

INTRODUCTION

It is the policy of Ibero-American Action League “The League” to conduct its business in compliance with applicable federal, state, and local laws and regulations, and to adhere to the highest ethical standards. Our Compliance Plan tell us all how to make sure we’re following the rules. This plan talks about all the policies we have. It also talks about how we do compliance here at The League. This plan applies to staff, volunteers, the board, and people (“Personnel”) who do business with us. It’s up to everyone to follow this plan. Everyone is responsible for their own behavior. We will look at this plan at least once each year to ensure it talks about what we’re doing now.

MISSION

We uplift, empower, and advocate for Latinos and the underserved to achieve equity and become fully valued community members.

CORE VALUES

- Perseverance
- Advocacy
- Equity
- Compassion
- Empowerment

SCOPE AND OVERVIEW

This Compliance Plan applies to all facilities under the operating certificates of The League and to all The League Personnel. All Personnel shall acknowledge that it is their responsibility to report any suspected instances of suspected or known noncompliance to their immediate supervisor or the Compliance Officer or Chief Executive Officer. Reports may be made anonymously without fear of retaliation or retribution. Failure to report known noncompliance or making reports which are not in good faith will be grounds for disciplinary action, up to and including termination.

The League will communicate its compliance standards and plan through required training initiatives to all employees, independent contractors and vendors. The League is committed to these efforts through distribution of this Compliance Plan and Standards of Conduct. The Compliance Plan will be consistently enforced through appropriate disciplinary mechanisms, including, if appropriate, discipline of individuals responsible for failure to detect and/or report noncompliance.

The League is committed to maintaining and measuring the effectiveness of its Compliance policies and standards through monitoring and auditing systems reasonably designed to detect noncompliance by its employees and agents. We shall require the performance of regular, periodic compliance audits by

internal and/or external auditors who have expertise in federal and state health care statutes, regulations, and health care program requirements. Detected noncompliance, through any mechanism, i.e. compliance auditing procedures, confidential reporting, will be responded to in an expedient manner. The League is dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to the Compliance Plan.

The League will, at all times, exercise due diligence with regard to background and professional license investigations for prospective employees, contractors, vendors and members of the Board of Directors. The League has adopted the following definition of Corporate Compliance: “A Corporate Compliance plan is a system which is designed to detect and prevent violations of Law, as well as the likelihood of unethical activity by League employees, volunteers, contractors, officers and directors.”

COMPLIANCE PROGRAM ELEMENTS

The League has established and maintained the following essential elements in its Compliance Program to assure its goal of lawful and responsible conduct in delivering quality services:

1. Written policies, procedures and standards of conduct.
2. Designate a compliance officer and compliance committee.
3. Conduct effective training and education.
4. Develop effective lines of communication.
5. Enforce standards and have disciplinary policies.
6. Conduct and access internal monitoring and internal/external auditing.
7. Respond promptly to detected offenses and undertake corrective action.
8. Maintain a policy of non-intimidation and Non-Retaliation.

COMPLIANCE CODE OF CONDUCT (Employee Handbook)

The League's reputation is dependent upon the good judgment, ethical standards, and personal integrity of every individual in the League. As the League continues to grow, it is of paramount importance that we always conduct our day-to-day activities in an ethical and responsible manner. The Code of Conduct outline the high standards of ethics and excellence applicable to the volunteers, employees, agents, and representatives of the League.

The following Compliance Standards of Conduct are reproduced in similar form in the Employee Handbook, all Department policy manuals, on the League's shared drive and made readily available to all League Personnel. Failure to comply with the following may result in compliance related corrective action, including and up to termination, under the League's progressive disciplinary policies or in the League's discretion.

