

POLICY & PROCEDURE

TITLE: Compliance Education and Training and Training Plan

APPROVAL DATE OF CORPORATE COMPLIANCE COMMITTEE: 03/13/2024	CORPORATE COMPLIANCE COMMITTEE CHAIR SIGNATURE: <i>Eileen S. Berg</i>
APPROVAL DATE OF POLICY REVIEW COMMITTEE: 03/15/2024	EFFECTIVE/IMPLEMENTATION DATE: 03/15/2024
APPROVAL DATE OF POLICY REVIEW COMMITTEE CHAIR: 03/15/2024	POLICY REVIEW COMMITTEE CHAIR SIGNATURE: <i>Eileen S. Berg</i>

BACKGROUND, PURPOSE & RATIONALE:

Birch Family Services (referred to as Birch or the Corporation) recognizes that the development and implementation of regular, effective education and training is an integral part of the Compliance Program. Compliance education is divided into two general components. First, all Affected Individuals must receive an introduction to the Compliance Program and all related principles. Second, those parties whose work is linked to identified risk areas and all management staff should receive additional, specialized compliance education pertaining to their function and responsibilities.

POLICY STATEMENT:

The purpose of this policy is to assure that Birch complies with all the requirements of Social Service Law 363-D and 18 NYCRR Part 521.

All Affected Individuals receive formal training relating to Birch’s Compliance Program. Birch will ensure that all trainings are provided in a way that is accessible and understandable to all Affected Individuals and that they are in alignment with the required State, Federal and local laws, rules, and regulations. Training will be provided during the orientation / onboarding of all Affected Individuals. An annual refresher training will also be provided to all Affected Individuals.

It is the policy of the Corporation to ensure that Affected Individuals in identified risk areas, members of the Board of Directors and Management, receive more detailed education related to their function and responsibilities.

This policy applies to all Affected Individuals. Successful completion of the training sessions is mandatory and a condition of continued employment, contract, appointment, or assignment with the Corporation.

For purposes of this Policy, the term “Affected Individuals” includes all employees, volunteers, interns, independent contractors, Board of Directors and agents of the Corporation.

PROCEDURES:

1. The Compliance Officer is responsible for developing the compliance education curriculum and monitoring and ensuring that compliance training and orientation/onboarding meet the policy standards on this subject.

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2. Compliance education and training must include an explanation of the structure and operation of the Compliance Program. The training will introduce the Compliance Officer and the roles and responsibilities of the Corporate Compliance Committee to Affected Individuals.
3. Compliance education and training during orientation / onboarding and annual refresher training will include, at a minimum, information on the following aspects of the Compliance Program:
 - The Birch Compliance Plan;
 - Standard/Code of Conduct and Business Ethics;
 - False Claims Act;
 - Whistleblower Protections;
 - Risk areas and organizational experience;
 - The role and responsibilities of the Compliance Officer and the Corporate Compliance Committee;
 - Communication channels and methods to submit reports and to contact the Compliance Officer, name of Compliance Officer, reporting mechanisms, anonymous reporting mechanism;
 - Birch's expectations for and mandated reporting:
 - known or suspected fraud, waste, and abuse;
 - illegal or unethical acts;
 - actual or suspected violations of Federal, State and local laws, rules, requirements and regulations; actual or suspected violations of the Standard/Code of Conduct and Business Ethics, the Compliance Program, and Birch's policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as "compliance concerns" for purposes of this Policy);
 - How Birch responds to reports of compliance concerns, including the investigation process and corrective actions;
 - Birch's disciplinary policy and standards;
 - Prevention of fraud, waste, and abuse; and
 - Whistle Blower / non-retaliation and non-intimidation policy.

Specialized areas for education will include, but not be limited to, the following risk areas:

Improper or fraudulent billing for services;

- Preparation of inaccurate or incorrect cost reports;
- Misuse of Corporation funds;
- Payment or receipt of remuneration or gifts in return for referrals of service recipients or business contracts;
- Medicaid requirements specific to Birch's services and programs including completion and submission of accurate, honest service delivery documentation.
- Coding and billing requirements and best practices, if applicable;
- Claim development and the submission process, if applicable;
- Government and private payor reimbursement principles; and
- Government initiatives related to the services provided by Birch, if applicable.

