



Policy Number: 21 Effective: May 1, 2008 Revised: April 20, 2009, April 19, 2010
Subject: Corporate Compliance

**POLICY:**

It is the policy of Camden Co. Developmental Disability Resources (CCDDR) to follow ethical business practices and to comply with all applicable state and federal laws with regard to waste, fraud, and abuse of public funds. Camden Co. Developmental Disability Resources (CCDDR) receives federal Medicaid funds through its Targeted Case Management program. CCDDR also receives public funds through its tax levy. The agency has a responsibility to ensure that ethical practices are followed with regard to billing practices and other such matters in an effort to reduce the likelihood of fraud, waste, and abuse of federal, state, and local public funds. No employee, contractor, or Board member of CCDDR shall engage in any activity that constitutes financial fraud (falsification of items, reports, records for which funds are paid or received) in activities on behalf of, or representing CCDDR. All Board members and employees will sign a Code of Ethics Statement agreeing to abide by the agency's Corporate Compliance Policy.

**DEFINITIONS:**

Fraud:

Fraud and other similar irregularities include but are not limited to:

- Claim for reimbursement of expenses that are not job-related or authorized by the current policies.
- Forgery or unauthorized alteration of documents (checks, time records, independent contractor agreements, budgets, etc.).
- Misappropriation of agency assets (funds, securities, supplies, furniture, equipment, etc.).
- Improprieties in the handling or reporting of money transactions.
- Authorizing or receiving payment for goods not received or services not performed.
- Computer-related activity involving unauthorized alteration, destruction, forgery, or manipulation of data or misappropriation of agency-owned software.
- Fraudulent logging and/or billing of Targeted Case Management services on behalf of the agency.
- Misrepresentation of information on documents.
- Any apparent violation of Federal, State, or local laws related to dishonest activities or fraud.
- Seeking or accepting anything of material/monetary value from those doing business with the agency including vendors, consultants, contractors, lessees, applicants, and grantees.

Employee:

In this context, employee refers to any individual or group of individuals who receive compensation, either full- or part-time, from the agency. The term also includes any volunteer who provides services to the agency through an official arrangement with other related organizations.

Manager or Management:

In this context, manager or management refers to the CCDDR Executive Director and/or the Service Coordination Supervisor.

**PROCEDURES:**

I. Corporate Compliance Officer

The Executive Director shall be the designated Corporate Compliance Officer (CCO) for CCDDR. The Corporate Compliance Officer is responsible for overseeing Corporate Compliance efforts; reviewing agency policies and procedures, recommending changes or new policies and procedures; overseeing administration of agency risk assessment relative to Compliance issues and recommending changes in procedures as a result of Risk Assessment; developing and implementing internal audit procedures relative to Corporate Compliance issues; overseeing the implementation of Corporate Compliance training including conducting of training sessions for staff; investigating matters related to Corporate Compliance issues, including employee, consumer, and/or payor complaints; and developing and implementing an employee feedback loop which encourages employees to report potential problems without fear of retaliation.

II. Written Policies and Procedures

A Code of Corporate Ethics has been written which details expected employee behavior covering various areas. In addition, the Employee Handbook detail procedures expected to be followed by employees.

III. Auditing and Monitoring

Internal audit procedures have been developed to ensure that billing of third party payors will not occur until specific expectations have been met. The Director/Corporate Compliance Officer is responsible for conducting Corporate Compliance oriented pre-billing audits for the Targeted Case Management program. These auditing procedures are detailed in the Billing section of this document. The board shall also receive an external independent audit each year by a Certified Public Account(s) to minimize the possibility of fraud, waste, and abuse of public funds.

#### IV. Training, Education, & Compliance Materials

In addition to a formalized orientation program and a formalized ongoing training and education program, a formalized training and education program on the agency's Corporate Compliance Policy is conducted on an annual basis. The Director/Corporate Compliance Officer is responsible for conducting these training programs.

#### V. Procedures For Reporting Workplace Wrongdoing

Employees can report wrongdoing in a safe and confidential manner, and without fear of retaliation, as follows:

If an employee is aware of any acts of wrongdoing, an employee is encouraged to discuss his or her complaint with their supervisor.

If an employee is unable to discuss the complaint with their supervisor or if the supervisor is the source of the problem, condones the problems or ignores the problem, the employee should immediately contact the Executive Director.

If neither of the above alternatives is satisfactory the employee should immediately contact the Board Chairperson regarding their complaint.

