

## **MADISON COUNTY POLICY AND PROCEDURES**

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

**Approved:** April 11, 2023 (Resolution No. 23-101)

**Effective Date:** March 28, 2023

**Revised:** November 15, 2016  
December 22, 2020  
April 11, 2023

**Assigned to:** Government Operations Committee

**Responsible Dept.** Compliance

**Next Review:** August 2026

**Purpose:** Madison 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 Corporate Compliance Officer.

Ultimately, all such reports are to be communicated to the Corporate Compliance Officer, who, in turn, is responsible for responding to the issues reported in a timely manner. The Corporate Compliance Officer will promptly begin investigating the report 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 Corporate Compliance Program and managing investigations with respect thereto to reduce the potential for reoccurrence; ensure ongoing compliance with federal health care program requirements, including Medicare and Medicaid, including evaluating compliance training and education needs; recommending appropriate corrective action to be taken with respect to persons involved in non-compliant activity; and identifying and reporting compliance issues, as applicable, to appropriate federal and state agencies, and refunding of any identified overpayments.

- Policy:**
- A. 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.
  - B. All Affected Individuals (as defined in the Corporate Compliance Plan and further described in Attachment 1 thereto) are required to assist with the investigation and resolution of compliance issues by cooperating with and engaging in activities such as:
    - 1. Providing requested documentation;
    - 2. Participating in interviews;
    - 3. Assisting with the gathering of information;
    - 4. Implementing and monitoring corrective actions and/or internal controls;
    - 5. Training relevant parties;

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6. Implementing disciplinary action as necessary; and
  7. Any other steps necessary for the appropriate and timely resolution of compliance issues.
- C. Anyone who report non-compliance related issues or concerns will be politely redirected to the appropriate department or individual. In instances where an individual seeks confidentiality or reports anonymously, the Corporate Compliance Officer shall redirect the report to the appropriate department or individual while maintaining the request for confidentiality/anonymity.

### **Procedures:**

1. The Corporate Compliance Officer will conduct or oversee 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate 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 Corporate Compliance Officer, in consultation with legal counsel, the County Administrator, and the Corporate Compliance Committee, will evaluate the violation to determine if a voluntary self-disclosure of the violation is appropriate. In the event the County's investigation identifies credible evidence or the County credibly believes that criminal or civil violations have occurred, the appropriate federal and state officials will be notified immediately, including the New York State Department of Health, Office of Medicaid Inspector General (OMIG), and Office of the Inspector General (OIG) when required by law, rule or regulation. In the event voluntary disclosure is appropriate or required, the Corporate 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

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include restitution of monies paid by the applicable Federal or State agency, payor, or other entity. The Corporate Compliance Officer shall receive copies of any reports submitted to governmental entities.

7. For investigations that do not involve legal counsel, the Corporate 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 Corporate Compliance Officer will also decide whether the County has sufficient internal resources to conduct the investigation or whether external resources are necessary.
8. The Corporate 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 Corporate Compliance Officer will maintain all notes of the interviews and review of documents as part of the investigation file.
10. The Corporate 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, which shall include:
    - the alleged violation(s);
    - a description of the investigation process;
    - copies of interview notes or other documents essential to demonstrate a thorough investigation of the issue was completed; and
    - any disciplinary and/or corrective action taken, including the need to make policy and procedure modifications or the implementation of new policies and procedures to prevent recurrence and ensure ongoing compliance with New York and federal laws, rules and regulations and the requirements of the Medicare and Medicaid programs.
11. Upon receipt of the results of the investigation, depending upon the scope and severity of the identified violations, the Corporate Compliance Officer may consult with inside legal counsel/outside legal counsel, the County Administrator, and/or the Corporate 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. Appropriate corrective action will be taken, including, but not limited to, prompt identification and restitution of any overpayment to the affected payor and the imposition

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of proper disciplinary action. If the incident requires disciplinary action, the discipline process will proceed per applicable County policies and procedures.

13. Upon conclusion of the investigation, the Corporate Compliance Officer will organize the information in a manner that enables the County to determine if an infraction did, in fact, occur. The Corporate 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.
14. The Corporate Compliance Officer will be responsible for reporting the results of all investigations to the County Administrator, Corporate Compliance Committee, and the Board of Supervisors.

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