

MADISON COUNTY

CORPORATE COMPLIANCE PLAN



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NOTICE TO ALL COUNTY REPRESENTATIVES

Questions regarding this Corporate Compliance Plan (hereafter called "Corporate Compliance Plan), Madison County's Code of Ethics or any compliance/ethics related matter should be directed to any of the following individuals:

- Your Immediate Supervisor
- The Directors of the Public Health Department or Mental Health Department
- The Corporate Compliance Officer
- The Personnel Officer
- The County Attorney
- County Administrator/Administrative Assistant to the Chairman of the Board

If a County employee believes that he or she has identified a potential compliance/ethics violation and does not want to discuss it with their immediate supervisor, manager or director, or does not want to disclose their identity, then they should feel free to contact the County Corporate Compliance Officer either by telephone or in writing, to discuss the matter. Any requests for anonymity will be honored.

I. POLICY STATEMENT

Organization Overview

Madison County is governed by a 19 member Board of Supervisors consisting of the 15 town supervisors, 4 city supervisors elected from the 4 wards of the City of Oneida. The county's Chairman of the Board of Supervisors or chief elected officer (CEO) is selected by a vote of his or her peers on the board. There are 30 departments in Madison County. Most administrative departments have single appointed heads (social services, public health, mental health, etc.) There are also several state constitutional positions that are separately elected officials with countywide jurisdictions including a Sheriff, County Clerk, Treasurer and District Attorney. Many of the departments, such as social services, directly interact with the public. Some departments, such as Information Technology, perform an internal service to other departments

Mission Statement

The mission of Madison County government is to create, promote, and maintain a safe, dynamic, economically viable, and socially responsive community for the present and future residents of Madison County.

In pursuing this mission, Madison County's officers and employees shall strive to be imaginative, efficient, non-partisan, and cost effective in providing quality government and services.

Corporate Compliance Overview

Preventing and detecting fraud, waste and abuse activities is an important fiduciary responsibility of Madison County. Madison County meets the criteria established by the Office of the New York State Medicaid Inspector General which requires a Corporate Compliance Plan.

As such, Madison County has adopted a Corporate Compliance Plan effective December 29, 2009 to help ensure that the organization maintains a high level of honesty and ethical behavior in all aspects of its delivery of services and relations with clients, third party payers, representatives, agents and independent contractors.

Our intent is to reasonably design, implement and enforce a Corporate Compliance Program that will disclose, prevent and detect misconduct, fraud, waste and abuse. All County employees are expected to understand and adhere to this Compliance Plan.

Madison County has adopted the following definition of Corporate Compliance:

“A Corporate Compliance plan is a system which is designed to detect and prevent violations of law, as well as the likelihood of unethical activity by County employees.”

Madison County will transact its business in compliance with the laws of the jurisdiction in which it does business, including local, state and federal jurisdictions. As a governmental entity, Madison County will conduct business in compliance with all IRS regulations governing tax-exempt organizations and refrain from any private inurement and benefit issues. Instances where questions arise concerning interpretation or applications of laws and regulations should be referred to the County Attorney.

As used in this Corporate Compliance Plan, the following definition applies:

Madison County: employees, agents, board members, committee members, volunteers, contractors, and others working for or on behalf of the Madison County.

II. CODE OF ETHICS

Overview

The Code of Ethics provides Madison County representatives with information necessary to adhere to the high ethical principles the County ascribes to. Madison County is accountable for compliance not only with the County Code of Ethics, but also with all laws and regulations applicable to services, and other policies and procedures prepared by the County and its oversight bodies. (See Appendix B)

Madison County representatives are expected to comply with the following standards:

Business Principles

Maintain the Confidentiality of Records

The County is responsible and accountable for the integrity and protection of its business information. All records and documents (in any form or media) are the sole property of the County and thereby considered confidential by its nature, except as provided by law or regulation. No Madison County representative shall disclose to others any confidential information obtained during the course of employment, work (paid or unpaid) or receipt of reports, which have not been published or disclosed, to the public. Documents and electronic media containing sensitive information on people receiving services, staff, consultants, volunteers, board members and other representatives of the County must be carefully handled and properly secured. If any Madison County representative observes or becomes aware of a breach of this policy including misuse of confidential information, or an unauthorized or

unrecognized individual using a computer terminal in an area familiar to you, immediately contact a supervisor.