In no circumstances is an employee required to confront the person who is the source of the complaint before notifying any of the individuals listed above.

Employees will be granted whistle-blower protection when acting in accordance with this policy. When informed of a suspected impropriety, neither the agency nor any person acting on behalf of the agency shall:

- Dismiss or threaten to dismiss the employee reporting the impropriety.
- Discipline, suspend, or threaten to discipline or suspend that employee.
- Impose any penalty upon that employee.
- Intimidate or coerce an employee for that employee's role in reporting the suspected impropriety.

This section is intended to protect employees from retaliation for reporting suspected improprieties. It shall not be construed as absolving an employee of responsibility for his or her own fraudulent activity; any such fraudulent activity shall be subject to disciplinary and/or legal action.

Violations of the whistle-blower protection will result in discipline up to and including dismissal.

## VI. Management Responsibilities

The agency will fully investigate any suspected acts of fraud, misappropriation, or other similar irregularity. An objective and impartial investigation will be conducted regardless of the position, title, and length of service, or relationship with the agency of any party who might be involved in or becomes the subject of such investigation.

Management is responsible for being alert to and reporting fraudulent or related dishonest activities in their areas of responsibility.

Management should be familiar with the types of improprieties that might occur, and be alert for any indication that improper activity, misappropriation, or dishonest activity is or was in existence.

Management should not attempt to conduct individual investigations, interviews, or interrogations. However, management is responsible for taking appropriate corrective actions to ensure adequate controls exist to prevent reoccurrence of improper actions.

Management should support the agency's responsibilities and cooperate fully with other investigators and/or law enforcement agencies in the detection, reporting, and investigation of criminal acts, including the prosecution of offenders.

Management must give full and unrestricted access to all proper authorities to all necessary records and personnel. All agency workspaces including furniture and contents desks and computers, are not private and are open to inspection at any time.

In dealing with suspected dishonest or fraudulent activities, great care must be taken. Therefore, management should avoid the following:

- Incorrect accusations.
- Alerting suspected individuals that an investigation is underway.
- Treating employees unfairly.
- Making statements that could lead to claims of false accusations or other offenses.

In handling dishonest or fraudulent activities, management has the responsibility to:

- A. Make no contact with the suspected individual to determine facts or demand restitution unless specifically directed to do so by the Executive Director or his/her designee. Under no circumstances should there be any reference to "what you did", "the crime", "the fraud", "the misappropriation", etc.
- B. Avoid discussing the case, facts, suspicions, or allegations with anyone outside the agency, unless specifically directed to do so by the Executive Director.

- C. Avoid discussing the case with anyone inside the agency other than employees who have a need to know such as the Executive Director, agency attorney or law enforcement personnel.
- D. Direct all inquiries from the suspected individual, or his or her representative, to the Executive Director unless otherwise directed. All inquiries by an attorney of the suspected individual should be directed to the agency attorney. All inquiries from the media should be directed to the Executive Director.
- E. Take appropriate corrective and disciplinary action, up to and including dismissal.

VII. Investigation and Action

The Executive Director shall immediately be informed of suspected activity involving fraud or related dishonest activity by SC Supervisor and/or staff.

The Executive Director will determine how best to investigate the suspected activity.

If evidence is uncovered showing possible dishonest or fraudulent activities, the Executive Director will proceed as follows:

Advise SC Supervisor, if the case involves Service Coordination staff members, to determine if disciplinary actions should be taken.

Report to the agency CPA in order to assess the effect of the illegal activity on the agency's financial statements.

Coordinate with the agency's attorney regarding notification to insurers and filing of insurance claims.

Take immediate action, in consultation with the agency attorney, to prevent the theft, alteration, or destruction of evidentiary records. Such action shall include, but is not limited to:

- Removing the records and placing them in a secure location, or limiting access to the location where the records currently exist.
- Preventing the individual suspected of committing the fraud from having access to the records.

The Executive Director, following review of investigation results, will take appropriate action regarding employee misconduct. Disciplinary action may include referral of the case to police officials.

The agency will pursue every reasonable effort, including court ordered restitution, to obtain recovery of agency losses from the offender or other appropriate sources.

