

POLICY & PROCEDURE

TITLE: Response to Governmental Compliance Investigations

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:

Federal and State law enforcement and regulatory agencies routinely conduct interviews to gather information during audits, inquiries, and investigations of compliance matters. It is important that Birch Family Services (Birch or the Corporation) staff respond to any official requests for compliance information consistently, accurately, appropriately and in a timely manner. The purpose of this policy is to provide guidance on how to handle any unannounced compliance visits by government representatives. This policy does not address visits by regulatory agencies to perform program certification or quality assurance functions.

POLICY STATEMENT:

It is the policy of Birch to appropriately respond and not interfere with any lawful audit, inquiry, or investigation by a government agency.

The Birch policies on search warrants and subpoenas are to be followed.

PROCEDURES:

1. Any and all announcements, written or verbal, of an impending compliance visit by any government investigator or auditor should be immediately reported to the Chief Executive Officer(CEO), who is responsible for notifying the Compliance Officer (CO) and legal counsel as warranted, at the discretion of the CEO and CO.
1. Employees will remain courteous and professional when dealing with investigators or agents. All questions should be answered accurately and truthfully. If the person interviewed does not know the answer to a question, they should say so. Only provide information known (saw it, heard it).
2. Procedures for handling the receipt of a search warrant and/or subpoena are covered by separate policies and should be followed. Please refer to those specific policies.

Unannounced Compliance Visits to any Birch facilities:

1. If an individual arrives at any Birch facility and identifies themselves as a government auditor, investigator, or other representative, the individual (herein referred to as the agent) will be treated with respect and courtesy. Staff should request the reason for the visit and identification from the agent. (Do not attempt to photocopy credentials, as this is a violation of Federal law).

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2. The agent will be asked to wait in an unused office or a location where business is not conducted at that time.
3. Immediately contact the Program Administrator(s) who will contact Department Leadership, who in turn will contact the Compliance Officer, the Chief Fiscal Officer, the Executive Vice President and the Chief Executive Officer.
4. The Chief Executive Officer, in consultation with the Compliance Officer, Chief Fiscal Officer and department Leadership will identify one employee to be responsible for responding to the agent's questions.
5. The Compliance Officer will consult legal counsel.
6. Await direction from legal counsel. Do not submit to questioning or an interview. Do not provide documents or other information at this point.
7. Refer to and follow the policy on Search Warrants and/or Subpoenas as applicable.
8. Other than providing information to direct the agents to information requested in the search warrant, do not submit to any form of questioning or interviewing, and do not provide documents other than those listed in the warrant. Ensure a copy is made of anything provided to the agents.
9. The Compliance Officer will coordinate and oversee any further actions, communicate with agents and legal counsel, and keep Birch Leadership informed of all such activity and findings.

Visits to any location outside of a Birch Facility (e.g., personal residence, community place):

The following is provided as general information regarding off-site visits:

2. If approached at an off-site location, staff and Birch Board Members have the right to decline an interview or to postpone an interview until such time that they are at a Birch site and/or have had an opportunity to seek legal counsel or other advice.
3. Employees and Board Members should report any off-site visits by government agents, investigators, or auditors to the Chief Executive Officer and the Compliance Officer who will notify legal counsel.
4. The Compliance Officer will discuss legal counsel's advice with Executive Leadership and provide direction based upon legal counsel's instructions.