Avoid Unauthorized Use of County Assets

It is the obligation of all County employees to protect the assets of the County. County assets, such as office supplies, office equipment, and property, may not be used for personal reasons. Any misuse or misappropriations of County funds, information, equipment, facilities or other assets may be considered criminal behavior and can bring severe employment and legal consequences.

Maintain the County's Reputation

County's reputation and identity are among its most valuable assets. All County representatives are expected to conduct themselves in a manner that reflects positively on the County's image and identity, both internal and external. No one should act in a way that adversely affects the reputation or image of the County.

Each County representative should endeavor to deal fairly with the people receiving services, consultants, suppliers, competitors and other employees. No one should take advantage of anyone else through manipulation, concealment, abuse of privileged information, misrepresentation of material facts, or other unfair-dealing practice.

Have Job Accountability

Each County representative is responsible for knowing and executing the responsibilities of his or her job. This means the individual is held accountable for the quality of the work he or she produces. In addition, management is responsible for ensuring that they have provided their employees with the necessary information to do their jobs.

Avoid Conflicts of Interests

Each County representative has a primary business responsibility to the County and is expected to avoid any activity that may interfere or have the appearance of interfering with their performance. A conflict of interest exists if a County representative's outside business or other interests may affect adversely, or have the potential to affect adversely, his or her motivation, objectivity, loyalty or performance. In addition, a potential conflict of interest occurs when an individual's personal or private interests might lead an independent observer to reasonably question whether the individual's professional actions or decisions are influenced by significant personal interest, financial or otherwise.

County representatives shall not participate in the selection, award or administration of a contract supported by Federal, State or other government funds if a real or apparent conflict of interest would be involved. Such a conflict would arise when the employee, officer, or agent, any member of his or her immediate family, his or her partner, or when the County employs or

is about to employ any of the parties indicated herein, has a financial or other interest in the firm selected for an award.

Some additional situations in which County representatives might encounter conflicts of interests are:

- Having a relationship with a person receiving services outside of the workplace and/or employment by a person receiving services and/or the family member of a person receiving services;
- Directly supervising a family member as a contractor, supplier or employee of the agency;
- Romantic relationships between a supervisor and a subordinate;
- Using County assets, including time, name, information, equipment or facilities, for personal use;
- Misuse of information obtained by a County representative during the course of his or her employment;
- Soliciting personal cash or non-cash gifts of any amount or value from any person or business that has a relationship with the County;
- Accepting personal cash gifts of any amount from any person or business that has a relationship with the County;
- Accepting personal non-cash gifts valued at more than \$75.00 from any person or business which has a financial relationship with the County, or accepting any non-cash gift from a person or business that expects that they may receive preferred services or business from the County representative or the County.
- Financial transactions between people receiving services and/or their family members/responsible parties;
- Outside employment that interferes with the employees job responsibilities and/or is in conflict with County interests.

Certain County representatives, as identified in the County Code of Ethics, are required to complete the County Disclosure form upon the beginning of the relationship with the County and annually thereafter.

The above list is not all inclusive. County representatives are expected to exercise good judgment and be mindful of how their personal relationships and outside activities may be affecting the workplace. If any matter exists that might be a conflict of interest or creates the appearance of a conflict of interest, County employees are required to consult their supervisor or Personnel to assess whether a problem exists.

Adhere to the Agency Media Communication Policy

It is the County's policy to provide open, accurate, and consistent communication with the public. To maintain the consistency and accuracy of the information, the Corporate Compliance Officer or his designee is authorized and responsible for releasing information at the appropriate time and for guarding against the inadvertent disclosure of confidential information. Requests for information under Freedom of Information Law (NY State Public Officers Law, Article 6) should be sent to the Records Access Officer.

Quality of Care

Adhere to Individual's Rights and Responsibilities

By regulation all individuals receiving services are entitled to certain Rights and Responsibilities. It is expected that all County representatives adhere to the provisions set forth in these regulations. In particular, County employees shall not engage in any activities that constitute abuse of persons receiving services as defined in the regulations of the New York State Department of Health (DOH), Office of Mental Retardation and Developmental Disabilities (OMRDD), Office of Mental Health (OMH) and Office of Alcoholism and Substance Abuse Services (OASAS). Failure to exercise one's duty to intercede or to report any activity, which may be considered abuse, will constitute abuse.

Follow Individual's Service Plan

County employees are expected to comply with each person's service plan and communicate any changes in the plan to the necessary parties in accordance with regulatory requirements and program policies and procedures.

