

Policy Title:	Compliance Participation and Discipline (CMP)
Category:	CMP - Compliance
Policy Number:	100-011
Initial Effective Date:	08/01/19
Review Date(s):	
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Associated Forms & Policies:	100-009 Whistleblower: Compliance Reporting 100-005 Reporting Compliance Issues and Non-Retaliation 100-007 Compliance Education and Training 100-014 Federal and State False Claims Act
Regulation Reference (if applicable):	NYS SSL §363d 18 NYCRR Part 521 New York State Labor Law Section 740
Key Words:	Compliance, Discipline, Violation, Education, Conduct, Enforcement

I. Policy:

It is the responsibility of Crouse Medical Practice employees, senior leadership, managers, board members, medical staff members, contractors, agents, subcontractors, independent contractors, and volunteers (collectively referred to affected individuals) to abide by federal and state laws and regulations, CMP policies and procedures and to support the Practice's compliance efforts, and participate in the corporate compliance program.

Accordingly, each person must report their good faith or reasonable belief of any suspected or actual violation of applicable local, state or federal law or Practice policies and procedures, including, without limitation, the Practice's compliance program and code of conduct. In addition, they must refuse to participate in unethical or illegal conduct and any such conduct must be reported to the compliance officer. A violation could be fraudulent billing suspicion, incorrect patterned claim activity, misrepresentation, stealing, breach of rules both internal and external, etc. In support of this principle, the Practice has also adopted a strict non-intimidation, non-retaliation stance prohibiting any intimidation and/or retaliation to anyone who reports a suspected or actual violation.

II. Purpose

The purpose of this policy is to ensure all [affected individuals](#) are aware of their obligations and responsibilities to adhere to the compliance program and policies, code of conduct and any applicable laws, rules and regulations as well as their responsibility to report any potential violations. This policy shall be published and disseminated to all affected individuals and shall be incorporated into Crouse Medical Practice's Compliance Training Plan.

III. Scope

This policy applies practice-wide.

IV. Procedure:

A. Obligations to Participate in Compliance Program

1. All [affected individuals](#) are required to abide by applicable state and federal laws and regulations, and all policies and procedures of the Practice, including without limitation the compliance program and the code of conduct.
2. Affected individuals shall report suspected, potential or actual violations of applicable law and regulations, the compliance program and/or code of conduct (Refer to [100-009 Whistleblower: Compliance Reporting Policy](#)).
3. Failure to report possible improper conduct is itself a violation of Practice policy, the corporate compliance program and the code of conduct and may be subject to discipline, up to and including termination.
4. Affected individuals shall participate in compliance education and training at least annually. Employees shall participate in compliance education and training during New Employee Orientation and at least annually thereafter, and shall participate in compliance activities and additional training as required by their respective departments.

B. Confidentiality

1. The Practice shall ensure that the confidentiality of individuals reporting compliance concerns be maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by MFCU, OIG or law enforcement, or disclosure is required during a legal proceeding, and individuals will be protected under CMP's policy on non-intimidation and non-retaliation ([100-005 Reporting Compliance Issues and Non-Retaliation Policy](#)).

C. Disciplinary Action

Affected individuals actions (or inaction) that may result in discipline, include, but are not limited to the following:

1. Authorizing or participating directly in actions that are in violation of any applicable local, state or federal law/regulation or the compliance program, the code of conduct or CMP policies and procedures;

2. Deliberately failing to report a violation or deliberately withholding relevant and material information concerning a violation;
3. Retaliating, directly or indirectly, or encouraging others to do so, against anyone who reports a violation;
4. Fabricating or knowingly misrepresenting facts concerning a compliance investigation;
5. Encouraging, directing, facilitating or permitting, either actively or passively, non-compliant behavior and;
6. Stealing.

Crouse Medical Practice will follow its Human Resources Handbook levels of discipline. A Practice Manager and/or compliance may recommend dismissal/termination if an individual engages in continual or flagrant misconduct.

D. Fair Enforcement of Discipline

The Practice shall enforce sanctions and discipline resulting from a violation of this policy in a fair and consistent manner, in accordance with applicable Human Resources policies and procedures.

Definitions

Affected Individuals: All persons who are affected by the providers risk areas including employees, chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors and governing and corporate offices

MFCU: Medicaid Fraud Control Units

OIG: Office of Inspector General