- All Personnel must adhere to all applicable laws, the League's policies and the ethical and legal standards outlined in this Compliance Standards of Conduct.
- All Personnel involved in documenting and billing the government for health care or other services must ensure that they follow all applicable laws, rules, conditions of participation and interpretive guidance relating to billing. All Personnel must record and report all agency, consumer, and financial information fully, honestly, and accurately. Records include but are not limited to Consumer charts/documentation, accounting or other financial records, timesheets, and correspondence with outside parties. All Personnel may only record services they provided, and these services should be documented accurately, thoroughly, and in a timely fashion. All Personnel may not intentionally make false or inaccurate documentation entries. All Personnel may not alter other people's documentation or create misleading documentation.
- Personnel may not destroy any agency records. All documentation and records must be stored in compliance with Federal and NY State regulations. All Personnel may not remove documentation and records from the League's property without appropriate authority or without permission from an appropriate Supervisor, Manager, Chief or the CEO.
- Personnel are responsible for their own documentation, including consumer records, time and mileage sheets, etc. Do not document for another person or allow them to document for you. All personnel must keep their computer password secure/confidential and must not use anyone else's password. All Personnel must use computers, phones, transportation etc. for the League's business only.
- All Personnel must be free from any undue influence that conflicts with or appears to conflict with their legal duties and responsibilities to the individuals receiving services and the League. With the exception noted below, Personnel may not receive or accept any payment, gift, or other personal economic benefit of value from any person or entity that has or seeks to have a business relationship with the League. However, it is permissible to accept gifts of nominal value, meals, and social invitations that are consistent with good business ethics and practices and do not obligate the recipient to take or refrain from taking any action or decision on behalf of the League. If possible, Personnel are encouraged to make such gifts available to the individuals receiving services, the League, and/or specific League departments. If Personnel have a question about whether they can accept a gift, payment, or other personal economic benefit, they are instructed to contact the Compliance Officer before accepting it.
- Personnel must be completely honest in all dealings with government agencies and representatives. Misrepresentations, false bills and false requests for payment are strictly prohibited regardless of the monetary value. Personnel may not alter, destroy, mutilate, conceal, cover-up, falsify or make false entries in any record with the intent to impede, obstruct

or influence the investigation of any governmental department or agency. Personnel certifying to the correctness of records submitted to government agencies must have knowledge that the information is accurate and complete. Personnel shall cooperate fully with government investigations by directing all governmental inquiries or requests for information.

- Personnel who participate in government interviews shall give answers that are truthful, complete, and unambiguous.
- Personnel must not, in the name of or on behalf of the League, carry on propaganda or otherwise attempt to influence legislation (except as permitted by the Internal Revenue Code) or participate or intervene in any political campaign on behalf or in opposition of any candidate for public office. Personnel must not entertain government personnel in connection with the League business. This does not prevent personnel acting in their individual capacity from engaging in political activity.
- Personnel must not have any financial or other personal interest in a transaction between The League and a vendor, supplier, provider, or customer. Personnel must not engage in financial, business, or other activity which competes with the League's business or which, actually or in appearances, interferes with the performance of their job duties. Personnel may not allow outside financial decisions or competing personal interests to influence their decisions or actions. Employees should avoid situations which might present a conflict. All personnel must report any potential or actual conflicts to their immediate supervisor or Compliance Officer.
- All Personnel must notify the Compliance Officer and Chief Executive Officer of any contracts or agreement with physicians, health care businesses, patients, providers, third party payers, vendors, or suppliers to the League.
- All Personnel must maintain the confidentiality of the League's business information and trade secrets, as well as the business information relating to the League 's vendors, suppliers, providers, customers, and persons receiving services from the League. The League and its Personnel must not engage in unfair competition or deceptive trade practices that misrepresent the League's services or operations.
- All Personnel must comply with the Policy and Procedures specific to their department.
- All Personnel must comply with all antitrust laws and not engage in discussions or agreements with competitors regarding pricing, prices paid to suppliers or providers, or joint actions or boycotts.
- All Personnel are responsible for following safe work practices and complying with all applicable safety standards and health regulations. All Personnel must maintain a professional work environment. This includes treating others with respect and not harassing or discriminating against others.

- All Personnel are responsible for reporting any actual or suspected violations of the Standard or any laws or regulations that pertain to the League. Personnel can notify their immediate supervisor of such issues or contact the Compliance Officer directly.
- Personnel may not conduct outside/personal activities during work time. Outside employment cannot conflict with your employment at the League.

COMPLIANCE PROGRAM RESPONSIBILITY

Proper implementation of The Agency Compliance Program is the responsibility of all Personnel. All personnel are responsible for acquiring sufficient knowledge, based on their level of responsibility, to recognize potential compliance issues related to their duties and to seek appropriate advice in dealing with those issues. All Personnel are expected to familiarize themselves with the Compliance Program Standards of Conduct and act accordingly.

Each supervisor and manager is responsible for ensuring that the personnel within their supervision are acting in accordance with applicable laws and the ethical and legal duties detailed in the Compliance Plan and all affiliated compliance policies. Illegal acts or improper conduct may subject The Agency and Personnel to severe criminal and civil penalties. It is very important that any illegal activities or violations of this Compliance Plan be brought to The League's immediate attention.