It is not acceptable for people receiving services to carry out the duties of employees unless such tasks are described in their plan of services by their program planning team and for the purpose of increasing their skills.

Maintain Appropriate Interactions with Individuals

County representatives must maintain professional relationships with people receiving services. There shall be no personal financial transactions between County representatives and people receiving services or their family/responsible party. Financial transactions, which may be construed as exploitation or result in greater benefit to the County representative than the person receiving services will be considered abuse.

The receipt of any personal gift by any County representative from any person receiving services or their family member/responsible party is discouraged and needs to be avoided. Depending on the circumstances a gift of nominal value may be allowed. An example of such a gift might be baked goods or a dollar store trinket. Any gift must be disclosed to the

supervisor to determine whether the gift may or may not be accepted to avoid a conflict of interest.

County representatives may not accept cash gifts from individuals receiving services under any circumstances.

All County representatives are expected to maintain a professional demeanor with people receiving services. It is also expected that County representatives shall model appropriate and acceptable behavior while in the presence of people receiving services.

Safeguard Individuals Privacy

County representatives shall treat all clinical and program information as confidential and utilize such information in a professional manner at all times. Access to information about people receiving services must be limited to the extent permitted by the County policies and procedure pursuant to state and federal law. Protected Health Information (PHI) and Protected Information (PI) shall also be treated as confidential and protected in accordance with the applicable laws and regulations. In addition, release of information pertaining to HIV/AIDs is subject to additional regulatory requirements and should not be released without the proper authorization to do so. Any Madison County representative who engages in unauthorized disclosure, access to, or misuse of information in violation of the privacy rights may be subject to disciplinary action in addition to civil or criminal sanctions. Any Madison County representative who becomes aware of such unauthorized disclosure should immediately report this to their supervisor, Department Head, HIPAA Privacy Officer, HIPAA Security Officer, Compliance Officer, or County Administrator.

Medical Practices

Follow Regulations Regarding Control of Medications

It is the County policy that all County representatives shall be diligent in discharging their obligations regarding prescription drugs and controlled substances in accordance with applicable laws, regulations and County policies and procedures.

The County is legally responsible for the proper distribution, handling of and prevention of unauthorized access to pharmaceutical products. The diversion of any prescription drug or controlled substance, including a drug sample, in any amount for any reason to an unauthorized individual or entity is forbidden.

Madison County representatives may not personally use drugs stored at County facilities intended for the treatment of people receiving services.

Legal Obligations & Compliance

To Maintain a Safe and Healthful Workplace

The County has a commitment to maintain a safe and healthful workplace for County employees and people receiving services. As part of this commitment, the County maintains reasonable safety rules, practices and procedures for all County employees. At the same time, the County expects all representatives to be efficient and productive in performing their job assignments

The County provides a safe and healthy work environment by adhering to the laws, regulations and commonly accepted safe practices in accordance with federal and state laws regarding occupational and environmental safety.

Laws and policies regarding hazardous materials, pollutants and medical waste must be strictly followed by all Madison County representatives.

Refrain from Misrepresentation

Honesty based on clear communication is the cornerstone of ethical disclosure of information. Madison County representatives shall be honest and make no representation or dishonest statements in conducting County business affairs. Madison County representatives must report and record all information accurately and honestly including all marketing materials, service records, requests for payment, timesheets, financial reports and other similar documents, which relate to business activities. Marketing materials will accurately reflect certification, licensure and services available.

In addition, Madison County representatives must not make false statements with respect to the conditions or operations of any program nor make false statements with respect to information regarding ownership and control of a facility or program.

Adhere to Tax-Exempt Requirements

The County is a tax-exempt entity under the rules and laws of New York State and the Federal Internal Revenue Service. In order to comply with applicable law, the County must operate for the benefit of the community and avoid "private inurement" or "private benefit" as defined by these laws. Criminal penalties may be exercised if a violation of these tax laws is found and substantiated. In this regard, Madison County shall be familiar with these restrictions:

- The County sales tax exemption is used only for legitimate County business and service transactions.
- Personal items cannot be purchased through the County even if reimbursement is offered.
- All appropriate withholding taxes must be applied to staff wages.

Submit Accurate Billings and Financial Reports

Billing activities are to be performed in a manner consistent with Medicaid and other payers' regulations and requirements. The County will comply with all pertinent regulations in billing practices, including, but not limited to, specific program requirements, need for service, procedure codes, bad debt reporting, credit balances, and duplicate billing.

