

CORPORATE COMPLIANCE PROGRAM

INTRODUCTION

FOUNDER

William T. Barnes

HONORARY CHAIR

Julie Harris
(1925-2013)

PRESIDENT

Marlene Cheatham

VICE PRESIDENTS

Carol J. Deer
Janice Frye
David McGorry
John J. Murphy

SECRETARY

Robert W. Hare

TREASURER

Charles F. Devlin

DIRECTORS

Karen Dattore
Elizabeth Kasulka
Richard A. Leins, Esq.
Michael Piscitelli
Fern Quezada
Daniel Weinfeld, Esq.
Kelly Crane Winkler

DIRECTORS EMERITI

Harold Auerbach
(1920-2014)
William P. Clark, M.D.
Adma Jeha d'Heurle, Ph.D.
Norman M. Feinberg
Patrick Grasso
(1925-2013)
Anne E. Harmon
Aaron T. Harris, Sr.
Dominick Leone
Adelaide T. Mantarian
Alphonsus McCourt
(1940-2016)
Ann A. McDonnell
Laszlo Papp
Thelma D. Perkins
Sal M. Schiliro
Linda K. Nealon-Woods, Esq.

EXECUTIVE DIRECTOR

Charles F. Devlin, Esq

SCHOOL DIRECTOR

Jacqueline Hastings, SAS, LMHC

CLINICAL DIRECTOR

Elaine K. Haagen, M.D.

**DIRECTOR,
PSYCHOLOGICAL SERVICES**

Laurie Wolkin, Ph.D.

The Association for Mentally Ill Children of Westchester, Inc. and its affiliated corporation, AMIC Holding Co., Inc., are not-for-profit corporations which are incorporated under the laws of the State of New York and tax exempt pursuant to section 501 (c) (3) of the Internal Revenue Code. The two affiliated Corporations are governed by their Boards of Directors in accordance with their certificates of incorporation and by-laws. For purposes of this Compliance Program, the two corporations will be referred to jointly as AMIC or “the Corporation,” and their Boards, consisting of identical directors, will be referred to as the Board.

AMIC established The Clear View School in 1968 and continues to operate the School as an approved special education school and a certified day treatment center. The Clear View School provides special education and related services and day treatment to school-aged and preschool children, who are referred by local public school districts. AMIC also established and operates AMIC Supportive Families, a program that provides services, including residential services, to adults with developmental disabilities.

As a special education school and preschool, The Clear View School is subject to Article 89 of the Education Law, and specifically §§ 4401 and 4410; as a Day Treatment Center, it holds an operating certificate issued by the Commissioner of Mental Health and is subject to Article 31 of the Mental Hygiene Law; and as the provider of other services to adults with developmental disabilities it holds an operating certificate issued by the Office of People with Developmental Disabilities and is subject to Article 16 of the Mental Hygiene Law.

In addition, AMIC complies with the following Federal and State laws and regulations:

- Federal Family Educational Rights and Privacy Act (FERPA) (20 USC section 1232g) and regulations thereunder (34 CFR Part 99);
- Individuals with Disabilities Education Act (IDEA) and regulations thereunder (34 CFR Part 300);

480 Albany Post Road, Briarcliff Manor, New York 10510-2436

(914)941-9513 (Ph) (914)941-5528 (Fx)
AMIC, a tax exempt, voluntary, nonprofit agency
www.clearviewschool.org

- Health Insurance Portability and Accountability Act (HIPAA); and
- NYS Not-for Profit Corporation Law (N-PCL)

Agencies that regulate or hold AMIC accountable include the following:

NYS Education Department
 NYS Office of Mental Health,
 NYS Office of People with Developmental Disabilities
 NYS Department of Health,
 NYS Attorney General's Office,
 NYS Comptroller's Office,
 NYS Office of the Medicaid Inspector General (see 18 NYCRR, Part 521)
 Internal Revenue Service.
 Westchester County Department of Health

Finally, AMIC meets contractual obligations imposed by the County of Westchester, the New York City Department of Education and other local school districts that contract with The Clear View School for special education services for resident children.