Personnel may report illegal acts or violations of this Compliance Plan anonymously and The League will take all reasonable measures to maintain confidentiality of those who report illegal acts or violations. Personnel who engage in fraud, waste, abuse, or other misconduct are subject to disciplinary action in accordance with The League's Employee Progressive Discipline Policy, including termination. Any such disciplinary actions will be carried out by the Director, of the division affected, in consultation with the Chief Program Officer, Chief Administrative Officer/Compliance Officer and any other Personnel deemed appropriate by the Director of the affected division.

The Chief Administrative Officer/Compliance Officer, in consultation with Chief Program Officer, and if necessary, outside counsel, will ensure disciplinary mechanisms in place for verified instances of non-compliance or misconduct are applied consistently in a manner appropriate to the nature and extent of the non-compliance or misconduct. The Chief Administrative Officer/Compliance Officer will work to ensure that individuals with a propensity to engage in illegal activity will not become or continue as Personnel of The League. The foregoing will be done in a non-discriminatory and non-retaliatory manner consistent with applicable laws, including N.Y. Exec. Law 296.15 and N.Y. Corrections Law 752.

Procedures employed towards this end include criminal background checks and reference checks on potential employees as required or permitted by law. The League has an established contract with K-Checks to screen employees, volunteers, vendors, and contractors against the Medicaid Exclusions List required by the Office of the Medicaid Inspector general effective June 8, 2010.

COMPLIANCE OFFICER

To further its commitment to compliance with all relevant state and federal statutes and regulations, the Board has designated a Compliance Officer who reports to the CEO of The Agency, or in her sole discretion to the Board, and oversee the Compliance Program. All Personnel should view the Compliance Officer as a resource to answer questions and address compliance concerns.

The Chief Administrative Officer will serve as the designated Compliance Officer. **Christine Whitfield, Chief Administrative Officer** can be reached at **1-844-466-4225 (IAAL)** or at christine.whitfield@iaal.org.

COMPLIANCE COMMITTEE

To further its commitment to compliance with all relevant state and federal statutes and regulations, a Compliance Committee was formed to oversee and monitor the operation of the Compliance Program and to advise and assist the Compliance Officer with the implementation of the Plan. The committee will meet at least quarterly, but may meet more frequently, to discuss the Compliance Program, investigations, and employee corrective actions, reports and analysis of internal and external monitoring procedures, recently identified risk areas and proposals to amend the Compliance Plan. Below are the members of the compliance committee:

- **Christine Whitfield, Chief Administrative Officer/Compliance Officer**
christine.whitfield@iaal.org or at 585-256-89000 ext. 653
- **Erika Green, Chief Program Officer**
erika.green@iaal.org or at 585-256-8900 ext. 601
- **Amy Sargent, Chief Financial Officer**
amy.sargent@iaal.org or 585-256-8900 ext. 629
- **Bobby Singh, IT/Security Officer**
bobby.singh@iaal.org or at 585-256-8900 ext.153
- **Andrea Greene, Sr, Director of OPWDD Services**
andrea.greene@iaal.org or at 585-478-0249
- **Angelica Perez, Chief Executive Officer**
angelica.perez-delgado@iaal.org or at 585-256-8900 ext. 632
- **Diane Cecero, Board Member**
dianemcecer@gmail.com

REPORTING PROCEDURES

It is a violation of this Compliance Plan for personnel not to report a compliance related violation or any illegal activity. Failure to report may result in employee corrective action, including termination. If you have a question about particular acts or conduct, you should contact your immediate supervisor, the Chief Administrative Officer/Compliance Officer or report the potential violation anonymously using the Compliance Hotline **1-844-466-4225 (IAAL)**. It is The League's policy to investigate all reports of illegal activity or violations. All Personnel must cooperate with these internal investigations and must not prevent, hinder, or delay discovery of illegal acts or violations.