All billing and claims generated must accurately reflect that services rendered are supported by relevant documentation and are submitted in compliance with applicable laws, rules, regulations, and program requirements. County representatives should never knowingly make or present improper, false, fictitious or fraudulent claims to any government or private health care program, employee, department or agency.

Improper activity can include, but is not limited to:

- Misrepresentation of Services
- Duplicate Billing
- Multiple Coverage and Secondary-Payer Fraud
- False Claims Statements
- Falsifying Dates on a Claim
- Approving Ineligible Persons to Receive Medicaid Services

Those responsible for completing and submitting financial reports will do so in accordance with acceptable accounting practices and legal obligations. Improper accounting practices include, but are not limited to:

- Supplying false or misleading information in the covered department's financials or other public documents, including its annual information return; or
- Providing false information to, or withholding material information from, the covered department's auditors.
- It is a crime to submit a "False Claim." A False Claim occurs when a person or organization submits a record or claim for payment of services, property or other items to the government, knowing that the information is not true. "Knowing" means that the person or organization:
 - knows the record or claim is false, or
 - is asking for payment and is deliberately ignoring whether or not the record or claim is false, or
 - is asking for payment and does not care if the record or claim is false.

The Federal Government enacted the False Claims Act law that allows a person who knows that an organization has filed a False Claim for payment to file a lawsuit in Federal Court on behalf of the government, and, in some cases, the person can receive a portion of the damages awarded. Similar to the Federal Law described above, the New York False Claims Act and the Program Fraud Civil Remedies Act prohibits a person or entity from "knowingly" presenting or causing to be presented a false or fraudulent claim for payment or approval to any employee, officer or agent of the state or local government. There are additional civil, administrative, and criminal laws that apply to the submission of a false claim. Additional

information on these laws is available by contacting the Corporate Compliance Officer, or you can visit the Office of the Medicaid Inspector General's website at www.omig.state.ny.us.

Refrain From Accepting Kickbacks

The term "kickback" is defined as the giving of remuneration of any kind, which is interpreted under the law as "anything of value". In the United States it is illegal to provide, offer or accept a kickback or bribe. A kickback or bribe may be defined as any money, fee, commission, credit, gift, gratuity, anything of value or compensation of any kind that is provided directly or indirectly, and that has as one of its purposes, the improper obtaining or rewarding or favorable treatment in a business transaction.

No County representative shall solicit, receive, offer to pay, or pay remuneration of any kind in return for referring an individual for items or services, or purchasing, leasing, ordering or arranging for goods, facilities, services or items for which payment may be made under federal, state, or local health care programs.

All Madison County representatives should avoid the offering or receipt of a gift in circumstances where it could appear that the purpose of the gift is to influence the County's relationship with a vendor, regulator or other person or entity. The receipt of any gift by any County representative from a vendor, contractor, etc. must be disclosed to the supervisor, Department Head, County Administrator (or designee) to determine whether the gift may or may not be accepted to avoid a conflict of interest.

Be Familiar with Regulations Governing Areas of Responsibility

It is expected that all County employees adhere to the rules and regulations set forth by New York State and the Federal Government and comply with any contractual obligations the County may have. In addition Madison County representatives shall:

- Be familiar with program regulations governing areas of responsibility, receive and understand new regulations and/or expectations and to inform the supervisor or appropriate department administrator of any possible issues of noncompliance.
- Insure that a Certificate of Need, or similar documentation, is properly submitted to the respective licensing organization, as required, to establish and /or change service provisions.
- Insure that questions of training and compliance with the submission of a Certificate of Need or the application of regulations should be referred to the respective supervisor and/or administrator.

III. POLICIES AND PROCEDURES

Madison County will communicate its compliance standards and policies through required training initiatives to all employees, governing body members, contracted personnel, and vendors. We are committed to these efforts through distribution of this Compliance Policy and our Code of Ethics and Philosophy. Additionally, Madison County has developed written policies and procedures that describe compliance expectations as embodied in the code of ethics, the operation of the compliance program, provide guidance to employees and others on dealing with potential compliance issues, identify how to communicate compliance issues to appropriate compliance personnel and describe how potential compliance problems are investigated and resolved

IV. OVERSIGHT RESPONSIBILITY

Compliance Officer

The Compliance Officer has direct lines of communication to the County Administrator/Administrative Assistant to the Chairman of the Board and Board of Supervisors.