AMIC operates the following programs and provides the following services:

The Clear View School and Day Treatment Center

- Preschool special education classes and services
- School age special education classes and services
- Children's day treatment services
- Transition services

AMIC Supportive Families

- Individual Residential Alternatives programs and services
- Residential Habilitation programs and services
- Individual Support Services
- Service Coordination

AMIC recognizes that the programs which it operates are highly regulated because of their importance to the quality of life of a vulnerable population. Accordingly, the Board of AMIC is committed to full compliance with the laws and regulations under which it operates and to creating an environment in which all employees understand these complex laws and regulations and are committed to working towards full compliance. The Corporate Compliance Program has been developed to assist all members of the AMIC community in making appropriate decisions when faced with compliance issues. The Compliance Program is integrated within AMIC's operations not only to promote statutory and regulatory compliance and ethical conduct, but also to enhance performance and quality of services for the benefit of the students, families and people AMIC serves.

AMIC has also established a Code of Ethics, which includes a commitment to personal

responsibility in providing services with diligence and integrity and a Conflict of Interest Policy, which further guides the Board in helping directors, officers and employees to avoid self-dealing and to adhere to the mission and charitable purposes of the corporation.

CORPORATE COMPLIANCE PROGRAM

The purpose of AMIC’s Corporate Compliance Program is to create positive outcomes, e.g., improved care, more efficient and cost-effective operations in all of its departments, and reduction in waste and loss. It is applicable to all officers, directors, employees, volunteers and agents of AMIC (referred to also as “covered individuals”) and to all of the activities of AMIC including, but not limited to, billings, payments, quality of care, governance, mandatory reporting, credentialing and any other areas of risk that AMIC identifies or, with due diligence, should identify as an area of risk. The Corporate Compliance Program applies to all documents and records created or maintained by AMIC in any form or medium, written or digital, and signed with written or digital signature

The Program incorporates the following eight (8) elements as described in Sections 1 – 8, below:

- Written Policies and Procedures
- Designation of an AMIC employee as Compliance Officer and Program Administrator (hereinafter, Compliance Program Administrator)
- Training and Education of all Affected Employees, Executives, and Directors
- Open and Responsive Communication to the Responsible Compliance Program Administrator
- Disciplinary Policies to Encourage Good Faith Participation
- A System for Routine Identification of Compliance Risk Areas and Non-Compliance
- A System for Responding to Compliance Issues as they are Raised
- A Policy for Non-Intimidation and Non-retaliation for Good-faith Participation

Section 1. Written Policies and Procedures

AMIC has developed procedures to implement the Corporate Compliance Program. These policies and procedures establish the activities and processes that AMIC will undertake to operate consistently with all applicable laws and regulations. AMIC is committed to reviewing, revising, and developing new policies and procedures as necessary to ensure that operations are conducted with an eye on “best practices” as well as compliance with regulations. Policies and procedures will cover not only the education and treatment of our student and adult clients, but also our practices with respect to human resources, environmental health and safety and all financial operations.

i. Compliance Expectations: Code of Ethics

Our policies and procedures begin with a Code of Ethics, which establishes standards for all covered individuals (officers, directors, employees, volunteers and agents of AMIC, as defined

above). Standards set out in the following Code of Ethics are subject to procedures for Compliance Reporting. The following standards are established:

- a. *Quality of Care and Service*: The care and service of the students, families and persons served by AMIC shall be of the highest, professional quality, adhering to the standards of expertise and experience, understanding, discretion, respect and sound judgment applicable and appropriate to the position held within AMIC.
- b. *Truthfulness in Communication*: There shall be truthfulness in all oral, written and digital communications internally and externally with all persons, individual and corporate, including, but not limited to, school districts and all other governmental subdivisions and agencies.
- c. *Accuracy*: Every effort shall be made to be as accurate as possible in stating and recording facts and opinion, which are stated and recorded in the ordinary course of AMIC's business and which it is the ordinary course of the business of AMIC to state and record.
- d. *Contemporaneous, Complete, Dated and Signed Recording*: Recordkeeping of all AMIC activities to which the Corporate Compliance Program is applicable shall be as contemporaneous as possible with the activity recorded to ensure truthfulness and accuracy. All records shall be as complete as possible; a record shall be signed and dated by the author and, if required, separately signed and dated by a supervisor.
- e. *Modification and Amendment of Records*: No record shall be modified or amended unless the modification or amendment is clearly identified as such on the face of the record and signed and dated by the author and, if required, separately signed and dated by a supervisor. Any modification or amendment shall also be supported by a written record of the reason for same, attached to or marked on the face of the original record. To ensure the integrity of all records, if any document requires correction, the author shall enter the revision immediately proximate to the original text being revised and put one line through the original text so that it is still legible and initial and date the revision, and, if required, the revision shall be separately initialed and dated by a supervisor. The use of correction fluid or tape of any kind shall not be permitted.
- f. *Record Maintenance*: All records shall be maintained in a form or medium to render them capable of preservation and accessibility for the period of time that such records are required to be maintained and made available pursuant to any applicable statute or regulation. All records shall be accessible to persons having the right thereto, as those rights are defined by FERPA and HIPAA or other governing statutes and regulations, and all requests for production shall be timely satisfied.
- g. *Confidentiality*: Because it provides services to mentally ill students and their families and developmentally disabled adults, AMIC is in receipt of and maintains personal information of a highly confidential nature. All officers, directors, employees and agents of AMIC have a duty to protect the confidentiality of this information in any form or

medium in which it is received or maintained and shall strictly comply with this duty in all communications, oral, written and digital, whether internal or external, formal or informal. In disclosing personal information, including personally identifying information, medical and mental health information, there shall be strict adherence to FERPA and HIPAA and the regulations thereunder and to all other statutes and regulations that govern. All records shall be

- maintained securely;
 - appropriately redacted when disclosure would reveal confidential information about others for whom disclosure is not authorized;
 - disclosed to persons, individual or corporate, including school districts and other governmental agencies and subdivisions, only upon adequate proof of the right to access and of the authority to exercise such right; a written record shall be made and kept with each record disclosed of the date of disclosure, to whom disclosed and proof of the right and authority under which disclosure was demanded.
- h. *Special Provision for Confidentiality on the World Wide Web:* Special care shall be taken regarding digital communications and the use of the World Wide Web and “social media.” No personally identifying information or image of a current or former student, family or person served by AMIC shall be used by any officer, director, employee, volunteer or agent of AMIC without express, written permission of a person, who has the legal capacity to give such permission. Express, written permission shall be on notice to the Executive Director or her/his designee.
- i. *Respect for Others and the Avoidance of Discriminatory, Abusive and Exploitive Behavior:* Officers, directors, employees, volunteers and agents of AMIC shall treat each other, the students, families, the people AMIC serves, and members of the public, with respect; they shall create a safe and secure workplace where every person is heard and valued; and they shall take steps to ensure that all employment policies and practices, including hiring and firing, adhere strictly to statute and regulation governing nondiscriminatory employment policies and practices. The Corporation shall not engage in the following:
- discriminatory behavior (on the basis of race, religion, gender, gender identity, sexual orientation, marital status, age, ethnicity, country of origin, color, disability, or other protected status) toward any student, family or person served by AMIC or in its hiring and other employment practices or in contracts and the engagement of services of vendors.
 - abusive or exploitive behavior toward any person served by AMIC, any fellow employee or any member of the public.

