



Ethics & Corporate Compliance



Who is responsible to report Compliance concerns?



We are **ALL RESPONSIBLE** to report
suspected or actual Ethical & Compliance
Concerns
Failure to do so will result in disciplinary
actions

How do I report an ethical or compliance issue I believe exists? Cabrini has open lines of communication--

- **In person** to: your supervisor, department head, administrator, Compliance Officer, any member of the Corporate Compliance Committee, Human Resources or Administration
- **Email** at scnhcompliance@cabrini-eldercare.org
- **Phone** at **914-999-5330** (Compliance “Hotline”) **914-693-6800 x 573**
- **In Writing** to any of the people listed above
- **Anonymously** (Please provide FULL details)

There are NO FORMS. If you have information, we want to hear about it.

Everyone should know Compliance policies and how to report violations.

- **Handbook**
- **Human Resources**
- **Shared drive on Cabrini network**



What is a Compliance Program?

Compliance means following the law or rules

Ethics means doing the right thing even without rules or law. It defines what is **MORALLY** right or wrong.

Purpose is to prevent, detect and correct all unlawful and unethical conduct, as well as prevent fraud, waste and abuse

Compliance Plan – the policies and process

“Rules of the Road”

- **HANDBOOK**
- **WEBSITE**
- **SHARED DRIVE**
- **DEPARTMENT**



The goal is to prevent fraud, waste & abuse. “Do the right things right!”

Exclusion Searches

306	!!	Snorri	[OpenID] Dailymotion Implements SSO Solution wit...	12/;
320		Snorri	[OpenID] Dailymotion Implements SSO Solution wit...	12/;
56		Andrew ...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
		Chris Me...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
		Andrew ...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
19		David Re...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
		Martin A...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
		Andrew ...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
131		Snorri	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
385		Peter Wil...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
101		Peter Wa...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
155		Peter Wil...	Re: [OpenID] Dailymotion Implements SSO Solution ...	12/;
393		Chris Mess...	[OpenID] BBC acts as OpenID provider. wikipedia sa...	12/;
9		Martin A...	[OpenID] Does Google have a "Sign in with your Go...	12/;
18		Eric Sachs	Re: [OpenID] Does Google have a "Sign in with your ...	12/;
306		Martin A...	Re: [OpenID] Does Google have a "Sign in with your ...	12/;
36		Peter Wil...	[OpenID] BBC acts as OpenID provider. wikipedia sa...	12/;
56		Chris Me...	Re: [OpenID] BBC acts as OpenID provider. wikipedi...	12/;
		Sakimura Nat	[OpenID] [OIDFSC] FW: Proposal to create the TX wo...	Yest
		Peter Willia...	[OpenID] pbwiki encounters (i.e. wiki.openid.net en...	Yest

Both the federal gov't & NYS may exclude individuals and vendors from participation in Medicare/caid programs for committing fraud.

Fines for hiring an excluded person or entity can be \$10,000/day. Cabrini runs an exclusion search prior to employment, contract and monthly.

Elements of a Compliance Program

- Policies and procedures
- Designation of a Compliance Officer and Committee
- Open lines of communication
- Training and education of staff
- Internal auditing and monitoring
- Enforcement through disciplinary guidelines
- Response to detected offenses through the development of a plan of correction



Policies and Procedures – are:

- Available, accessible and applicable to all Cabrini employees and affected individuals;
- Descriptive of Cabrini’s commitment to comply with federal, state and local law, including NYCRR Section 521

Cabrini’s Compliance Plan and Code of Conduct are foundational documents describing Cabrini’s fundamental principles and values, and our commitment to conduct business in an ethical manner.

Compliance Officer is responsible to oversee and monitor the compliance program and evaluate its effectiveness. The C.O. drafts, implements, and updates the policies of the compliance program to conform to federal and state laws, rules and regulations, as well as Cabrini’s organizational experience. This is done annually, or more often as is necessary. The C.O. chairs the **Corporate Compliance Committee**, and handles the day-to-day operations of the Compliance Program including compliance complaints, investigations, corrective actions and input for disciplinary actions.

Compliance Committee reports the identified issues, conflicts of interest, audits and other related information to the Audit Committee of the Board of Trustees

Training and Education All staff must complete annual Corporate Compliance Education. It is also a part of departmental meetings.

Internal Auditing & Monitoring is conducted through the Compliance Program aimed at identifying problems in Risk Areas and specific areas for Cabrini.

Disciplinary Guidelines are enforced and information is available to staff and other affected individuals. The disciplinary policy is on the shared drive. Disciplinary actions will escalate with intentional and/or reckless intent.

Corrective Actions are undertaken promptly upon the identification of issues that may not be in compliance with federal, state or local law, or are found to be unethical business practices.