EDUCATION AND TRAINING

To successfully implement the Compliance Program, the Compliance Officer, in conjunction with the Compliance Committee and others, will design educational and training programs for all employees, volunteers and board members who will make participation in the following educational and training programs a condition of employment or volunteering. Such education and training will:

- Be given to all new employees within the first 60 working days.
- Be given to existing employees whose job duties are affected by a material change in the Compliance Plan within 60 days of the change.
- Be ongoing, but at least annual, to incorporate new statutes, regulations, and identified areas of risk; be individualized to the job duties of each employee.
- Inform employees that failure to comply the stated duties in the Compliance Standards of Conduct may result in disciplinary action, including termination.
- Include development and distribution of a regularly updated Employee Handbook that reflects current applicable statutes, regulations, State and Federal health care program requirements and areas of risk.
- Include detailed information about the federal and state False Claims Acts and the rights of employees to be protected as whistleblowers and to receive a share of any recoveries if they assist in detecting and preventing waste, fraud, and abuse.
- Emphasize that it is a violation of this Compliance Plan for Personnel not to report an instance of non-compliance or misconduct.
- Provide for retention of attendance sheets and all training materials and handouts for at least 6 years from the training date.
- Employees, agents and independent contractors involved in the submission of claims for reimbursement will receive additional detailed training on billing and coding risk areas.

Certification upon completion of Corporate Compliance training, all Personnel will sign a statement of acknowledgement of having received and understood the Compliance Plan. The training statement of understanding will be forwarded to the Human Resources department for tracking and filing in the employee's personnel file. A Corporate Compliance Training non-compliance report will be generated for distribution to supervisory staff.

COMPLIANCE AUDIT AND RISK IDENTIFICATION

The League's desires to identify compliance issues before they become legal problems. Billing audits of each League's program will be conducted at least annually on a proactive basis by the League's billing compliance auditing staff. Such audits will be conducted according to The League's Quality Improvement Plan. The Compliance Officer and the Compliance Committee will approve annually the Quality Improvement Plan and audit schedule for compliance audits and risk identification. The Compliance Committee is primarily responsible for auditing the Compliance Plan. Compliance related audits are conducted as a result of an investigation or as a proactive means of monitoring compliance in areas of actual or potential risk. Together the Compliance Officer and Compliance Committee shall identify potential risk areas annually.

Additionally, The League will utilize other Governmental and Regulatory Audits/Reviews as a method for obtaining feedback regarding compliance. Audit findings and recommendations are reported to the CEO, the Compliance Committee, and the appropriate agency administrator. As needed or requested response plans will be completed by the operational management and incorporated into the final report.

COMPLIANCE CORRECTIVE ACTION AND REMEDIATION PROCEDURES

To successfully implement this Compliance Plan, the Chief Administrative Officer/Compliance Officer will implement case-by-case compliance corrective action and remediation in consultation with other appropriate Personnel, where necessary. The Chief Administrative Officer/Compliance Officer will prepare a report of all investigations and compliance correction action or remediation to be presented to the Compliance Committee for review and discussion. The Compliance Committee may review contested compliance reports and compliance corrective action decisions made by the Chief Administrative Officer/Compliance Officer. Where there is disagreement, the Board will be the final decision maker with regard to compliance corrective action and remediation. Compliance corrective action or remediation may include, but not be limited to, the following:

- Additional education.
- Employee discipline, up to and including termination of employment.
- Corrective billing action, including claim retraction, withdrawal or refund.
- Development of new policies and procedures.

- Revisions to Compliance Plan and implementing procedures.
- Implementation of additional monitoring and auditing.
- Reporting to outside agencies upon consultation with legal counsel and Compliance Committee according to compliance corrective action and remediation plan.

Any discipline will be appropriately documented in the employees personnel file, along with a written statement of reason[s] for imposing such discipline. The Chief Administrative Officer/Compliance Officer shall maintain a record of all actions involving the Compliance plan and report at least quarterly to the Board of Directors regarding such actions. This will be routinely completed by the Board Member assigned to the Compliance Committee.

If The League identifies that an overpayment was received from any third-party payer, the appropriate regulatory [funder] and/or prosecutorial [attorney general/police/ authority will be appropriately notified with the advice and assistance of counsel. It is The League policy to not retain any funds which are received as a result of overpayments. In instances where it appears an affirmative fraud may have occurred; appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future. Regardless of whether a report is made to a governmental agency, the Compliance Officer shall maintain a record of the investigation, including copies of all pertinent information. The record will be considered confidential and privileged and will not be released without approval of the Chief Executive Officer or legal counsel.

In addition, violations identified in The League’s “Zero Tolerance Statement” below will result in immediate termination. Delegation of Substantial Discretionary Authority Requirement Any employee or prospective employee who holds, or intends to hold, a position with substantial discretionary authority for The League, is required to disclose any name changes, and any involvement in non-compliant activities including health care related crimes. In addition, The League performs reasonable inquiries into the background of such applicants, contractors, vendors and Members of the Board of Directors as a part of every employment application. The following organizations may be queried with respect to potential employees, contractors, vendors and Members of the Board of Directors.

