



# White Horse Village Inc.

## Corporate Compliance Program

### **Adoption Resolution**

The Board of Directors has approved and adopted the Corporate Compliance Program:

Date: 9/12/18

Reviewed/Revised

Date: \_\_\_\_\_

## **Introduction**

White Horse Village Inc. (WHV), its Board of Directors, and its leadership are committed to operating in a legal and ethical manner in the provision of care and in our professional and business relationships in pursuit of our Mission. This Program is designed to prevent both accidental and intentional non-compliance with all applicable federal and state laws, including those that prohibit fraud and abuse of healthcare resources.

The purpose of the Compliance Program and its policies and procedures is to:

- Establish and maintain a culture that promotes quality and efficient support, services and high standards of ethical and business conduct;
- Establish effective internal controls to ensure compliance with statutes, regulations and rules;
- Demonstrate to those WHV serves, team members, and the community-at-large, WHV's commitment to responsible conduct;
- Educate and train team members concerning exceptional business practices and the Code of Conduct (Attachment A);
- Establish a mechanism to encourage reporting of potential problems and allow for appropriate internal inquiry and corrective action;
- Prevent, detect and resolve conduct that is inconsistent with our policies and regulatory requirements.

The Code of Conduct is a critical component of our Corporate Compliance Program, and was developed to assure that WHV meets ethical standards, and compliances with related laws and regulations. The Code of Conduct provides guidance to all Team Members and assists the Community in carrying out daily activities while meeting our ethical and legal obligations.

The Compliance Program applies to all Team Members, including the Board of Directors, physicians, team members, volunteers and other entities providing services to White Horse Village Inc.

The Compliance Program includes the eight elements recommended by the Office of Inspector General, as outlined in the Compliance Program Guides, and incorporates the Centers for Medicare & Medicaid Services Requirements of Participation for skilled nursing facilities.

- The development and distribution of written standards of conduct, policies, procedures and protocols that promote a commitment to compliance, including a Code of Conduct
- The designation of a compliance officer and compliance committee charged with the responsibility for
- The development and implementation of regular, effective education and training programs for all employees
- The creation and maintenance of an effective line of communication between the compliance officer and all employees for anonymous reporting of concerns and protection from retaliation
- The use of audits and other risk evaluation techniques
- The completion of sanctions screening to address the non-employment of individuals and non-use of contractors who are disbarred or sanctioned by a federal or state agency
- The development of policies and procedures with respect to the investigative process for suspected, alleged or actual compliance concerns
- An annual assessment of the Compliance Program, to include a risk analysis

#### **Mission Statement**

We provide a full range of retirement lifestyles rooted in excellence in a vibrant community of people who care.

#### **Vision Statement**

White Horse Village sets the standard of excellence for retirement communities.

#### **Core Values**

We are committed to excellence

We care about and respect one another.

We enjoy and promote a warm and friendly environment.

We embrace growth and change.

We act with uncompromising ethics.

We promote and support a commitment to volunteerism.

#### **Program Administration:**

**The following policy statements are a summary of the policies that have been approved and implemented in support of the compliance program.**

Under the authority of the Board of Directors (Risk & Compliance Committee), the Corporate Compliance Committee will administer the Compliance Program. The

Compliance Committee will be chaired and facilitated by the Compliance Officer (CO), who will be a member of the Compliance Committee. White Horse Village participates in the Peace Church Compliance Program (PCCP), which provides Compliance program oversight services through a contractual relationship with White Horse Village.

### **Compliance Committee**

The Committee is responsible for assisting the Compliance Officer in the development and implementation and monitoring of the Compliance and Ethics Program.

The Committee will meet no less than quarterly and will maintain minutes of its meetings, including issues discussed and decisions made.

The Committee will include the Compliance Officer, High Level Official, Privacy Officer, Security Officer and other members as deemed appropriate. The Committee will report to the Chief Executive Officer and the Compliance Officer on all significant issues relating to compliance with applicable laws, regulations, policies and the White Horse Village Code of Conduct.

The Compliance Committee will report to the Chief Executive Officer and the Compliance Officer on any significant issues associated with compliance with applicable laws regulations, laws policies and the White Horse Village Code of conduct.