- j. *Fair, Honest and Transparent Interactions:* All interactions, internally and externally, and the decisions that govern them shall be fair, honest and transparent and shall be based on facts and professional judgment, which are not subject to other undue influences, e.g., personal relationships, gifts, discounts or other items of value.
- k. *Safeguard of AMIC Property:* All AMIC resources of whatever kind or nature shall be used to support the work of AMIC and shall not be used for personal purposes or gain.
- l. *Conflict of Interest Policy:* The Board of Directors has adopted a Conflict of Interest Policy to govern all transactions between the Corporation and related parties or any covered individual who may have a real or potential conflict of interest. To review our *AMIC Conflict of Interest Policy*, please visit www.clearviewschool.org/pdfs/conflict-of-interest-policy.pdf.
- m. *Noncompliance Reporting.* Covered individuals will strive to encourage a culture that promotes prevention, detection and resolution of instances of conduct that do not conform to Federal and State requirements and AMIC's ethical policies through a non-compliance reporting process. AMIC recognizes that a critical aspect of its Compliance Program is noncompliance reporting and has established a policy of strict non-retaliation to protect employees and others who report problems and concerns.

ii. **Guidance on Dealing with Actual or Suspected Compliance Issues**

All officers, directors, employees and agents of AMIC have an affirmative duty and responsibility to report any actual or suspected improper conduct, including actual or suspected violations of law or regulation, corporate policies and procedures, or AMIC's Code of Ethics.

Prompt reporting to AMIC management is encouraged so that corrective and preventive action may be taken. Covered individuals can undertake this responsibility without fear of consequences and with confidence that any form of retaliation against anyone who makes a report of actual or suspected improper conduct is prohibited. Publication of this Compliance Program and regular trainings on its implementation provide notice that anyone who commits or condones any form of retaliation will be subject to discipline up to, and including, termination from AMIC employment.

Self-reporting is also encouraged. Although no exemption from the consequences of one's own improper conduct may be asserted by reason of self-reporting, self-reporting may be considered as a mitigating factor in determining an appropriate course of action.

iii. **How to Communicate Actual or Suspected Compliance Issues to Appropriate Personnel**

Reports of actual or suspected compliance issues may be oral or by email. They may be presented to immediate supervisors (who will in turn report to the Compliance Program Administrator for transmittal to the Audit Committee); to the Compliance Program Administrator directly for transmittal to the Audit Committee, or, if anonymity is desired, to a

Compliance Voicemail or Email Drop Box maintained by AMIC. Both Drop Boxes shall be checked daily by the Compliance Program Administrator. Reports made to the Drop Boxes shall be secure and confidential and shall be immediately transmitted to the Members of the Audit Committee securely and confidentially.

Confidentiality and anonymity shall be protected throughout the review process to the extent permitted by law and regulation.

Please visit or click on the hyperlink for www.clearviewsschool.org/pdfs/audit-committee.pdf for the names of the Audit Committee Members and the Compliance Program Administrator and for the telephone number of the Compliance Voicemail Drop Box and the email address of the Compliance Email Drop Box.

iv. How Compliance Problems are Investigated and Resolved.

The Compliance Program Administrator has been designated in accordance with procedures described in Section 2, below. When the Compliance Program Administrator receives a report of actual or suspected improper conduct, the following steps shall be taken:

- a. The Compliance Program Administrator shall immediately transmit, securely and confidentially, to the members of the Audit Committee any report. The Audit Committee is a Committee of the Board of Directors, which is comprised of Independent Directors, as such term is defined in the Not for Profit Corporation Law and in the Conflict of Interest Policy of the Board. The Audit Committee shall review, investigate, determine and dispose of a complaint pursuant to this policy.
- b. Within three (3) days of receipt of any report, the Audit Committee shall convene to review the complaint in accordance with the practice and procedure of the Audit Committee and shall commence an initial review with all deliberate speed, concluding that initial review within thirty (30) calendar days of receipt of the report.
- c. Upon initial review and preliminary investigation by the Audit Committee, a determination shall be made as to whether a more complete investigation is warranted. The Committee shall render that decision in writing and recite the reasons therein. If the report was not made anonymously, notice shall be given to the reporter in writing that the Audit Committee has determined not to proceed or will be arranging for a more complete investigation.
- d. If after initial review the Audit Committee determines that an investigation is warranted, it shall designate one or more assigned investigators within AMIC, e.g., administrators, accounting department staff, therapists, head teachers, depending on the nature of the investigation, to review and report on facts to the Committee. The Committee, at its own discretion, may also retain experts, including accountants or lawyers, to conduct an investigation. The investigation shall proceed with all deliberate speed and shall not exceed sixty (60) calendar days from the date of the

Audit Committee's decision to proceed.