VIII. Responding to Search Warrants

- A. In the event that agents of the federal or state government present any Board Member or employee of CCDDR with a search warrant seeking access to the organization's books, records or documents, that person should immediately contact the CCDDR Director. If the Director is unavailable, the Board chairperson and/or other board members shall be contacted.
- B. The employee receiving the warrant should ask to see identification from each agent and get a business card from each agent present. The business cards should be immediately copied and transmitted by either fax or hand delivery to the Board Chairperson & Director. The agents are required to provide a copy of the warrant.
- C. The agents should also be asked for a copy of any affidavit supporting the search warrant. This must also be disclosed unless it is under seal. If the affidavit is obtained, it should be immediately faxed or hand carried to the Board Chairperson and Director. If the agents state that the affidavit is under seal, that fact should also be immediately communicated to the Board Chair and Director.
- D. The search warrant will include an attachment listing things that can be seized and places that may be searched. If the agents try to go into areas that are not listed in the warrant, ask them to wait until legal counsel can arrive. If they refuse to wait, do not interfere, but note which agents went into areas not specified in the warrant and exactly when that occurred.
- E. The agents should be requested to provide an itemized list of any things taken away. They are required to give you a receipt.
- F. If the agents take documents (including computer files), ask to make copies of those documents before they do. They are not required to allow copies to be made and may refuse to do so.
- G. PERSONS ON THE PREMISES are NOT required to speak with agents during the search, even if they are served with a subpoena, and should not do so except to the extent that it is necessary to comply with the search warrant. ANY PERSON PRESENT MAY DECLINE TO ANSWER ANY QUESTIONS ADDRESSED TO THEM BY AN AGENT.
- H. The senior ranking employee(s) present should accompany the agents during the search and take careful notes of what they take, what they look at, who they talked to, and what questions were asked.
- I. It is absolutely critical that no employee interferes with the agents during their search or prevents them from accessing anything listed in the search warrant. To do so could constitute obstruction of justice, which is a criminal offense.

IX. Responding To Subpoenas

- A. In the event any CCDDR Board Member or employee receives a court order, summons, administrative request or subpoena requesting documentation or testimony regarding the organization's business, clients, books, records or documents, that person should immediately contact the CCDDR Director. If the Director is unavailable prior to the response time set forth in the subpoena, the Board chairperson and/or other board members shall be contacted.
- B. The organization shall comply with all court orders, summons, administrative requests and subpoenas to the extent consistent with the Health Insurance Portability and Accountability Act of 1996 (HIPAA) and other federal and state law applicable to the testimony, books, records or documents sought (see Policy # 25-Hipaa Compliance).
- C. The organization may disclose protected health information and other private business, employee or client information in the course of any judicial or administrative proceeding in response to an order of a court or administrative tribunal, or in response to a grand jury subpoena or a subpoena or summons issued by a judicial officer, to the extent expressly authorized by the order of the court, administrative tribunal or judicial officer.
- D. Several conditions must be met prior to release of protected health information and other private information business, employee or client information even when it is sought by law enforcement or by subpoenas, discovery requests or other lawful process when such subpoenas, requests or other lawful process is *not* accompanied by an order of a court or administrative tribunal. No Board Member or employee should release information under such circumstances without approval of the CCDDR Director, and where deemed appropriate by the Director, review by legal counsel.

**REFERENCES:**

- CARF Standards Manual, Section 1G
- CMS Guidelines
- Targeted Case Management Operations Manual, MO Dept. of Mental Health

**CAMDEN COUNTY DEVELOPMENTAL DISABILITY RESOURCES (CCDDR)  
RESOLUTION OF THE BOARD OF DIRECTORS**

**WHEREAS**, it has always been the policy of CCDDR to operate in a legal and ethical manner and to comply with all laws and regulations applicable to its business; and

**WHEREAS**, the health care industry is more heavily regulated than ever at a time when financial pressures continue to increase; and

**WHEREAS**, CCDDR is committed to the prevention of waste, fraud, and abuse of public funds as this relates to the business operations of the agency, and;

**WHEREAS**, the Board of Directors believes that CCDDR should both state its commitment to quality and integrity in the provision of services and to take steps and establish such formal mechanisms as are necessary to assure that future activities of the agency and its employees and agents are in compliance with applicable laws and regulations;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of CCDDR that: In order to assure continued and future adherence to these important goals, the Board of Directors hereby directs the design and implementation of a Corporate Compliance Program.

The Board of Directors hereby appoints the CCDDR Director to serve as the Chief of Compliance with the responsibility of expeditiously establishing and implementing an appropriate and effective Compliance Program for the agency, which shall be approved by this Board.