- General services administration: list of parties excluded from federal programs. The URL address is <http://epls.gov/epls/servlet/EPLSearchMain/2>.
- HHS/OIG cumulative sanction report. The URL address is <http://exclusions.oig.hhs.gov/search.html>.
- NYS Medicaid Fraud Database. The URL address is <http://www.health.state.nv.us/nysdoh/medicaid/dqprvpg.htm>.

- Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants) (the URL address is <http://www.health.state.nv.us/nysdoh/opmc/main.htm>)
- New York State Department of Education (other licensed professionals) (the URL address is <http://www.op.nysed.gov/research.htm#name>)

ZERO TOLERANCE STATEMENT

The League will continue to vigorously strive for the highest standards of business and professional behavior. We are committed to maintaining a pleasant work environment that is a desirable and create a rewarding experience for employees. It is the responsibility of all employees to maintain the highest standards of conduct for themselves. Every person has a responsibility to comply with and support this Zero Tolerance Statement and to behave in a manner that is respectable. The intent of this standard is to set the expectation for those behaviors that The League has deemed as severe and unacceptable resulting in termination. When enforcing the zero tolerance standards the following should be considered:

- The intent of the offender
- The effect of the transgression on others (both those directly and indirectly involved)
- The impact on The League

Zero Tolerance essentially means that no intentional behavior will be tolerated that is deliberately perpetrated with the purpose of harming others or The League for personal gain or vengeance. Transgressions include but are not limited to workplace violence, fraud, vandalism, theft of any kind, the use of any object as a weapon and/or conducting any type of illegal activity.

PLAN INTEGRITY

The League will review the Corporate Compliance Plan and reports by all employees or contractors kept in accordance with this Plan.

The League's Corporate Compliance Plan requires all its board members, employees, volunteers, agents, and independent contractors ("Personnel") to observe the highest standards of ethics in the conduct of their responsibilities. Personnel must practice honesty and integrity in fulfilling their responsibilities and must comply with all provisions of the Plan. It is the responsibility of all Personnel to report any violation or suspected violation of the Plan, including but not limited to the Compliance Standards of Conduct in Section. Failure to report is a violation of the Corporate Compliance Plan and may subject all Personnel who knew or should have known of the violation to corrective disciplinary action, up to and including termination of employment. The League has established the following ways to report violations and suspected violations:

- Open Communication with the Compliance Officer. You may contact The League's Compliance Officer directly in person or by telephone at **585-256-89000 ext. 653**. Please note that this is not an anonymous form of communication.
- E-mail. You may also e-mail the Compliance Officer at christine.whitfield@iaal.org. Please note that this is not an anonymous form of communication.
- Anonymous Hotline. The League maintains a 24-hour, anonymous hotline for reporting complaints or asking questions about a compliance issue(s). The number is **1-844-466-4225 (IAAL)**. The hotline is accessible only by the Compliance Officer and does not have caller-id service.
- The League's Website via the complaint's portal at iaal.org
- Contact anyone from the Compliance Committee directly. All contact information for all committee members is provided in the Compliance Committee section of this document. Please note that this is not an anonymous form of communication.

If a whistleblower believes that he or she has suffered any form of retaliatory conduct as a result of reporting a violation or suspected violation, he or she may report the retaliatory conduct by any of the means set forth above. If it is found that there has been retaliation against a whistleblower, the wrongdoer(s) will be disciplined consistent with The League's progressive discipline policy, up to and including termination of employment. Prompt Investigation The League's Compliance Officer or an authorized designee will promptly investigate and address all complaints of violations and suspected violations, including retaliatory conduct against a whistleblower. Depending on the nature and circumstances of the violation, the Compliance Officer may refer the complaint to the Compliance Committee for further discussion and/or investigation.

Anyone filing a complaint concerning a violation or suspected violation must be acting in good faith and have reasonable grounds for believing the information disclosed indicates a violation. A person who makes an allegation that proves to have been made maliciously or knowingly to be false will be subject to discipline up to and including termination of employment.

CONCLUSION

The Compliance Plan has been prepared to outline the broad principles of legal and ethical business conduct embraced by The League. It is not meant to be a complete list of legal or ethical questions you might face in the course of business, and therefore this plan must be used together with your common sense and good judgment. In addition, for specific guidance in certain areas covered by this plan The League has adopted detailed policy and procedure manuals. If you are in doubt or have a specific question, you should contact your supervisor or The League's Compliance Officer.

Last Updated: February 15, 2021