

**Corporate Compliance Program
Homemakers Upstate Group Inc.
CareGivers/Rely Health Care**

Statement of Intent

It is the intention Homemakers Upstate Group Inc., and its' subsidiaries CareGivers/Rely Health Care to operate in compliance with all federal, state and local laws and regulations.

Key Elements

- All staff* shall adhere to and be instructed on federal, state and local regulations as outlined in the respective resource manuals at time of hire and throughout their employment.**
- Any suspected or known violations will be immediately reported to the branch Administrator. Homemakers Upstate Group Inc., Governing Body is responsible for guiding the investigation of suspected violations and the enforcement of appropriate disciplinary action against employees who have violated the policies.
- Confidential and anonymous reporting of compliance issues or concerns: the Administrator shall inform HUG Administration depending on the nature of the violation without fear of retribution or reprisal on the part of any employee. If the employee is not comfortable with the Administrator, they may contact the Compliance Officer, Bader Reynolds via email at breynolds@caregivershomecare.com or by phone at 315.797-7050.
- Anyone requesting access to confidential information (ie: employee records, client records, or operational records or asks to discuss the operation of the office) must show identification. Ask them to please wait, and then contact Administration immediately.
- All governmental agencies shall be dealt with in an honest and forthright manner. HUG will cooperate fully by providing information as required.
- HUG will monitor organization compliance through an established timetable .

Conduct Requirements:

- Documents are not concealed, altered or destroyed at any time.
- Advance preparation of any document is strictly prohibited.
- Employees shall not lie or make misleading statements.

- *Staff ; includes sub-contracted staff
- **Homemakers Upstate Group Resources/Manuals list
- ***Disclosure of Interest

False Claims Act:

Any person who knowingly presents or causes to be presented a false or fraudulent claim for payment or approval by the state/federal government or a false record or statement to get a false or fraudulent claim paid or approved by state/federal government is subject to civil liability and damages.

Examples of False Claims:

- billing for services that were not provided,
- duplicate billing 2 payer sources for the same service (Example: Medicaid and the client)
- having unlicensed persons perform services that only a licensed professional should render and bills as if the professional provided the service,
- billing for more time than actually provided.

Any suspected or know violations should be immediately reported to the branch Administrator.

Confidential and anonymous reporting of compliance issues or concerns:

Confidential reporting of suspected violations should begin with the branch administrator without fear of reprisal or retribution on the part of any employee. If the employee is not comfortable with the administrator, they may contact the Corporate Compliance Officer, Bader Reynolds via email at: breynolds@caregivershomecare.com or by phone at (315)797-7050.

Violations

The Governing Body is responsible for guiding the investigation of suspected violations and the enforcement of appropriate disciplinary action against employees who have violated the policies.

Disciplinary actions shall be imposed for:

- failure to report
- participating in non-compliant behaviors
- encouraging , directing, facilitating or permitting non-compliant behavior.

Governing Body will impose disciplinary actions consistent with the violation.*

Governing Body will coordinate the investigation with the Compliance Committee and recommend corrective action. All employees are expected to cooperate fully with the investigation.

Corporate Compliance Committee

This committee shall be comprised of the Governing Body, branch Administrators, Accounting Manager and Billing/Payroll Manager.

Corrective Action

Corrective action for substantiated violations may include:**

- self reporting to appropriate agency and/or the Office of Medicaid Inspector General if applicable.
- prompt restitution of any overpayments if applicable
- disciplinary action against involved staff up to and including termination
- instituting a plan of correction with staff to prevent recurrence

**Corrective actions may require the approval of legal counsel

*The Employee Handbooks outline rules, regulations and disciplinary actions.

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Filing False Claims

Examples of False Claims:

- billing for services that were not provided
- duplicate billing 2 payer sources for the same service (Medicaid and the client)
- having unlicensed persons perform services that only a licensed professional should render and bills as if the professional provided the service
- billing for more time than actually provided

Federal Laws:

False Claims Act, 31 USC 3729-3733

The Federal False Claims Act imposes penalties and fines on individuals and entities that file false or fraudulent claims for payment from Medicare, Medicaid or other federal health programs. The penalty for filing a false claim is \$5,000-\$10,000 per claim and the recoverable damages are between two and three times the value of the amount falsely received. In addition, the false claim filer may have to pay the government's legal fees.

The False Claims Act allows private individuals to file lawsuits in federal court just as if they were federal prosecutors. If the suit eventually concludes with payments back to the government, the person who started the case can recover 25-30% of the proceeds if the government did not participate in the suit.

Administrative Remedies for False Claims, 31 USC Chapter 38; 3801-3812

This statute allows for administrative recoveries by federal agencies. If a person submits a claim that the person knows is false or contains false information or omits material information, the agency receiving the claim may impose a penalty of up to \$5000.00 for each claim. The agency may also recover twice the amount of the claim.

Unlike the False Claims Act, a violation of this law occurs when a false claim is submitted, not when it is paid. Also unlike the False Claims Act, the determination of whether a claim is false and the imposition of fines and penalties is made by the administrative agency not by the prosecution in the federal court system.

Pennsylvania

Whistleblower Law 43 § 1423

(a) Persons not to be discharged – No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee or a person acting on behalf of the employee makes a good faith report or is about to report, verbally or in writing, to the employer or appropriate authority an instance of wrongdoing or waste.

(b) Discrimination prohibited – No employer may discharge, threaten or otherwise discriminate or retaliate against an employee regarding the employee’s compensation, terms, conditions, location or privileges of employment because the employee is requested by an appropriate authority to participate in an investigation, hearing or inquiry held by an appropriate authority or in a court action.

New York State

Labor Law 740

False Claims Act: Article 13; NYS Finance Law

An employer may not take any retaliatory action against an employee if the employee discloses information about the employer’s policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that the employer is in violation of a law that creates a substantial and specific danger to the public health and safety. The employee’s disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation.

Federal False Claims act (31 USC 3730h)

An employee who is discharged, demoted, suspended, threatened , harassed or in any mannner discriminated against because of the employee’s lawful acts under the FCA is entitled to full compensation.