**AND BE IT FURTHER RESOLVED**, that this Resolution be spread on the Corporate Records of CCDDR.

Adopted this \_\_\_\_ day of \_\_\_\_\_ 20\_\_\_\_

## **BOARD MEMBER CODE OF ETHICS STATEMENT**

### **I. Personal and Professional Integrity**

All staff, board members and volunteers of Camden Co. Developmental Disability Resources (CCDDR) will act with honesty, integrity and openness in all their dealings as representatives of the organization. The organization promotes a working environment that values respect, fairness and integrity.

### **II. Mission**

CCDDR has a clearly stated mission and purpose, approved by the Board of Directors, in pursuit of the public good. All of its programs support that mission and all who work for or on behalf of CCDDR understand and are loyal to that mission and purpose. The mission is responsive to the constituency and communities served by the organization and of value to the society at large.

### **III. Governance**

CCDDR has an active governing body that is responsible for setting the mission and strategic direction of the organization and oversight of the finances, operations, and policies of the organization.

The governing body:

Ensures that its board members have the requisite skills and experience to carry out their duties and that all members understand and fulfill their governance duties acting for the benefit of CCDDR and its public purpose:

- Has a conflict of interest policy that ensures that any conflicts of interest or the appearance thereof are avoided or appropriately managed through disclosure, recusal or other means; and
- Is responsible for the hiring, firing, and regular review of the performance of the Executive Director, and ensures that the compensation of the Executive Director is reasonable and appropriate;
- Ensures that the Executive Director and appropriate staff provide the governing body with timely and comprehensive information so that the governing body can effectively carry out its duties;
- Ensures that the organization conducts all transactions and dealings with integrity and honesty;
- Ensures that CCDDR promotes working relationships with board members, staff, volunteers, and program beneficiaries that are based on mutual respect, fairness and openness;
- Ensures that CCDDR is fair and inclusive in its hiring and promotion policies and practices for all board, staff and volunteer positions;
- Ensures that policies of CCDDR are in writing, clearly articulated and officially adopted;

- Ensures that the resources of CCDDR are responsibly and prudently managed; and,
- Ensures that CCDDR has the capacity to carry out its programs effectively.

#### IV. Legal Compliance

CCDDR is knowledgeable of and complies with all state and federal laws and regulations, including the Senate Bill 40 enabling legislation, 205.968-205.972 RSMo.

#### V. Responsible Stewardship

CCDDR as an organization manages the public funds it is responsible for responsibly and prudently. This shall include the following considerations:

- It spends a reasonable percentage of its annual budget on programs in pursuance of its mission;
- It spends an adequate amount on administrative expenses to ensure effective accounting systems, internal controls, competent staff, and other expenditures critical to professional management;
- The organization compensates staff, and any others who may receive compensation, reasonably and appropriately;
- CCDDR shall not accumulate operating funds excessively without a stated purpose for said reserve funds in accordance with its mission and identified needs;
- CCDDR shall ensure that all spending practices and policies are fair, reasonable and appropriate to fulfill the mission of the organization; and,
- CCDDR ensures that all financial reports are factually accurate and complete in all material respects.

#### VI. Openness and Disclosure

CCDDR provides comprehensive and timely information to the public, the media, and all stakeholders and is responsive in a timely manner to reasonable requests for information per the Missouri Sunshine Law. All information about the organization will fully and honestly reflect the policies and practices of CCDDR. Basic informational data about CCDDR, such as unaudited and audited financial statements, Annual Reports, and other information will be posted on the organization's website or otherwise available to the public. All solicitation materials accurately represent CCDDR's policies and practices and will reflect the dignity of program beneficiaries. All financial, organizational, and program reports will be complete and accurate in all material respects.

#### VII. Program Evaluation

CCDDR regularly reviews program effectiveness and has mechanisms to incorporate lessons learned into future programs, including CARF accreditation practices. CCDDR is committed to improving program and organizational effectiveness and develops mechanisms to promote learning from its activities and the field. CCDDR is responsive to changes in its field of activity and is responsive to the needs of its constituencies.

VIII. Inclusiveness and Diversity

CCDDR has a policy of promoting inclusiveness and its staff, board and volunteers reflect diversity in order to enrich its programmatic effectiveness. The organization takes meaningful steps to promote inclusiveness in its hiring, retention, promotion, board recruitment and constituencies served.

IX. Fundraising

CCDDR shall be truthful in any and all solicitations of funds from prospective donors and charitable organizations. CCDDR shall respect the privacy concerns of individual donors and expend funds consistent with donor intent. CCDDR shall disclose important and relevant information to potential donors.

