any additional compliance inadequacies.
 - 3.6.1.2. If the initial investigation reveals possible criminal activity, notification to such law enforcement and regulatory authorities as Great Rivers Legal Counsel advises, which at a minimum includes for Medicaid Fraud, notification to the Medicaid Fraud Unit of the Washington Attorney General's Office and the Director of Managed Care Contracting Division of the Department of Health Care Policy and Financing.
 - 3.6.1.3. Depending upon the results of the investigation by legal authorities, including any legal action taken by those authorities, the Great Rivers may implement corrective action as follows:
 - 3.6.1.3.1. Immediate cessation of the activity until the corrective action plan is in place.
 - 3.6.1.3.2. Initiation of appropriate disciplinary action against the person or persons involved in the activity.
 - 3.6.1.3.3. Specific requirements for additional training and education of employees to prevent future similar occurrences.
 - 3.6.1.3.4. Initiation of any necessary action to ensure that no clients are placed at clinical risk.

- 3.6.1.4. Any threat of reprisal against a person who makes a good faith report is against Great Rivers' policy (whistle blower protections). Reprisal, if found to be substantiated, is subject to appropriate discipline, up to and including termination.
 - 3.6.2. Great Rivers, at the request of a reporting person, will provide such anonymity to the reporting person as is possible under the circumstances in the judgment of the Compliance Officer, consistent with Great Rivers obligation to investigate concerns and take necessary corrective action, and as provided by law. Anonymous reporting persons are advised that while they may remain anonymous, as provided by law, the content of their reports is not confidential.
 - 3.6.3. If the identity of the complainant is known, the Compliance Officer provides a written report to the reporting individual that an investigation has been completed and, if appropriate, the corrective action that has been taken.
 - 3.7. **Enforcement and Disciplinary Mechanisms:**
 - 3.7.1. Employee Disciplinary Action
 - 3.7.1.1. Great Rivers will initiate appropriate disciplinary action against employees who fail to comply with applicable laws, regulations, and policies. The seriousness of the violation will determine the level of the discipline.
 - 3.7.1.2. Any attempt to harm or slander another through false accusations, malicious rumors or other irresponsible actions are a violation of Great Rivers' policy. Such attempts, if found to be substantiated, will be subject to discipline, up to and including termination.
 - 3.7.2. Contractor Discipline/Termination
 - 3.7.2.1. Great Rivers' contracts require that contractors comply with all Great Rivers' policies and procedures regarding the prevention and detection of fraud and abuse, including the Great Rivers Standard of Conduct and their own compliance policy. The contracts clearly state that breach of these provisions will be events for corrective action or termination of the contract after failure to correct.
- 3.8. **Contractor Responsibilities**
 - 3.8.1. Great Rivers requires its contractors and sub-contractors to report suspected incidents of fraud and abuse. This duty is a required term of their respective contracts.
 - 3.8.2. Great Rivers' direct clinical services contracts require that contractors comply with all Great Rivers Policies and Procedures, including those that impact the prevention and detection of fraud and abuse. Likewise, direct service contractors are required to include compliance with Great Rivers Policies and Procedures as a contract term in their subcontracts.
 - 3.8.3. Great Rivers requires contractors to implement procedures to screen its employees and contractors to determine whether they have been 1) convicted of a criminal offense related to health care; or 2) listed by a federal agency as debarred, excluded or otherwise ineligible for federal program participation as verified through the United States Health and Human Services website at <http://exclusions.oig.hhs.gov> and the System for Award Management (SAM). Employees or subcontractors found to have a conviction or sanction or found to be under investigation for any criminal offense related to health care are to be removed from direct responsibility for, or involvement with Great Rivers funded services.

3.8.4. Great Rivers' direct clinical services contracts require that contractors develop and implement administrative and management procedures that are designed to ensure regulatory compliance including:

- 3.8.4.1. The adoption of a mandatory compliance plan that includes the seven components recommended by the federal sentencing guidelines;
- 3.8.4.2. Participation by the contractor and any subcontractors in Medicaid fraud and abuse training conducted by the Washington State Attorney General's Medicaid Fraud Unit.
- 3.8.4.3. Reporting of fraud and/or abuse information of the contractor or subcontractors to Great Rivers upon suspicion and/or discovery, including the Client name/ID number if applicable, the source of the complaint, type of or, nature of fraud or abuse complaint, approximate dollars involved, and the legal and administrative disposition of the case.

3.9. **Coordination with Governmental Agencies**

- 3.9.1. Great Rivers will assist various governmental agencies as is practical in providing information and other resources during the course of investigations of potential fraud or abuse.
- 3.9.2. All information identified, researched or obtained for, or as part of, a potential fraud and abuse investigation is considered confidential by Great Rivers and the participating investigative governmental agencies. Any information shared among and/or developed by participants in the investigation of a potential fraud and abuse occurrence is maintained solely for this specific purpose and no other.
- 3.9.3. Great Rivers will implement processes that comply with specific reporting procedures developed by HCA and with processes establishing and administering penalties and sanctions for fraud and abuse.

POLICY SIGNATURE

3/8/2019

Edna J. Fund, Chair
Great Rivers Governing Board

Date