Discipline: infractions of compliance standards may result in disciplinary actions with intentional or reckless behavior escalating disciplinary measures

Cabrini's Risk Areas & Organizational Experience

- **Billings**
- **Payments**
- **Ordered Services**
- **Medical Necessity**
- **Quality of Care**
- **Governance**
- **Mandatory Reporting**
- **Credentialing**
- **Contractor, subcontractor, agent or independent contract oversight**
- **Other risk areas such as: Privacy concerns, Environmental Actions, Quality of Care and Cybersecurity**

See the Corporate Compliance Plan, available on the website and shared drive for details about how Cabrini addresses these areas.

FRAUD includes:

- “knowingly” submitting or causing the submission of false claims for payment
- “knowingly” making, using, or causing to be made or used a false record or statement material to a false claim [DOCUMENTATION!!! Documentation can be the basis for high risk behavior and fraud, waste & abuse outcomes]

ABUSE includes:

- practices that are inconsistent with sound fiscal, business, or medical practices resulting in unnecessary costs, improper payment, or payment for services that fail to meet professional standards of care or that are medically unnecessary [“STEAK vs CHOPPED MEAT”]

WASTE includes:

- Unintentional overutilization, underutilization, or misuse of resources.

ANTI KICKBACK STATUTE prohibits:

- *Kickbacks
- *Bribes
- *Rebates
- *Any other kind of payment deal involving federal \$
- *Cash payments
- *Discounted products
- *Bundled services
- *Compensation in kind
- *Other reciprocal arrangements

GIFTS

Cabrini does not allow staff to accept gifts from Residents/Patients or their loved ones. There can be an overlap between a gift and a kickback.

“DE MINIMIS” GIFTS—It is common for vendors or contractors to offer a pen, mug or the like to staff they may be dealing with. This would not be considered a kickback, and is an accepted practice amongst businesses. A De Minimis gift is usually well under \$25 dollars.

DONATIONS—Often, the loved ones of our Residents/Patients may decide to donate to Cabrini in honor of a particular staff member or unit. This is acceptable.

If there are any questions concerning gifts, please check with Human Resources or the Compliance Officer for guidance.



FALSE CLAIMS ACT prohibits a person or organization from defrauding the federal government

- **Significant fines**
- **Exclusion from participating in Medicare, Medicaid and other government programs**

DEFICIT REDUCTION ACT was enacted to eliminate fraud, waste and abuse in Medicaid. NYS has its own DRA.



Whistleblower Law provides that a person cannot be punished for honestly reporting a potential compliance violation. Retaliation is illegal. This law allows a person to sue, on behalf of the government, another person or organization that has violated the False Claims Act. The whistleblower may receive financial reward for identifying fraudulent activity. Detailed information about this law, and the protections this law provides to those reporting compliance issues in good faith, can be found in the Employee Handbook.

PRIVACY & SECURITY

The Health Insurance Portability and Accountability Act (HIPAA) instated regulations protecting privacy and security of protected health information (“PHI”) and electronic PHI. NYS also has privacy laws. It is your responsibility to know the rules around HIPAA and what can, and cannot, be shared with others.

CYBERSECURITY is the protection of computer systems at Cabrini. When an organization’s security is compromised, fraud can happen. It is your responsibility to know the rules concerning:

- *computer logins
- *password use
- *Email security
- *Phishing
- *Viruses
- *Ransomware/malware

Quality of Care includes:

- Safety: Does it cause harm?
- Timeliness: Is it provided when it is needed?
- Effectiveness: Does care result in desired outcomes

Knowingly providing substandard care and submitting claims for payment are considered false claims

Benefits of a Compliance Program

- Provides evidence of Cabrini's commitment to ethical corporate conduct
- Increases the likelihood of identifying and preventing unethical or unlawful conduct
- Employees remain vigilant to identify violations
- Encourages employees to report actual or suspected problems to allow for internal inquiry and corrective actions
- Improves quality, efficacy and consistency of care and services
- Assists in mitigation of exposure to civil damages, penalties and criminal sanctions



Lucy confides to you that a coworker has been sexually harassing her. She wonders if this is something that would fall under improper conduct in the compliance program. What should you tell her?

Compliance programs address ALL TYPES of improper conduct



Lessons

- 1. Every person should know their organization's compliance policies and the process for reporting violations.**
- 2. Submitting bills for services that were not provided is fraud.**
- 3. The purpose of a compliance program is to prevent, detect and correct all unlawful and unethical conduct.**
- 4. You should report ANYONE who asks you to document something that did not occur.**
- 5. The Whistleblower Act states that an employer may not intimidate or retaliate against an employee making a good faith report about a compliance matter. Also, an employee may sue on behalf of the government for a compliance matter they believe to be fraudulent. Both NYS and the federal government have Whistleblower Acts.**
- 6. The Anti-Kickback Statute prohibits the giving or accepting of payment for referrals of a federally-funded business.**

More Lessons

- 7. It is a violation of Cabrini's Corporate Compliance Plan if you do not complete your annual Compliance training every year.**
- 8. You can find the disciplinary policy on the shared drive; in the Employee Handbook; in Human Resources, and on the website.**
- 9. Disciplinary measures will be more severe for intentional and/or reckless intent.**
- 10. If you report a compliance matter, we will take corrective actions and you will receive a commendation letter in your personnel file.**





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