In raising funds from the public, CCDDR will respect the rights of donors, as follows:

- To be informed of the mission of CCDDR, the way the resources will be used, and the capacity of CCDDR to use donations effectively for their intended purposes;
- To be informed of the identity of those serving on CCDDR's governing board and to expect the board to exercise prudent judgment in its stewardship responsibilities;
- To have access to CCDDR's most recent financial reports;
- To be assured their gifts will be used for the purposes for which they were given;
- To receive appropriate acknowledgement and recognition;
- To be assured that information about their donations is handled with respect and with confidentiality to the extent provided by the law;
- To expect that all relationships with individuals representing organizations of interest to the donor will be professional in nature;
- To feel free to ask questions when making a donation and to receive prompt, truthful and forthright answers.

X. Grantmaker Guidelines

CCDDR shall also abide by the following tenants in its role as a grant-making body in contracting with nonprofit agencies in providing for the needs of Camden Co. citizens with developmental disabilities:

- CCDDR will have constructive relations with grantseekers based on mutual respect and shared goals;
- CCDDR will communicate clearly and on a timely basis with potential grantees;
- CCDDR will treat grantseekers and grantees fairly and with respect;
- CCDDR will respect the expertise of grantseekers in their fields of knowledge;
- CCDDR will seek to understand and respect the organizational capacity and needs of grantseeking organizations; and,
- CCDDR will respect the integrity of the mission of grantseeking organizations.

As a Board Member with Camden Co. Developmental Disability Resources (CCDDR), I certify that I have reviewed and agree with this Code of Ethics Statement, and shall comply with its provisions.

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(Board Member Signature)

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(Date)

# **Camden County Developmental Disability Resources**

## **CODE OF ETHICAL CONDUCT AGREEMENT**

As an employee or volunteer with Camden Co. Developmental Disability Resources (CCDDR), I affirm the following:

- I will not discriminate against or refuse services to anyone on the basis of race, color, creed, age, sex, religion, disability, nationality, sexual orientation, or ethnicity.
- I will not use my professional relationship to further my own interests.
- I will evidence a genuine interest in all persons served, and do hereby dedicate myself to assisting them in achieving their preferences, dreams, and helping them help themselves.
- I will respect the privacy of persons served by CCDDR and hold in confidence all information obtained in the course of my duties and interactions.
- I will maintain confidentiality when storing or disposing of participant records and data.
- I will maintain a professional attitude, which upholds confidentiality towards individuals served, coworkers, applicants, and CCDDR.
- I will respect the rights and the views of the public and my coworkers and agree to treat them with fairness, courtesy, and good faith.
- I will not exploit the trust of the public or coworkers. I will make every effort to avoid relationships that could impair my professional judgment.
- I will not engage in, or condone, any form of harassment or discrimination.
- I will extend respect and cooperation to coworkers throughout the organization regardless of position.
- If I have the responsibility for employing and evaluating the performance of any other staff member, I will do so in a responsible, fair, considerate, and equitable manner.
- If I am aware that a coworker has violated ethical standards of CCDDR, I have the duty and the responsibility to report such violations to my immediate supervisor for investigation.
- I will accurately represent my education, training, experience, and competence as they relate to my professional position.

- I will correct, whenever possible, any misleading or inaccurate information and representations made by others concerning CCDDR or its services.
- I have a total commitment to provide the highest quality of services in the performance of my responsibilities.
- I will continually assess my personal strengths, limitations, biases, and effectiveness.
- I will strive to become and remain proficient in the practice and the performance of my position.
- I will act in accordance with the highest standards of integrity.
- I will not advise on problems outside the bounds of my competence.
- I will seek assistance for any problems that impairs my performance.
- I understand that violation of this Code of Ethical Conduct Agreement may be grounds for disciplinary action up to and including dismissal.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

**CAMDEN CO. DEVELOPMENTAL DISABILITY RESOURCES (CCDDR)  
CORPORATE COMPLIANCE PROGRAM  
ACKNOWLEDGMENT OF RECEIPT OF CORPORATE COMPLIANCE POLICY**

“I have received a copy of the CCDDR Corporate Compliance Policy, and understand its content. I have also received and read any policies and standards of conduct applicable to my position, and agree to comply with them. I acknowledge that I have a duty to report any suspected violations of the law or the standards of conduct to the CCDDR Director.”

\_\_\_\_\_  
(Employee Signature)

\_\_\_\_\_  
(Date)

Printed Name: \_\_\_\_\_