### **Compliance Officer**

White Horse Village will appoint a Compliance Officer. The Compliance Officer will function as an independent and objective individual that reviews and evaluates compliance issues/concerns within White Horse Village Inc. The Compliance Officer shall have unfettered access to the Board of Directors as needed to assure effective communication associated with compliance issues or concerns.

The Compliance Officer's primary responsibility is the development, implementation, oversight and effective operation of the Corporate Compliance Program.

### **Compliance Committee Non-Disclosure**

Individuals involved in the Compliance and Ethics Program as members of the Compliance Committee may have access to highly confidential and in some cases privileged information. Much of this information will pertain to privacy related issues. All such information must be treated in a confidential manner.

## **Code of Conduct**

The Compliance Officer will develop, maintain and periodically update a written Code of Conduct to provide to Team Members, managers, board members, associated providers, and vendors with guidance on requirements for conduct related to employment or other business association with White Horse Village Inc. (See Attachment A).

## **Enforcing the Code of Conduct**

White Horse Village Inc. is committed to following uniform enforcement and corrective action practices for individuals who that do not comply with federal and state laws, regulations, guidelines and policies including those specific to each department and discipline, and the White Horse Village Code of Conduct and Team Member Handbook.

Consistent enforcement and corrective actions will be taken for all substantiated violations of rules, regulations, compliance policies, and the Code of Conduct. (See HR policies related to Corrective Action).

## **Non-Retaliation**

All Team Members, Contractors and Volunteers have an affirmative duty to report perceived misconduct, or misappropriation including actual or potential violations of law, regulations, policies, procedures, or the Code of Conduct.

An “open-door policy” will be maintained at all levels of management to encourage reporting problems and concerns.

Team Members, Contractors and Volunteers are encouraged to use the chain-of-command or communicate with the Compliance Officer or designee if their problem or concern is not resolved.

Team Members, Contractors and Volunteers may also use the Peace Church Compliance Line. Callers to the Compliance Line may remain anonymous. If they choose to identify themselves, their identity will remain confidential to the extent permitted by law.

Any form of retaliation against any Team member who reports a perceived problem or concern in good faith is strictly prohibited.

Any Team Member who commits or condones any form of retaliation will be subject to corrective action, up to and including termination.

### **Auditing and Monitoring**

It is the responsibility of the Compliance Committee, Compliance Officer, and the management team of White Horse Village to ensure that ongoing auditing and monitoring is properly executed, documented and evidenced.

### **Business Courtesies**

White Horse Village prohibits Team Members, Directors and Officers from offering, giving, soliciting, or accepting business or professional courtesies, including entertainment and gifts that could be interpreted as attempts to influence decision-making.

### **Element of Performance**

Promotion of, and adherence to, the provisions of the Compliance and Ethics Program, and participation in required compliance training, will be factors in evaluating the performance of all personnel. Compliance will also be considered in promotion and compensation decisions.

### **Compliance Training and Education**

All Team Members, Officers, Directors and certain Contractors, including new hires, will receive regular Compliance training. All Team Members will participate in annual compliance training. In addition, new Team Members will be trained no more than 30 days after the start of their employment.

Compliance training is mandatory for all Team Members without exception.

### **Compliance Issue Reporting & Resolution**

All Team Members are responsible for reporting misconduct, misappropriation of property or finances including actual or potential violations of law, regulation, policies and procedures and the Code of Conduct.

Upon report or notice of suspected non-compliance with any criminal, civil or administrative law, the Compliance Officer will conduct an "Initial Inquiry" into the alleged misconduct. The purpose of the Initial Inquiry is limited to determining whether there is sufficient information to warrant further investigation. Upon report or notice of suspected non-compliance with any criminal, civil or administrative law, the Compliance Officer will notify White Horse Village Chief Executive Officer, PCCP or Board of Directors, and a decision will be made as to next steps.

Team Members may use any communication channel they deem appropriate to report issues, including the Compliance Hotline. Any compliance issues related to the operation of the Compliance Program should be referred directly to the Compliance Officer. Retaliation or retribution for reporting issues in good faith is prohibited. While the Compliance Officer is responsible for resolving compliance-related issues only, Team Members should not be discouraged from using compliance communication channels to report their non-compliance concerns. The Compliance Officer will direct any non-compliance items reported to the appropriate department/person(s).

To the extent practicable or allowed by law, White Horse Village must maintain the confidentiality or anonymity of employee team member when requested.