The Compliance Officer is directly obligated to serve the best interests of Madison County, and its employees. Responsibilities of the Compliance Officer include but are not limited to:

- Developing and implementing compliance policies and procedures (P&P).
- Overseeing and monitoring the implementation of the Compliance Program.
- Directing internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, medical/clinical program personnel, and individual departments regarding P&P and governmental laws, rules, and regulations.
- Updating, periodically, the Compliance Plan as changes occur within the county, within the law and regulations, or governmental and third party payers.
- Overseeing efforts to communicate awareness of the existence and contents of the Compliance Plan.
- Coordinating, developing, and participating in the educational and training program.

- Guaranteeing independent contractors (vendors, billing services, etc.) are aware of the requirements of the Compliance Plan.
- Actively seeking up-to-date material and releases regarding regulatory compliance.
- Maintaining a reporting system (hotline) and responding to concerns, complaints, and questions related to the Compliance Plan.
- Acting as a resourceful leader regarding regulatory compliance issues.
- Investigating and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action

Compliance Committee

The role of the Corporate Compliance Committee is to provide oversight for regulatory and legal compliance issues and ensure Madison County meets or exceeds the highest standards of regulatory and legal accountability, as well as ethical activity by County employees. In addition, the Corporate Compliance Committee's role is to advise the Corporate Compliance Officer and assist in the implementation of the Corporate Compliance Plan. The committee's responsibilities include:

- Analyzing the County's regulatory environment, the legal requirements with which it must comply and specific risk areas;
- Assessing existing policies and procedures that address these areas for possible incorporation into the compliance program;
- Working with appropriate program directors to develop standards of conduct and policies and procedures that promote allegiance to the covered department's compliance program;
- Recommending and monitoring, in conjunction with the relevant programs, the development of internal systems and controls to carry out the covered department standards, policies and procedures as part of its daily operations;
- Determining the appropriate strategy/approach to promote compliance with the program and detection of any potential violations, such as through a Corporate Compliance Hotline and other fraud reporting mechanisms;
- Developing a system to solicit, evaluate and respond to complaints and problems;
- Monitoring internal and external audits and investigations for the purpose of identifying troublesome issues and deficient areas; and
- Implementing corrective and preventive action.

Statement of Confidentiality

Due to the extremely sensitive nature of certain Corporate Compliance Committee activities, i.e. employee discipline recommendations, etc., each member of the Corporate Compliance Committee will be held to the highest standards of confidentiality. Each Corporate Compliance Committee member will be expected to adhere to all Madison County Privacy Policies and Procedures. The information discussed at all Corporate Compliance Committee meetings will be considered confidential in nature. The Chairperson of the Madison County Board of Supervisors reserves the right to investigate any instance of potential breach of confidentiality and take appropriate remedial action up to and including recommendation for termination.

Structure

The Compliance Committee will include, but not be limited to, the following:

- Directors of the Mental Health Department and Public Health Department
- Chairperson(s) of the Social & Mental Health Services Committee and the Public Health Services Committee
- County Administrator/Administrative Assistant to the Chairman of the Board
- County Corporate Compliance Officer – Chairperson of the Compliance Committee
- County Attorney or his designee
- Personnel Officer
- County Treasurer

Expectations

Each Corporate Compliance Committee member will be expected to:

- Review the meeting agenda and any/all associated documents in advance of the Corporate Compliance Committee meeting (Agenda to be prepared by the Compliance Officer and submitted in writing and/or electronically.)
- Attend regularly scheduled meetings and be prepared to discuss the agenda items based on their area of expertise.

Meeting Minutes & Frequency

Meetings will be held, at minimum, quarterly. The Compliance Officer will notify committee members of the schedule at the beginning of the calendar year. In addition to regularly scheduled meeting Ad Hoc meetings may be necessary. The Compliance Officer and any other member of the Compliance Committee may call an Ad Hoc meeting to address issues requiring immediate remediation.

Meeting minutes will be provided to each member of the committee in writing and/or electronically within one (1) week of the meeting.

In the event that any one (1) Corporate Compliance Committee member must discuss a compliance issue which may involve another Corporate Compliance Committee member a request may be made requiring the individual to be removed from the meeting until a full discussion of the issue can be conducted after which time the removed Corporate Compliance Committee member will rejoin the meeting.

