

MADISON COUNTY POLICY AND PROCEDURES

Subject: **Compliance Policy:**
Response to Government Investigations and Interviews

Issued: December 17, 2012

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Revised: February 18, 2014
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Purpose:

Federal and State law enforcement and regulatory agencies routinely conduct interviews to gather information during compliance audits, inquiries, and investigations. It is important that **Madison County** (sometimes referred to as “County” or “the County”) responds to any official requests for information consistently and appropriately. Therefore, this policy is established to provide guidance on how to handle any unannounced visits by government representatives. This policy does not address visits by regulatory agencies to perform program certification or quality assurance functions.

Definitions:

Government Investigator includes any employee, auditor, agent or other representative of the federal or state government who seeks information from Madison County that is investigative in nature.

Federal or State Agency means a state or federal agency involved in investigating Madison County, including but not limited to, Office of Inspector General (OIG), the Centers for Medicare and Medicaid Services (CMS), the United States Attorney’s Office (USAO), the United States Department of Justice (DOJ), the Federal Bureau of Investigations (FBI), and the New York State Department of Health (NYS DOH).

Notice of a Government Investigation means receipt of a subpoena, OIG Audit Request, record request, demand letter, or other notification of a government investigation or inquiry involving Federal health care programs or litigation alleging fraud involving Federal health care programs.

Policy:

1. Madison County is committed to appropriately responding and not interfering with any lawful audit, inquiry, or investigation.
2. Employees will remain courteous and professional when dealing with investigators or agents.
3. Announcement of an impending visit by any government investigator or auditor must be reported to the County Administrator immediately, who is responsible to then notify the Compliance Officer and legal counsel as identified in the Compliance Plan.
4. Refer to the Policy on Search Warrants for further details regarding the procedures for handling the receipt of a search warrant or subpoena.

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Procedures:

A. Responding to Visits by Government Investigators at any of Madison County facilities:

1. If an individual arrives at any County facility and identifies himself or herself as a government auditor, investigator, or other representative, treat him or her with respect and courtesy. Request identification (do not attempt to photocopy credentials, as this is a violation of Federal law) and the reason for the visit.
2. Ask the individual to wait in an unused office or a location where business is not conducted.
3. Immediately contact the County Attorney, who will contact the Compliance Officer and County Administrator identified in the Compliance Plan. The County Administrator will identify one employee to be responsible for responding to the agent's questions.
4. Await direction from legal counsel. Do not submit to questioning or an interview. Do not provide documents or other information.
5. Refer to the Policy on Search Warrants, if applicable.

Other than providing information to direct the agents to information requested, do not submit to any form of questioning or interviewing.

B. Responding to an Interview Request

1. It is important that during a government investigator's first encounter with Madison County, the government investigator may suggest that employees must speak with him or her or consent to an interview.
2. Government investigator may not threaten employees in anyway or require an employee to speak with him or her immediately. Employees have the right to schedule an appointment at a later time to speak with the government investigator. Employees also have the right to decline to be interviewed altogether.
3. Employees are entitled to have someone with them during an interview with a government representative. Madison County will arrange to have the County Attorney present at no cost, or the employee may choose to consult an attorney separately at his or her own expense.
4. Employees are, of course, free to speak with the government investigators. If an employee speaks with the government investigators before notifying the County Attorney, we request that the employee make the notification as soon as possible after the interview. Employees are strongly encouraged to take notes during the interview.
5. During the interview, employees should follow these guidelines:
 - a. Always tell the truth. If you do not recall something, are uncertain or have no knowledge about the topic being discussed, say so.
 - b. Be careful to answer questions completely, accurately, and concisely so that there will be no misunderstandings as to what you are saying. Indicate whether the information you are providing is first-hand knowledge, something you have heard, or speculation. It is good practice to avoid speculation, but if you must speculate, it is important to make sure you let the government representative know that you are speculating.
 - c. Contact the County Attorney or County Administrator as soon as possible after the interview.