


# POLICY & PROCEDURE

## TITLE: Role and Responsibilities of the Corporate Compliance Committee and Committee Charter

APPROVAL DATE OF CORPORATE COMPLIANCE COMMITTEE: 03/13/2024	
APPROVAL DATE OF POLICY REVIEW COMMITTEE: 03/15/2024	EFFECTIVE/IMPLEMENTATION DATE: 03/15/2024
APPROVAL DATE OF CEO: 04/04/2024	CEO SIGNATURE: 

### BACKGROUND, PURPOSE & RATIONALE:

Birch Family Services (herein referred to as Birch or the Corporation) is committed to the operation of an effective Compliance Program. Birch has an established Corporate Compliance Committee to monitor results of the compliance functions and determine Birch's strategy for promoting compliance.

### POLICY STATEMENT:

It is Birch's Policy to ensure that the Corporation, under the oversight and guidance of the Birch Compliance Officer, maintains an effective Compliance Program that minimally complies with all regulatory standards including Social Service Law 363-D and 18 NYCRR Part 521. This policy defines the roles and responsibilities of the Corporate Compliance Committee and their duty to help ensure that the Corporation has an effective Compliance Program.

### PROCEDURES:

1. The Chairperson of the Board of Directors and Chief Executive Officer appoint the Corporate Compliance Committee to advise and assist the Compliance Officer with the implementation of the Compliance Program. As the Chair of the Corporate Compliance Committee, the Compliance Officer will report directly to the Chief Executive Officer and Board of Directors.
2. The Corporate Compliance Committee will be comprised of Senior Leadership, at minimum.
3. The Corporate Compliance Committee will meet regularly but at least quarterly.
4. Meeting minutes will be recorded. The Compliance Officer will maintain written minutes and any other records of all meetings and activities. Minutes of each meeting of the Corporate Compliance Committee shall be distributed to each member of the Committee and filed electronically.
5. The Chair of the Corporate Compliance Committee shall report to the Chief Executive Officer, the Audit Committee and the Board of Directors following all meetings of the Committee, and as otherwise requested by the Chief Executive Officer and/or Chairperson of the Board.

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6. Birch will develop and implement a Corporate Compliance Committee Charter. The Charter will outline the Corporate Compliance Committee's duties and responsibilities, membership, designation of a chairperson, and frequency of meetings. (See attached Charter).
7. The Corporate Compliance Committee will review the Corporate Compliance Committee Charter at least annually and update as warranted.
8. Affected Individuals (employees, interns, volunteers, independent contractors, and agents of Birch) will be informed of the role and responsibilities of the Corporate Compliance Committee as part of the Compliance Program education and training.
9. The Corporate Compliance Committee is responsible for the following:
  - Analyzing the regulatory environment where Birch does business, including legal requirements with which it must comply.
  - Reviewing and assessing existing policies and procedures that address risk areas for possible incorporation into the Birch Compliance Program.
  - Reviewing the Compliance Plan and the Standards/Code of Conduct and Business Ethics, minimally on an annual basis to ensure they adequately and effectively address all current regulations and are consistent with Birch policies.
  - Reviewing and monitoring Compliance & Compliance Program training and education to ensure they are effective and completed promptly.
  - Ensuring that Birch has effective oversight, systems and processes in place to identify Compliance Program risks, overpayments, and other issues and has effective policies and procedures for correcting and reporting such issues.
  - Working with departments to develop standards, policies and procedures that address specific risk areas and to encourage compliance according to legal and ethical requirements.
  - Coordinating with the Compliance Officer to ensure that the written policies and procedures and Standards/Code of Conduct and Business Ethics are current, accurate, and complete.
  - Developing internal systems and controls to carry out compliance standards, Standards/Code of Conduct and Business Ethics and policies and procedures.
  - Coordinating with the Compliance Officer to ensure communication and cooperation by all Affected Individuals on compliance-related issues, internal or external audits, investigations or any other function or activity.

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- Developing a process to solicit, evaluate, and respond to complaints and problems.
- Monitoring internal and external audits to identify issues and/or risks related to non-compliance.
- Implementing corrective and preventative action plans and follow-up to determine effectiveness.
- Ensuring the development and implementation of an annual Compliance Work Plan.
- Ensuring the development and implementation of an annual Risk Management Work Plan.
- Advocating for sufficient funding, staff, and resources to be allocated to the Compliance Officer to carry out duties related to the Compliance Program.
- Ensuring that Birch has appropriate systems and policies in place that effectively identify risks, overpayments, and other areas of concerns including fraud, waste, and abuse.
- Monitoring and evaluating Birch's Compliance Program for effectiveness at least annually and making recommendations for necessary modifications to the Compliance Program as applicable.
- Developing and implementing a Corporate Compliance Committee Charter. The Charter will outline the Corporate Compliance Committee's duties and responsibilities, membership, designation of a chairperson and frequency of meetings. The Charter will be reviewed annually and updated as warranted.

### **COMPLIANCE STATEMENT:**

As part of the auditing and monitoring process as per the Birch Compliance Program and the annual Compliance Work Plan, Birch will review this policy based on changes in the law or regulations, as Birch practices change, and, at minimum, annually. Additionally, this policy will be evaluated for effectiveness on an annual basis or more frequently as identified in accordance with the Compliance Program.

Results of all audits, reviews and assessments will be reported to the Corporate Compliance Committee, the Audit Committee and the Governing Body on a regular basis.

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## **CORPORATE COMPLIANCE COMMITTEE CHARTER**

### **CHARTER STATEMENT**

The Corporate Compliance Committee Charter addresses the Committee's purpose, authority and responsibilities, designation of a chairperson, composition, frequency of meetings, and the recordkeeping of meeting minutes.

### **PURPOSE**

To assist and coordinate with the Compliance Officer to ensure that Birch is conducting its business in a legal, ethical, and responsible manner, consistent with the Compliance Program.

The Corporate Compliance Committee shall have the authority to undertake the specific duties and responsibilities described in the Role and Responsibilities of the Corporate Compliance Committee Policy (attached) and the authority to undertake such other duties as directed by the Chief Executive Officer and/or Chairperson of the Board of Directors.

### **MEETINGS**

The Corporate Compliance Committee shall meet on a regular basis, not less frequently than quarterly. The Committee shall meet with Birch Management and staff at the discretion of the Compliance Officer.

### **MINUTES**

The Compliance Officer will record and maintain written minutes and any other records of all meetings. Minutes of each meeting of the Corporate Compliance Committee shall be distributed to each member of the Committee and filed electronically.

### **MEMBERSHIP**

The Chairperson is the Birch Compliance Officer. Membership is comprised of a minimum of one representative from each department in a leadership role.

Committee members include:

1. Compliance Officer
2. Vice President for Finance and Administration, CFO and/or Senior Vice President of Financial Operations
3. Executive Vice President
4. Senior Vice President of Human Resources and/or Deputy Director of Human Resources
5. Senior Vice President of Community Services
6. Senior Vice President of Education and/or Vice President of Education
7. Chief Information Officer, Security Officer and/or Assistant Director of Information Technology
8. Asst. Director of Quality Assurance
9. Senior Vice President of Workforce Development