V. COMMUNICATION AND TRAINING

- A. All management staff In the County Departments affected by this Corporate Compliance Policy will have a training session with an objective to ensure that all County employees understand and appreciate all aspects of the Compliance Program, including the risks of non-compliance.
- B. All new County employees will receive a copy of the County's Code of Ethics. Representatives are expected to read and adhere to the County's Code of Ethics.
- C. All County employees shall receive a notification explaining the Corporate Compliance Plan; including how and where they can receive more extensive information and details on the program.
- D. An overview of the Corporate Compliance Plan shall be included in all new employee orientation training.
- E. A Corporate Compliance and Code of Ethics overview shall be included in an annual training for all County employees.
- F. A Corporate Compliance and Code of Ethics overview shall be included in an annual training for the Board of Supervisors.
- G. Periodic in house training covering pertinent Corporate Compliance topics will be aimed at specific County employees and Departments as risks are identified.

Corporate Compliance Education Task Force

The Corporate Compliance Officer and Compliance Committee will be responsible for the monitoring and compliance of the following:

- 1. Ensuring distribution of the written compliance plan to new County employees during orientation.
- 2. Ensuring the Affected Departments conduct formal training sessions which:
 - Promote reporting of compliance issues and concerns

- Address specific topics.
 - Documentation of all training sessions
3. Conducting periodic briefings and updates regarding false claims.
 4. Annually, at the beginning of the calendar year, all County employees will receive a written correspondence summarizing the purpose of the Corporate Compliance Plan, the representative's responsibility, and any updates of regulatory information needed to ensure that representatives are current in their knowledge.
 5. Certification from the above representatives that they understand what is expected from them and will comply.

VI. MONITORING AND AUDITING

The Corporate Compliance Officer and Compliance Committee are responsible for ensuring that internal and external corporate compliance auditing takes place on a regular basis. Compliance related audits are conducted as a result of an investigation or as a proactive means of monitoring compliance in areas of actual or potential risk.

The Corporate Compliance Officer is primarily responsible for overseeing compliance auditing, by internal and external means. This shall include, but is not limited to, periodic and regularly scheduled reviews of documentation, billing, claims processing and reimbursement procedures, quality of services, accounting practices, as well as practices that are mandated by County and individual department policies and procedures to ensure adherence with federal and state regulations.

Audit findings and recommendations are reported to the Compliance Officer, Corporate Compliance Committee, and the appropriate administrator. As needed or requested response plans will be completed by management and incorporated into the final audit report.

- A. All County employees shall be aware of the Code of Ethics expectations of the Corporate Compliance Plan and report any suspected violation, to reasonably ensure that all activities are in compliance with the County's standards and procedures.
- B. The County and each Department affected by the Corporate Compliance Plan shall have an annual financial audit conducted by its certified public accountants to examine evidence supporting the proper handling and reporting of amounts and disclosures relating to financial activity of the organization.
- C. The County and each Department covered by the Corporate Compliance Plan shall conduct periodic reviews of business and contractual agreement

relationships to reasonably ensure that activities are in compliance with the organization's standards and procedures.

- D. The County and each Department covered by the Corporate Compliance Plan shall conduct an annual review of compliance with regard to terms, conditions and covenants contained in the County and/or Department's financing and advance agreements.
- E. Each Department covered by the Corporate Compliance Plan shall conduct regular reviews of its billing and reimbursement practices (inclusive of documentation reviews and billing and reimbursement reviews) to reasonably ensure that all activities are in compliance with the County's and covered department's standards and procedures as well as relevant laws, rules and regulations. Questions regarding billing, reimbursement and documentation practices should be directed to the Department Head who will resolve such questions in consultation with the appropriate County and/or departmental staff, Compliance Officer and members of the Corporate Compliance Committee.

VII. REPORTING AND RESPONSE SYSTEM

All County representatives have a duty to report suspected misconduct (anonymously, if they choose) without any fear of retaliation or breach of confidentiality.

- 1. Individuals may approach the Compliance Officer and/or members of the Compliance Committee, directly, to report suspected misconduct.
- 2. Individuals may submit, in writing, reports of suspected misconduct to the Compliance Officer and/or Compliance Committee.

Any requests for anonymity will be honored.

The Compliance Officer in conjunction with advisement from the Compliance Committee shall initially conduct a preliminary review of the report and direct any concerns to legal counsel for opinions, advice and direction on any further investigation, enforcement or discipline.

Reports of misconduct that do not warrant further investigation or review with legal counsel shall be clearly documented as to why no further investigation was undertaken.

The Compliance Committee shall oversee any need to make policy and procedure modifications with respect to correcting and preventing further misconduct of a similar type as a result of a misconduct investigation.