- e. If at any time during an investigation the assigned investigators have reason to believe that there may have been a violation of statute or regulation, they shall report their reasonable suspicion to the Audit Committee, which shall report these initial findings to the appropriate governmental authority for further investigation.
- f. Confidentiality shall be preserved during this investigation period to the extent possible, but AMIC shall comply with law enforcement or other government authority and shall release information about the identity of the reporter to the extent that such release is authorized by lawful process.
- g. Upon conclusion of an investigation by assigned investigators, a written report shall be provided to the Audit Committee, which shall determine whether it can render a decision on the report or require further proceedings, e.g., the hearing of witnesses or the review of documents or consultation with experts.
- h. The Audit Committee shall determine a report of improper conduct with all deliberate speed and such determination shall be no later than six (6) months from the date of receipt of the report.
- i. Disposition: depending on the nature of the report, the Audit Committee shall make a final determination with respect to the report and shall report its findings to the Board of Directors and to the Executive Director and may include a recommendation for Corrective or Disciplinary Action
- j. The report of the Audit Committee shall be maintained with the Minutes of the Board of Directors, but such report shall not be publicly disclosed and shall be sealed, with access limited to the Audit Committee, the Board, and the Executive Director. All of the proceedings and records before the Audit Committee shall be retained in minutes of the Audit Committee, which shall also be sealed and not publicly disclosed. Confidentiality, however, shall only be protected to the extent permitted by law and regulation, and AMIC shall comply with law enforcement or other government authority to the extent that release of any information contained in the Minutes of the Board of Directors or Minutes of the Audit Committee is demanded and authorized by lawful process.
- k. As appropriate, a report shall be made to the Office of the Medicaid Inspector General and arrangements shall be made for refunding overpayments if findings reveal any intentional or unintentional overbilling.

The following corrective actions may be implemented by the Executive Director upon recommendation by the Audit Committee:

- i. Change of AMIC policy, practice or procedure;

- ii. Retraining of staff in existing policy, practice or procedure or in any changes in policy, practice or procedure;
- iii. Monitoring effects of changes and retraining and measuring impact of risk reduction of improper conduct;
- iv. Consultation with appropriate regulatory agency or other governing body for clarification, amendment or modification of any regulation, rule or policy that poses a potential for misunderstanding and resulting in an increased risk of improper conduct.

For employees, the following disciplinary actions may be taken by the Executive Director upon recommendation by the Audit Committee and consultation with the Compliance Program Administrator; and for all other covered individuals, by the Board upon recommendation by the Audit Committee and consultation with the Compliance Program Administrator:

- i. Reprimand and warning, explaining the improper conduct found and requiring no repetition;
- ii. Probation, explaining the improper conduct found, requiring no repetition and putting in place a period of probation and supervision;
- iii. For employees, suspension of at least three (3) and not more than thirty (30) days of employment, explaining the improper conduct found and requiring no repetition; and for all other covered individuals, a reasonable period of suspension from participation in all AMIC actions and activities, explaining the improper conduct found and requiring no repetition;
- iv. For employees, termination of employment; and for all other covered individuals, termination of participation in all AMIC actions and activities.

Disciplinary action under i, ii and iii may be escalated to the next highest action upon a finding by the Executive Director that the disciplinary action imposed failed to be corrective.

Section 2. Designation of Compliance Officer

The Executive Director with the approval of the Board shall annually appoint an AMIC employee as Compliance Officer (entitled Compliance Program Administrator) . In his/her role as Compliance Program Administrator the designee shall have responsibility for the day-to-day operation of the Compliance Program and shall report to both the Chief Executive Officer and the Board of Directors.

