

MADISON COUNTY POLICY AND PROCEDURES

Subject: **Compliance Policy:**
Investigation and Resolution of Compliance Issues

Issued: September 24, 2012

Approved: December 27, 2012

Revised: November 15, 2016
December 22, 2020

Purpose:

Madison County (sometimes referred to as “County” or “the County”) implemented a Corporate Compliance Program in an effort to establish and maintain a culture within the organization that promotes prevention, detection, and resolution of misconduct that violates or conflicts with federal, state, and local laws and regulations; its Code of Conduct and, its Corporate Compliance Program, including all related policies and procedures adopted by it. This is accomplished, in part, by establishing communication channels for employees, independent contractors, and board members of the County to report problems and concerns. These individuals are encouraged to report issues via their Departments head or supervisor, the Compliance Hotline, or directly to the Compliance Officer.

Ultimately, all such reports are to be communicated to the Compliance Officer, who, in turn, is responsible for responding to the issues reported in a timely manner. The Compliance Officer will begin investigating the report as quickly as practicable and ensure that any resulting corrective action is implemented immediately, completed within a reasonable timeframe. This Policy is designed to establish a framework for responding to potential violations of the Compliance Program and managing investigations with respect thereto.

Policy:

Madison County will respond to reports or reasonable indications of suspected non-compliance by commencing a prompt and thorough investigation of the allegations to determine whether a violation has occurred.

Personnel are required to assist with the investigation and resolution of compliance issues by cooperating with and engaging in activities such as: providing requested documentation, participating in interviews, assisting with the gathering of information, implementing and monitoring corrective actions and/or internal controls, training relevant parties, implementing disciplinary action as necessary, and any other steps necessary for the appropriate and timely resolution of compliance issues.

Employees, independent contractors or board members who report issues or concerns that are not covered by the Compliance Plan will be politely redirected to the appropriate department or individual. In instances where an individual seeks confidentiality or reports anonymously, the Compliance Officer shall redirect the report to the appropriate department or individual while maintaining the request for confidentiality/anonymity.

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Procedures:

1. The Compliance Officer will conduct or oversee the conduction of all internal investigations involving compliance-related issues and shall have the authority to engage inside legal counsel/outside legal counsel or other consultants, as needed. The Compliance Officer will consider whether the investigation should be conducted under attorney/client privilege.
2. Before conducting an investigation of any compliance-related issue, the Compliance Officer shall ensure a full understanding of the relevant laws, regulations, and government issuances.
3. Upon report or notice of alleged non-compliance, the Compliance Officer will conduct an initial inquiry into the alleged situation. The purpose of the initial inquiry is to determine whether there is sufficient evidence of possible non-compliance to warrant further investigation. The initial inquiry may include documentation review, interviews, audit, or other investigative technique. The Compliance Officer should: (a) conduct a fair impartial review of all relevant facts; (b) restrict the inquiry to those necessary to resolve the issues; and (c) conduct the inquiry with as little visibility as possible while gathering pertinent facts relating to the issue.
4. If deemed appropriate, the Compliance Officer will recommend the cessation of internal activities that may be the cause of, or contribute to the alleged non-compliance.
5. If, during the initial inquiry, the Compliance Officer determines that there is sufficient evidence of possible noncompliance of any criminal, civil, or administrative law to warrant further investigation, the issue should be turned over to legal counsel. A memorandum to this effect should be directed to legal counsel, with a copy to the County Administrator. The memorandum should state whether legal counsel or the Compliance Officer will be leading the investigation. All documents produced during the investigation by legal counsel to be possibly protected from disclosure should include the notation: *"Privileged and Confidential Document; Subject to Attorney-Client Privileges; Attorney-Directed Work Product."*
6. The Compliance Officer, in consultation with legal counsel, the County Administrator, and the Compliance Committee, will evaluate the violation to determine if a voluntary self-disclosure of the violation is appropriate. In the event voluntary disclosure is appropriate or required, the Compliance Officer will consult with external counsel on the notification of appropriate government officials, private payors, or other entities. Notification shall be made within a reasonable time period from date of discovery and may include restitution of monies paid by the applicable Federal or State agency, payor, or other entity.
7. For investigations that do not involve legal counsel, the Compliance Officer will determine what personnel possess the requisite skills to examine the particular issue(s) and will assemble a team of investigators, as needed. The Compliance Officer will also decide whether the County has sufficient internal resources to conduct the investigation or whether external resources are necessary.
8. The Compliance Officer shall work with the investigation team to develop a strategy for reviewing and examining the facts surrounding the possible violation. The Compliance Officer will consider the need for an audit of billing practices and determine the scope of interviews.
9. The Compliance Officer will maintain all notes of the interviews and review of documents as part of the investigation file.

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10. The Compliance Officer should ensure that the following objectives are accomplished:

- Fully debrief complainant;
- Notify appropriate internal parties;
- Identify cause of problem, desired outcome, affected parties, applicable guidelines, and possible regulatory or financial impact;
- Provide a complete list of findings and recommendations;
- Determine the necessary corrective action measures, (e.g., policy changes, operational changes, system changes, personnel changes, training/education); and
- Document the investigation.

11. Upon receipt of the results of the investigation, depending upon the scope and severity of the identified violations, the Compliance Officer may consult with inside legal counsel/outside legal counsel, the County Administrator, and/or the Compliance Committee to determine: (a) the results of the investigation and the adequacy of recommendations for corrective actions; (b) the completeness, objectivity, and adequacy of recommendations for corrective actions; and/or (c) further actions to be taken as necessary and appropriate.

12. Upon conclusion of the investigation, the Compliance Officer will organize the information in a manner that enables the County to determine if an infraction did, in fact, occur. The Compliance Officer will track the investigation, responsible parties, and due dates in a compliance log. The log will include the resolution of the investigation as closed or fully resolved.

13. The Compliance Officer will be responsible for reporting the results of all investigations to the County Administrator, Compliance Committee, and the Board of Supervisors.

14. The Compliance Officer or Department Director will inform the reporter, if known, of the conclusion of the investigation and the outcome, if appropriate.