VIII. ENFORCEMENT AND DISCIPLINE

The Compliance Plan's County's Code of Ethics shall be consistently enforced through appropriate disciplinary mechanisms, subject to Madison County's personnel policies, and affiliated staff contractual agreements.

1. Disciplinary procedures for violations of the County's Code of Ethics will follow the guidelines under existing personnel policies and affiliated staff contractual provisions.
2. Grievance procedures or opportunities to respond to allegations of evidence of misconduct will follow the guidelines under existing personnel policies, affiliated staff contractual provisions and collective bargaining agreements, if applicable.
3. Appropriate disciplinary measures shall be determined on a case-by-case basis and may involve the advice of legal counsel.
4. Disciplinary measures and procedures may involve consideration and direction from outside third parties (e.g., governmental policy, law enforcement agencies), including fines, reimbursement of funds and/or criminal prosecution.

IX. CONFLICT OF INTEREST POLICY

The purpose of this Conflict of Interest Policy is to protect Madison County from harm caused by it entering into a transaction or arrangement that might benefit the private interest of an interested person as defined below. This policy is intended to supplement, but not replace, any applicable federal or state law or regulation governing conflicts of interest.

The Corporate Compliance Plan will follow the Code of Ethics Policy enacted by the Board of Supervisors in Local Law #5 (see Appendix B)

X. WHISTLEBLOWER PROTECTION

The Whistleblower Protection is intended to encourage and enable County employees and others to raise serious concerns within the Department covered by the policy prior to seeking resolution outside the Department. Questions or concerns about any ethical, legal, and/or regulatory issues may be raised without concern for disciplinary action as long as they are made in good faith and there are reasonable grounds for believing the information disclosed indicates a violation of the County Code of Ethics.

County employees will not be subject to reprisals for reporting or supplying information about potential violations, except in cases where those County employees are responsible for the violation or when deliberate false reporting has occurred. County employees are also

protected under this provision and the False Claims Acts against any form of retaliation for filing a False Claim lawsuit. It protects a County representative who files a false claims lawsuit from being fired, threatened, harassed, or other forms of retaliation.

Any allegations that prove not to be substantiated and that prove to have been made maliciously or knowingly to be false will be viewed as a serious disciplinary offense.

Any County representative who retaliates or harasses someone who has reported a violation in good faith is subject to disciplinary action up to and including termination of employment. It is expected that all Madison County representatives will fully cooperate with any investigation of potential violation. New York Labor Laws also protect representatives from retaliatory practices. Additional details regarding these laws may be obtained by contacting the Personnel Office, the Corporate Compliance Officer, or visiting the New York State Department of Labor website at www.labor.state.ny.us.

The Corporate Compliance Plan has been prepared to outline the broad principles of legal and ethical business conduct embraced by the Madison County, and as mandated by the NYCRR Title 18 Part 521 regulations requiring an effective compliance programs. It is not a complete list of legal or ethical questions you might face in the course of business, and therefore this plan must be used together with your common sense and good judgment. In addition, for specific guidance in certain areas covered by this plan, Madison County Mental Health Department and Public Health Departments have adopted detailed policy and procedure manuals. If you are in doubt or have a specific question, you should contact you supervisor or Department Head.

Appendices

TO: All Managers & Directors
FROM: Corporate Compliance Educational Task Force
DATE:
RE: Corporate Compliance Needs Assessment

CORPORATE COMPLIANCE NEEDS ASSESSMENT

Name: _____

Please mark the area/areas that require additional staff education and return. Thank you.

My staff needs to know more about:

- What is corporate compliance?
- Who is Madison County's Compliance Officer?
- Code of organizational ethics
- Ethical business practices
- Code of organizational conduct
- Who to contact for questions/concerns regarding ethical or legal conduct
- Process of reporting potentially improper actions
- Fraud and Abuse
- Conflicts of Interest
- Fair treatment of representatives
- Patient care as it relates to Corporate Compliance
- Proper billing and coding practices
- Accuracy of records
- Proper/legal documentation
- Confidentiality of information
- Marketing as it relates to Corporate Compliance
- Improper use of Funds
- Health, Safety and Environmental Concerns
- Protection of Assets
- Audits and Reviews

Name of person(s) responsible for updating policies/procedures in your area:

How often are policies/procedures updated in your area? _____

Refer to the Corporate Compliance Plan document for further explanation of the areas listed. Use this document to determine the relevance to your area.