The Compliance Program Administrator, in consultation with the Audit Committee and the Executive Director, shall be responsible for the development, implementation, monitoring and updating of AMIC's Corporate Compliance Program and corporate policies and providing training for all covered individuals in the Federal, State and local statutes and regulations and corporate policies affecting the Compliance Program. The Compliance Program Administrator shall monitor the effectiveness of compliance standards and ensure that all officers, directors, employees, volunteers and agents conform to the standards of the Compliance Program and receive adequate and appropriate education and training in those standards and shall report regularly to the Audit Committee and the Executive Director concerning all these matters. In consultation with the Audit Committee and the Executive Director, the Compliance Program Administrator shall develop internal systems and controls to carry out compliance standards, policies and procedures; monitor internal and external audits to identify potential areas of risk and non-compliant issues, and implement corrective and preventive action plans and reviews to determine effectiveness.

In all matters, including complaints or incident reports of improper conduct, the Audit Committee shall act on behalf of the Board of Directors and the action of the Audit Committee shall be final, but subject to timely report to the Board of Directors. In reporting the action of the Audit Committee to the Board of Directors on a complaint or incident report of improper conduct, the Audit Committee and the Board of Directors shall ensure the confidentiality and anonymity, if applicable, of the complaint and report, except for the limitations set out herein.

Section 3. Training and Education

The development and implementation of regular, effective education and training sessions for officers, directors, employees, volunteers and agents of AMIC is an integral part of the Compliance Program. All covered individuals shall receive an introduction to the Compliance Program, and anyone involved in identified risk areas shall receive specialized compliance education pertaining to their function and responsibilities.

Training related to the overall Compliance Program shall be provided during orientation programs for new officers, directors, employees, volunteers and agents. In addition, there shall be annual training for all officers, directors, employees, volunteers and agents. As part of orientation, each employee and others in service at AMIC shall receive a written copy of or digital access to this Compliance Program, and a written copy of or digital access to the Code of Ethics contained in the Compliance Program, and the corporate policies listed at the conclusion of this Corporate Compliance Program and made a part hereof. Annual training shall include a review of the existing Corporate Compliance Program, the Code of Ethics, applicable policies and procedures, and any changes in Federal or State laws and regulations and corporate policies and procedures. All covered individuals shall by written or digital signature acknowledge their understanding of and intent to comply with the Corporate Compliance Program and Code of Ethics.

Training may be completed in live or on-line digital sessions. Where training is provided on line, covered individuals shall be required to verify completion of the training program by written or digital certification. Completion of the initial and annual training program is a

condition of continued employment or other service at AMIC.

The following training procedures are in effect:

The Audit Committee, in coordination with the Executive Director and Compliance Program Administrator, is responsible for developing the compliance education curriculum and for ensuring that compliance training meets the policy standards on this subject, and that the initial and annual completion requirements are met.

Compliance training sessions shall include, at a minimum, information on the following aspects of the Compliance Program:

- Code of Ethics, Conflict of Interest Policy, Whistleblower Policy, Nondiscrimination Policy, Privacy Practices under the Health Insurance Portability and Accountability Act (HIPAA), the Parents' Bill of Rights under FERPA and NYS Education Law §2-d, Children's Internet Protection Act (CIPA) and Code of Student Conduct and Behavior Management;
- Reporting, including organizational expectations for reporting problems and concerns, methods of reporting, procedures for investigation;
- Roles of Compliance Program Administrator, Audit Committee, Board of Directors and Executive Director within the Compliance Program structure.

Educational materials in written or digital format shall be provided and updated to facilitate the compliance sessions and ensure that a consistent message is delivered to all employees and others in service at AMIC. All covered individuals shall receive or be given digital access to a summary of *Federal and New York State Statutes relative to False Claims and Whistleblower Protections*, please visit or click the hyperlink for www.clearviewschool.org/pdfs/false-claims-Whistleblower-statutes-regs.pdf and a copy of our *AMIC's Whistleblower Policy*, please visit or click the hyperlink for www.clearviewschool.org/pdfs/whistle-blower-policy.pdf

Members of the Audit Committee shall be available to consider and give responses to questions or issues that trainers are unable to answer or concerning which there is confusion and the need for further clarification. The Audit Committee shall have the discretion to determine the most appropriate format for responding, e.g., by written response or by convening a meeting with trainers.