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4. Comprehensive education materials will be developed to facilitate the compliance sessions and ensure that a consistent message is delivered to all Affected Individuals. Education protocols and materials must be standardized, so as to evidence that everyone attending a seminar receives the same instruction.
5. As part of their initial orientation, each Affected Individual including all employees, interns, volunteers, independent contractors, the Chief Executive and other senior administrators, and Board members shall receive a training session conducted by the Compliance Officer or trainer designee within the first 14 days of employment or association with the Corporation. Each party will receive an introduction to Birch's Compliance Program and objectives, and written copies of the Standard/Code of Conduct and Business Ethics, and Compliance Plan, and be provided access to Compliance Program policies and procedures. Each party will sign an acknowledgement form (attached to this Policy), or equivalent, that they are aware of and will abide by the Compliance Plan and Standard/Code of Conduct and Business Ethics.
6. In addition, all Affected Individuals will receive training and/or education at least once per year that includes a review of the existing Compliance Plan, the Standard/Code of Conduct and Business Ethics, and any applicable policies and procedures. The session will also focus on any changes in Federal, State and local laws and regulations. The materials for such training will be developed by the Compliance Officer. An annual refresher course, developed by the Compliance Officer will be assigned to and taken by all Affected Individuals via the Corporation's Learning Management System (LMS). Completion is monitored by the Compliance Officer.
7. All education and training relating to the Compliance Program will be verified by attendance and a signed acknowledgement of receipt of training. Training records will include the date, start and end time of the training, and the content of the material presented. These records will be maintained in the Birch Learning Management System (LMS) for all training sessions.
8. Only properly trained individuals will be used to provide compliance education and training seminars. Compliance Program trainers must be knowledgeable of the (a) Compliance Plan; (b) applicable Federal, State and local laws and regulations; (d) relevant Birch policies and procedures; (e) operations of the Compliance Program; and (f) content of the Standard/Code of Conduct and Business Ethics.
9. The Compliance Officer is responsible for coordinating with Management to ensure that specialized compliance education occurs in identified risk areas.
10. The Compliance Officer will ensure that all contractors and vendors meeting the criteria below are provided with a copy of the Compliance Plan, the Standard/Code of Conduct and Business Ethics and Whistleblower Protections Policy upon entering into a contractual agreement with Birch. For purposes of this Procedure, contractor and vendor are defined as:
 - Any independent contractor, contractor, subcontractor, or other person who, on behalf of the Corporation, furnishes or otherwise authorizes the furnishing of Medicare, Medicaid, or other federally funded healthcare items or services, or performs billing or coding functions; or
 - Any independent contractor, contractor, subcontractor, or other person who provides administrative or consultative services, goods, or services that are significant and material, are directly related to healthcare

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provision, and/or are included in or are a necessary component of providing items or services reimbursed by Medicare, Medicaid, or other federally funded healthcare program; or

- Any independent, contractor, subcontractor, or other person who is involved in the monitoring of healthcare provided by Birch.
11. Birch will ensure that the Compliance Officer has sufficient opportunities to receive training on compliance issues. Compliance training will be secured and made available to new Compliance Officers as part of the orientation to the role.
 12. The Compliance Officer is responsible for submitting periodic reports to the Corporate Compliance Committee and Board of Directors on all education and training related to the Compliance Program. This information will be trended and analyzed to evaluate and ensure that Birch has an effective Compliance Program.
 13. All education and training related to the Compliance Program will be incorporated into the Corporation's training plan. The training plan shall, at a minimum, outline the subjects or topics for training and education, the timing and frequency of the training, which Affected Individuals are required to attend, how attendance will be tracked, and how the effectiveness of the training will be periodically evaluated. The training plan will be reviewed by the Compliance Officer and Corporate Compliance Committee and updated as needed, but at minimum on an annual basis.

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Acknowledgement Form – Compliance Training and Education

Date of Training: _____ Instructor: _____

Contents of Training

- Birch Compliance Plan
- Standard/Code of Conduct and Business Ethics
- Prevention of Fraud, Waste, and Abuse
- Obligation to follow and Implement Birch Policies & Procedures
- Position Qualifications – Current, Required Credentials, Experience and Certifications
- Full Transparency, Honesty, Accuracy, Contemporaneous Recording related to Service Delivery
- Federal and NYS False Claims Act
- Response to Complaints/Reports
- Investigations and Required Participation (Interviews & Written Statements)
- Whistleblower Protections; Non-retaliation and Non-intimidation Policy
- The Role of the Compliance Officer and the Corporate Compliance Committee
- Reporting and Investigation of Compliance Concerns
- Disciplinary Standards
- Conflicts of Interest & Gift Policy
- Communication Channels & Mandated Reporting (including name of Compliance Officer and methods to report; anonymous reporting).
- Document Requests Process
- Confidentiality & Privacy of PHI & PII

- ✓ I acknowledge that I have attended Compliance training on this date. I have been provided with the opportunity to ask any questions that I may have.
- ✓ I acknowledge that I have been given information and directed to read a full copy of the Compliance Plan and the Standard/Code of Conduct and Business Ethics on the Birch Website. I will contact the Compliance Officer with any questions I may have upon reviewing these documents.
- ✓ I acknowledge that I have been directed to the Birch Website to review the full version of any/all Compliance Policies, and will direct any questions to the Compliance Officer.
- ✓ I understand that I must comply with the Compliance Program, the Standard/Code of Conduct and Business Ethics, all laws, regulations, policies and procedures, and guidance provided.
- ✓ I understand that I must report any instances of known or suspected fraud, waste, and abuse; illegal or unethical acts; actual or suspected violations of Federal, State and local laws and regulations; actual or suspected violations of the Standard/Code of Conduct and Business Ethics, the Compliance Program, and any of Birch’s policies and procedures; improper acts in the delivery or billing of services; and other wrongdoing (collectively referred to as “compliance concerns”) to a member of Management and the Compliance Officer.
- ✓ I understand that Birch maintains an external hotline for confidential and/or anonymous reporting of compliance concerns or any other concerns.
- ✓ I understand that my failure to comply with the Compliance Program, the Standard / Code of Conduct and Business Ethics, laws, regulations, and Birch’s policies and procedures or to report possible violations may result in disciplinary action, up to and including termination of employment, contract, assignment or association with the Corporation.

Print Name _____

Title _____

Signature _____

Date _____