



# Equinox, Inc. Compliance Plan

2023

# Topics to Be Covered

- A. Elements of the Compliance Program
- B. Risk Areas and Organizational Experience
- C. Applicable Laws, Regulations, Policies and Procedures
- D. Lines of Communication
- E. Code of Conduct and Professional Ethics
- F. Disciplinary Standards
- G. Response to Compliance Issues

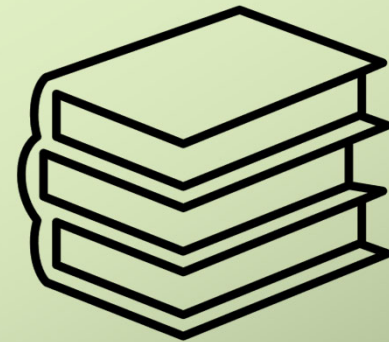


# A: Seven Elements of a Compliance Plan

1. Written Policies, Procedures and Standards of Conduct
2. Director of Compliance and Compliance Committee
3. Training and Education
4. Open Lines of Communication
5. Disciplinary Standards
6. Identification of Compliance Risk Areas, Auditing, Monitoring and Annual Review
7. Response to Compliance Issues

# A1: Written Policies, Procedures and Standards of Conduct

- All available in the Compliance Manual, on Equinox's website, from Compliance Department or HR.
  - **Code of Conduct**
  - **Ethical Standards for Staff**
  - **Exclusion Screening**
  - **Auditing and Monitoring**
  - **OMIG Self-Disclosures**
  - **Whistleblower Reporting and Non-Retaliation**
  - **Disciplinary Action**
  - **Compliance Training and Education**
  - **Annual Policy Reviews**



## A2: Director Of Compliance and Compliance Committee

- Equinox has a designated staff person responsible for the oversight and operation of its Compliance Program:
  - Edward Giordano, IT Director of Compliance and Service Delivery
- Compliance Committee
  - shall meet at least quarterly.
  - Will coordinate policy and procedure and ensure training materials are inclusive of any changes and complete.
  - Will ensure and provide lines of communication for Compliance Officer,
  - Will ensure sufficient staffing of the Compliance Program,
  - Will ensure effective systems are in place, and
  - Will advocate for adoption of required modifications to Compliance Program.

## A3. Training and Education

- Equinox provides compliance training and education for affected individuals that:
  - Reviews the elements of the Compliance Program
  - Reviews Risk Areas and Organizational Experience
  - Provides information about applicable laws, regulations, policies and procedures
  - Delineates Lines of Communication for all Affected Individuals
  - Discusses the ethical and compliance standards set forth in the Professional Conduct and Ethical Standards policies.
  - Discusses the Disciplinary Standards and their relationship to Compliance
  - Outlines the response to compliance issues

## A4. Open Lines of Communication

- If there are any questions or concerns regarding compliance with state or federal laws and regulations, or any aspect of the Compliance Program, including compliance policies and procedures, affected individuals should seek immediate clarification from their supervisor or the Director of Compliance.
  - Edward Giordano
    - 518-435-9931 x5234
    - [egiordano@equinoxinc.org](mailto:egiordano@equinoxinc.org)
- They can also call the Compliance Hotline (518) 435-9931 x5440. These reports may be made anonymously.

# A5: Disciplinary Standards

- Reference
- Equinox staff who violate the law, Equinox policies, Ethical Standards for Staff, or the Professional Conduct Policy, including the duty to report suspected violations, are subject to disciplinary action. Disciplinary actions will reflect the severity of the noncompliance, up to and including termination. Supervisors and the Director of Compliance are expected to work with the Director of Human Resources to assure that each instance involving the enforcement of disciplinary standards is thoroughly documented and that disciplinary standards are enforced fairly and consistently across the organization. All Equinox personnel are expected and required to adhere to and follow Equinox compliance policies.



# A6: Risk Areas and Organizational Experience

- Billings
- Payments
- Ordered Services
- Medical Necessity
- Quality of Care
- Governance
- Mandatory Reporting
- Credentialing
- Contractor Oversight
- Other Areas Identified by Organizational Experience

# Organizational Experience

- Includes Equinox's knowledge, skill, practice, and understanding in operating a compliance program; identification of issues or risk areas; experience, knowledge, skill, practice and understanding of its participation in the Medicaid program; and awareness of issues it should reasonably become aware of for its services
  - For Example:
    - Need for continued documentation training due to staff turnover
    - Trends and Patterns revealed by auditing
    - Errors in use of Electronic Health Record

## A6: Auditing and Monitoring

- The Director of Compliance will prepare an annual audit work plan and oversee audits which are designed to monitor and detect misconduct, noncompliance, or failure to follow applicable requirements
- Audits will be carried out by the Compliance Manager and program staff (self-audits)
- Audit results will be shared at the Compliance Committee meetings in order to review and suggest corrective actions.