Updating and Revising Training: The Audit Committee, in coordination with the Executive Director and the Compliance Program Administrator shall review the Compliance Program training annually for the purpose of updating it to reflect the identification of new risk areas or other risk areas not adequately addressed by current training and to bring attention to new or revised Federal, State or local statutes and regulations.

Section 4. Lines of Communication within AMIC in Support of the Compliance Program

AMIC is a close community with open and supportive lines of communication among employees, administrators, and board members. There is a culture of communication that is reflected in interactions among clinical and treatment team members, educators and administrators, as well as, accounting, maintenance, human resources and other support staff . This culture supports and enhances the Compliance Program. Specific Compliance Program procedures for reporting actual or suspected compliance issues are set forth above in Section 1 (iii).

Section 5. Disciplinary Policies Encourage Good Faith Participation in Compliance Program

AMIC will encourage good faith participation by all covered individuals in the full implementation of the policies and procedures of the Compliance Program through training programs. In circumstances in which a covered individual engages in misconduct or fails to report misconduct or suspected misconduct, which he/she had the opportunity to observe, the covered individual may be required to attend additional training sessions and may also be subject to appropriate disciplinary action. Consequences for misconduct or failure to report misconduct or suspected misconduct shall include the following:

- Retraining, if misconduct or failure to report misconduct or suspected misconduct was based on a lack of awareness or understanding of a statutory or regulatory obligation, or corporate policy or procedure.
- For employees, disciplinary action by the Executive Director upon recommendation by the Audit Committee and consultation with the Compliance Program Administrator, and for all other covered individuals, by the Board upon recommendation by the Audit Committee and consultation with the Compliance Program Administrator, ranging from counseling, reprimand, warning, probation, suspension or termination of employment, position, contract or participation in any other action or activity of AMIC.

AMIC shall endeavor to be consistent in its approach to discipline with the same disciplinary action for similar offenses.

Section 6. System for Routine Identification of Compliance Risk Areas

To assist in its efforts to detect and prevent fraud, waste, and abuse, AMIC conducts regular audit and monitoring procedures, both internally, and externally. Audits are utilized to: identify compliance problems and potential compliance problems and to provide a basis for instituting preventive measures and implementing procedures, policies and systems as necessary to reduce the likelihood of compliance problems.

AMIC is committed to a policy of self-evaluation for review of program quality. Appropriate individuals in key management positions are responsible for engaging in self-monitoring processes conducted within specific components of the educational, treatment and support

programs.

Section 7. System for Responding to Compliance Problems as They are Raised

Compliance problems or potential compliance problems may be raised informally in the course of staff meetings, departmental meetings, programmatic or fiscal audits, employee assessments, or in the course of reviews undertaken for other purposes, as for example in preparation for a mediation or due process review of an educational or treatment recommendation. In these situations, there may not be a formal report of an actual or suspected compliance issue, but a compliance issue will have been identified. Covered individuals are encouraged in these situations to bring the issue or the potential issue or risk area to the attention of a supervisor, who will take appropriate action and report to the Compliance Program Administrator, who will follow through with actions described in Section 1 above .

Section 8. Policy of Non-intimidation and Non-retaliation

AMIC has adopted a Whistleblower Policy to protect from retaliation persons who report actual or suspected improper conduct. Such policy provides that no director, officer, employee or volunteer who in good faith reports any action or suspected action taken by or within the Corporation that is illegal, fraudulent or in violation of the Code of Ethics or policies of the corporation shall suffer intimidation, harassment, discrimination or other retaliation or, in the case of employees, adverse employment consequences. This Policy has been adopted in accordance with § 715-B of the Not-for-Profit Corporation Law and this Corporate Compliance Program, please visit or click the hyperlink for www.clearviewschool.org/pdfs/whistle-blower-policy.pdf

This policy is applicable to all aspects of participation in the Compliance Program, including reporting potential issues, investigating issues, self-evaluations, audits, remedial actions, and reporting to the Office of Medicaid Inspector General or other appropriate public officials.