LOCAL LAW NO. 5 OF 1985
County of Madison, New York

A LOCAL LAW AMENDING LOCAL LAW NO. 2 of 1970
ESTABLISHING STANDARDS OF CONDUCT FOR OFFICERS AND
EMPLOYEES OF THE COUNTY OF MADISON COUNTY

BE IT ENACTED by the Board of Supervisors of the County of Madison, as follows:

Article I Legislative Intent

Section 1. Short Title. This law shall be known and cited as the "Code of Ethics of the County of Madison."

Section 2. Non-Discrimination. For the purpose of reading this law, the masculine gender shall include the feminine and the feminine gender shall include the masculine. Whenever the word "He" appears, read "He" or "She".

Section 3. Purpose. Pursuant to the provisions of Section 806 of the General Municipal, Law, the Board of Supervisors of the County of Madison recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this code to promulgate these rules of ethical conduct for the officers and employees of the County of Madison and to afford them clear guidance. This code shall be in addition to all other legal restrictions, standards and provisions pertaining to the conduct of county officers and employees.

Article II Code of Ethics

Section 1. Definitions. (a) "Municipal Officer or Employee" means an officer or employee of the County of Madison, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireperson or civil defense volunteer, except a chief engineer or assistant chief engineer.

(b) "Interest" means a pecuniary or material benefit accruing to a municipal officer or employee unless the context otherwise requires.

Section 2. Standards of Conduct. Every officer or employee of the County of Madison shall be subject to and abide by the following standards of conduct:

(a) Gifts and Favors. No municipal officer or employee shall a) directly or indirectly, solicit any gift, or accept or receive any gift having a value of seventy-five dollars or more, whether in the form of money, service, loan, travel, entertainment, hospitality, thing or promise, or in any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him, or could reasonably be expected to influence him, in the performance of his official duties or was intended as a reward for any official action on his part (as amended in 2000).

(b) Confidential Information. No officer or employee shall disclose confidential information acquired by him in the course of his official duties or use such information to advance the financial or private interest of himself or others.

(c) Representation Before One's Own Agency. No employee or officer shall receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he is an officer, member or employee or of any municipal agency over which he has jurisdiction or to which he has the power to appoint any member, officer or employee.

(d) Representation Before Any Agency for a Contingent Fee. He shall not receive, or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this paragraph shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

(e) Disclosure of Interest in Legislation. To the extent that he knows thereof, a member of the Board of Supervisors and any officer or employee of the County of Madison, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Supervisors on any legislation before the Board of Supervisors shall publicly disclose on the official record the nature and extent of any direct or indirect financial or private interest he has in such legislation.

(f) Investments in Conflict with Official Duties. He shall not invest or hold any investment directly or indirectly in any financial, business, commercial or private transaction, which creates a conflict with his official duties.

(g) Incompatible Employment. He shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or services creates a conflict with or impairs the proper discharge of his official duties.

(h) Future Employment. He shall not, after the termination of service or employment with such municipality, appear before any board or agency of the County of Madison in relation to any case, proceeding or application in which he personally

participated during the period of his service or employment or which was under his active consideration.

(i) Expense Reimbursement. He shall not claim nor shall he accept compensation for any meals, mileage or any other related expenses, that are otherwise reimbursable by the County of Madison, unless those meals, mileage or other expenses, were, in fact, incurred in the performance of his official county duties. He shall not claim mileage, or any other transportation expenses when riding to any county business with another county employee or officer, which other employee or officer is the driver of the vehicle which transport the person claiming reimbursement.

(j) Use of County Property. He shall not, directly or indirectly, use or allow the use of property of any kind owned by the County of Madison including County vehicles and telephones and property leased to the County, for other than official County business.

Section 3. Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the County of Madison, or any agency thereof on behalf of himself or any member of his family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

Section 4. Distribution of Code of Ethics. The Chairman of the Board of Supervisors shall cause a copy of his code of ethics to be distributed to every officer and employee of the County of Madison within 30 days after the effective date of this local law. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering into the duties of his office or employment

Section 5. Penalties A violation of any of the provisions of this code shall constitute cause for forfeiture of pay, suspension or removal from office or employment in the form and manner as provided by Section 75 of the New York State Civil Service Law, except where contractual law prevails for bargaining unit members. Nothing in this Section shall limit any other penalties which may be provided by law.

Section 6. Effective Date This local law shall take effect immediately after its adoption.

(Local Law No. 5 of 1985, as amended in 2000.)