

## Reporting Probable Violations of Law

Effective Date: 7/28/2014

Draft/Review Date: 8/18/2014

### Policy

- A. It is the policy of the ACO to report any potential violations of law to law enforcement and to ensure that no individual will be discriminated against, or be subject to any reprisal for Good Faith reporting.

### Applicability

This policy and procedure applies to all Participants, Providers/Suppliers and other individuals or entities performing functions or services related to the ACO's activities.

### Procedure

- A. Any individual who, in Good Faith, knows of, or suspects, any instance of non-compliance must immediately report it to an appropriate supervisor, the Compliance Officer or the Executive Director (ED). All reports will be investigated as appropriate.
- B. Upon the finding of credible evidence to support a report of non-compliance by the ACO, the Compliance Officer shall cause appropriate action to occur immediately, and in no event later than sixty (60) calendar days after a Determination is made.
- C. Violations will be reported by the Compliance Officer, or his/her designee, to the Compliance & Ethics Subcommittee and Governing Body, as necessary.
- D. If any reported non-compliance involving a person who is also a director or executive officer is, after preliminary examination and investigation by the Compliance Officer, determined to have merit, the Compliance Officer shall immediately refer the matter to the Governing Body for full investigation and determination of proper response.
- E. Any violation that is deemed by the Compliance Officer to be a probable violation of law will be reported to law enforcement.
- F. **Investigation Procedure**
  1. The Compliance Officer and/or General Counsel may act as Investigator or assign a designee to perform such investigation. The Investigator compiles all investigation notes.
  2. Once the investigation is concluded, the Investigator reviews the case with the Compliance Officer and/or General Counsel.
  3. The Compliance Officer or General Counsel makes a Determination:
    - a. If the Determination is Unsubstantiated or Inconclusive, the case will be closed.
    - b. If the Determination is Substantiated, the Compliance Officer or General Counsel makes recommendations for action, including but not limited to the following:

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- i. Immediate reporting to CMS of the non-compliance together with a written Corrective Action Plan;
    - ii. Immediate reporting to a law enforcement agency, disciplinary action of a person or persons, up to and including termination; and,
    - iii. Additional training and education for the operational departments affected by the non-compliance.
  - c. When appropriate, Substantiated Determinations are reviewed with Compliance Officer and/or General Counsel for preparation of a Compliance Issues Investigation Report to be made to the appropriate governmental authority and, if required, law enforcement agency, including but not limited to the Office of Inspector General.
  - d. The Investigator and Compliance Officer or General Counsel shall recommend operational process improvements and/or other necessary corrective actions to the senior most managers of the operations department affected by the non-compliance as appropriate.
4. The privileges of the attorney-client communication and the attorney work product, as well as the privileges available under the federal and state constitutions, statutes and common law, may attach to certain information, documents and communications or other information related to investigations of suspected violations.
  - a. Nothing in this policy shall be construed to be a waiver of these privileges or to require production of materials protected by such privilege and/or doctrine.

### Reporting

- A. Reports of non-compliance and violations will be provided to the Governing Body, Compliance & Ethics Subcommittee, CMS, and governmental authorities, as appropriate.

### Related Documentation

- A. 42 CFR §425.300(a)(5)
- B. ACO Terms & Definitions Policy
- C. Compliance Plan
- D. Investigation of Reported Incidents & Complaints Policy