All covered individuals shall receive training during orientation and annual training on this policy and shall also receive specific information on the protections for whistleblowers that are embodied in State and Federal law. Training materials shall include a summary of Federal and State Statutes Relating to False Claims and Whistleblower Protections, please visit or click the hyperlink for www.clearviewschool.org/pdfs/false-claims-Whistleblower-statutes-regs.pdf including, but not limited to the following:

- Federal False Claims Act (31 USC § 3730(h): This Act is designed to prevent and detect fraud, waste and abuse in Federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages for each false claim submitted. In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower provision. The Government, or an individual citizen acting on behalf of the Government, can bring actions under the False Claims Act. An individual citizen, referred to as a whistleblower or “Relator,”

who has actual knowledge of allegedly false claims may file a lawsuit on behalf of the U.S. Government. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15% - 30% of the amount recovered. The False Claims Act prohibits discrimination or retaliation against any employee for taking lawful actions under the False Claims Act.

- NYS False Claims Act (State Finance Law § 191): This State statute is the same in purpose as the Federal law, similar in procedure and relief, but broader in liability, since it applies to any false claim submitted for payment and is not limited to healthcare related claims.
- NYS Labor Law § 740: This State statute prohibits retaliatory action against an employee if such employee a. discloses, or threatens to disclose to a supervisor or to a public body an activity, policy or practice of the employer that is in violation of law, rule or regulation which violation creates and presents a substantial and specific danger to the public health or safety, or which constitutes health care fraud; b. provides information to, or testifies before, any public body conducting an investigation, hearing or inquiry into any such violation of a law, rule or regulation by such employer; or c. objects to, or refuses to participate in any such activity, policy or practice in violation of a law, rule or regulation. The protection against retaliatory personnel action pertaining to disclosure to a public body shall not apply to an employee who makes such disclosure to a public body unless the employee has brought the activity, policy or practice in violation of law, rule or regulation to the attention of a supervisor acting on behalf of the employer and has afforded such employer a reasonable opportunity to correct such activity, policy or practice. A civil action may be brought by the employee for injunctive or compensatory relief and costs, disbursements and attorney's fees are recoverable. The statute includes certain defenses available to the employer.
- NYS Labor Law § 741: This State statute is similar to section 740 in its intent to prohibit retaliatory personnel action, except that it specifically pertains to healthcare employees.

CONCLUSION

AMIC has made every effort in developing and publishing the foregoing Compliance Program to meet its obligation to Federal and State regulatory authorities, and not only to comply with the law, but also to establish a corporate culture that supports and encourages compliance.

ADDENDUM

The following is a list of applicable statutes and regulations and corporate policies, which are deemed to be included in and made a part of this Corporate Compliance Program. The statutes, regulations and policies, as is the Compliance Program itself, shall be reviewed regularly, and at least annually, to ensure that current provisions of law and legally conforming policies are included in and made a part of this Compliance Program.

Access and review each of the following by visiting www.clearviewsschool.org and under the Info Toolkit tab for Policies & Forms.

- **False Claims & Whistleblower Statutes & Regs**
www.clearviewsschool.org/pdfs/false-claims-whistleblower-statutes-regs.pdf
- **AMIC Conflict of Interest Policy**
www.clearviewsschool.org/pdfs/conflict-of-interest-policy.pdf
- **AMIC Whistleblower Policy**
www.clearviewsschool.org/pdfs/whistle-blower-policy.pdf
- **AMIC Nondiscrimination Policy**
www.clearviewsschool.org/pdfs/notice-of-non-discrimination-policy.pdf
- **The Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule**
www.clearviewsschool.org/pdfs/hippa.pdf
- **Parents' Bill of Rights For Data Privacy and Security**
www.clearviewsschool.org/pdfs/parents-bill-of-rights.pdf
- **The Justice Center FAQs**
www.justicecenter.ny.gov/about/faq#43n51
- **Student Code of Conduct**
www.clearviewsschool.org/pdfs/student-code-conduct.pdf

Revised: 08/29/2016