# A6: Annual Review

- Reviews may be carried out by the compliance officer, compliance committee, external auditors, or other staff designated by the required provider, provided however, that such other staff have the necessary knowledge and expertise to evaluate the effectiveness of the components of the compliance program they are reviewing and are independent from the functions being reviewed.
- (ii) The reviews should include on-site visits, interviews with affected individuals, review of records, surveys, or any other comparable method the required provider deems appropriate, provided that such method does not compromise the independence or integrity of the review.
- (iii) The required provider shall document the design, implementation and results of its effectiveness review, and any corrective action implemented.
- (iv) The results of annual compliance program reviews shall be shared with the chief executive, senior management, compliance committee and the governing body.



# A7: Response to Compliance Issues (1)

- The provider shall establish and implement procedures and systems for promptly responding to compliance issues as they are raised, investigating potential compliance problems as identified in the course of the internal auditing and monitoring, correcting such problems promptly and thoroughly to reduce the potential for recurrence, and ensuring ongoing compliance with State and Federal laws, rules and regulations, and requirements of the Medicaid program.
  - (1) Upon the detection of potential compliance risks and compliance issues, whether through reports received, or as a result of the auditing and monitoring, the provider shall take prompt action to investigate the conduct in question and determine what, if any, corrective action is required, and likewise promptly implement such corrective action.
  - (2) The required provider shall document its investigation of the compliance issue which shall include any alleged violations, a description of the investigative process, copies of interview notes and other documents essential for demonstrating that the required provider completed a thorough investigation of the issue. Where appropriate, the required provider may retain outside experts, auditors, or counsel to assist with the investigation.

# A7: Response to Compliance Issues (2)

- (3) The Provider shall document any disciplinary action taken and the corrective action implemented.
- (4) If the provider identifies credible evidence or credibly believes that a State or Federal law, rule or regulation has been violated, the required provider shall promptly report such violation to the appropriate governmental entity, where such reporting is otherwise required by law, rule or regulation. The compliance officer shall receive copies of any reports submitted to governmental entities.

# Policies of Non-Intimidation and Non-Retaliation

- Equinox respects good-faith reporting and has policy to address Whistle-blowing and non-retaliation.
  - Good faith reporting refers to an allegation of misconduct or noncompliance made by an individual who reasonably believes that misconduct or noncompliance may have occurred.
  - Reports made falsely, in retaliation, or by individuals involved in the misconduct are not considered in good faith.



# Applicable Laws, Regulations Policies and Procedures

- Equinox's Compliance Program is guided by all applicable state and federal standards. These include, but are not limited to:
  - Health Insurance Portability and Accountability Act (HIPAA)
  - Health Information Technology for Economic and Clinical Health (HITECH)
  - Violence Against Women Act (VAWA)
  - Federal False Claims Act
  - Federal Deficit Reduction Act
  - Federal Program Fraud Civil Penalties Act
  - New York State Mental Health and Public Health Laws
  - New York False Claims Act
  - New York Labor Law §740
  - New York Labor Law §741
- Continued on the next slide



# Applicable Laws, Regulations Policies and Procedures

- Social Services Law § 145, Penalties
  - Social Services Law § 145-b, False Statements
  - Social Services Law § 145-c, Sanctions
  - Social Services Law § 363-d, Detect and correct billing mistakes and fraud
  - Social Services Law § 366-b, Penalties for Fraudulent Practices
  - Penal Law Article 155, Larceny
  - Penal Law 175, False Written Statements
  - Penal Law 176, Insurance Fraud
  - Penal Law 177, Health Care Fraud.
- Equinox is committed to full compliance with all applicable laws and regulations. Adherence to compliance and ethical standards is part of job performance expectations.

# Professional Conduct and Ethical Standards

- Equinox has developed a Code of Conduct policy and an Ethical Standards for Staff policy that are designed to deter wrongdoing and promote honest and ethical conduct. These policies detail the fundamental principles, values, and framework for compliance within the organization, providing guidance on acceptable behavior for Equinox staff and making clear the expectation that Equinox staff will comply with all applicable governmental laws, rules and regulations and will report violations of the law, regulations or company policy to the appropriate person.

# Disciplinary Standards

- Equinox staff who violate the law, Equinox policies, Ethical Standards for Staff, or the Professional Conduct Policy, including the duty to report suspected violations, are subject to disciplinary action.
  - Disciplinary actions will reflect the severity of the noncompliance, up to and including termination. Supervisors and the Director of Compliance are expected to work with the Director of Human Resources to assure that each instance involving the enforcement of disciplinary standards is thoroughly documented and that disciplinary standards are enforced fairly and consistently across the organization.
  - All Equinox personnel are expected and required to adhere to and follow Equinox policies.

# Response to Compliance Issues

- Please see slides 13 and 14.

# Compliance Department

- Your Compliance Department is:
  - Edward Giordano, IT Director of Compliance and Service Delivery
    - [egiordano@equinoxinc.org](mailto:egiordano@equinoxinc.org) 518-435-9931 x5234
  - Susan Paige, Compliance Manager
    - [spaige@equinoxinc.org](mailto:spaige@equinoxinc.org) 518-435-9931 x5265
  - Judith Gray, Justice Center Investigator
    - [jgray@equinoxinc.org](mailto:jgray@equinoxinc.org) 518-435-9931 x5289