### **Compliance Records Management**

The Compliance Officer is responsible for maintaining records regarding WHV's Compliance Program, related documents, trainings, investigations into noncompliance, audits, reviews, meeting minutes and other related supporting documents in an organized and systematic way. The Compliance Officer is also responsible to assure that records are protected from unauthorized disclosure or destruction.

Documentation relating to the Compliance Program will be maintained and made available for periodic independent auditing and monitoring by the Compliance Committee and Peace Church Compliance Program to review the effectiveness of the Compliance Program

### **False Claims Act**

The False Claims Act Policy is designed to help Team members, agents and contractors of White Horse Village and its related entities understand the provisions of federal and state laws regarding the submission of false claims to the federal and/or state governments for reimbursement and to inform such Team Members, agents and contractors of their rights and obligations to report violations of such federal and state laws.

White Horse Village will provide information to Team Members, agents and contractors regarding both the federal and state false claims laws as well as protections available for those who report violations of these laws. We will also describe White Horse Village's policies and procedures for detecting and preventing the submission of false claims. It is important that Team Members, agents and contractors understand the provisions of these laws and how we strive to comply with them.

### **Anti-Kickback Statute**

The Anti-Kickback Statute (AKA) is a criminal statute that makes it illegal for any person to ask for or receive anything of value directly or indirectly in return for referring to another organization or person any patient or business that is covered by a Federal health care program. The AKS also makes it illegal for any individual to offer or pay anything of value directly or indirectly, to any person to induce that person to refer to the individual any patient or business that is covered by a Federal health care program.

White Horse Village will ensure compliance with the Federal Anti-Kickback Statute (AKS) by prohibiting payments for referrals or inducements for referrals that violate the statute. We will provide information to our Team Members, agents and contractors regarding the AKS and describes White Horse Village's policies and procedures for detecting and preventing violations of this law. It is important that our Team Members, agents and contractors understand the provisions of this law and how we strive to comply with such laws.

### **Physician Self-Referral Law (Stark)**

The Physician Self-Referral Law, also known as the "Stark Law" was passed by Congress to prevent referral sources, including physicians, from inappropriately profiting from referrals. Stark prohibits a physician or physician extender from referring a patient needing health services to any entity with which the physician has an ownership interest or compensation arrangement if Medicare pays for the services. White Horse Village will comply fully with the federal Physician Self-Referral Law. We will provide information to our Team Members, agents and contractors regarding Stark that describe White Horse Village's policies and procedures for detecting and preventing violations of this law. It is important that our Team Members, agents and contractors understand the provisions of this law and how we strive to comply with such laws.

### **Conflict of Interest**

All White Horse Village Team Members, including but not limited to employed staff, senior leadership, officers and members of the Board of Directors, have an obligation to conduct business within guidelines that prohibit actual or potential conflicts of interest. This policy is established to ensure that resident care and business activities are conducted in an objective manner and are not motivated by desire for personal or financial gain.

Team Members are required to disclose any actual or potential conflict of interest and seek guidance on how to handle the situation. A conflict of interest is any situation in which financial or other personal considerations may compromise or appear to compromise the business activities or resident care of White Horse Village.

### **Peace Church Compliance Program (PCCP) Record Provision**

Upon termination of a business relationship with Friends Services for the Aging, Peace Church Compliance Program (PCCP), the VP of Compliance will ensure that all Protected Health Information obtained by PCCP is immediately returned to the organization, or if the organization already has the original of the PHI, destroyed in accordance with the Document Destruction Policy. PCCP will comply with Health Insurance Portability and Accountability Act (HIPAA) requirements consistent with the executed Business Associates Agreement.

### **Compliance Hot Line**

The Compliance Hotline # is 800-211-2713. Team Members, Contractors, visitors, families and residents and others may report problems and concerns either anonymously or in confidence.

The Compliance Officer is responsible for the oversight of the Compliance Line, including ensuring that all Compliance Line calls are addressed in an appropriate and timely manner in accordance with these and all related policies and procedures.

### **Reporting and Returning Medicare Overpayments**

White Horse Village will comply with federal laws regarding the timely identification, reporting and repayment of Medicare Part A and/or Part B overpayments. An overpayment is any funds that a person has received or retained under Medicare Parts A and/or B to which the person, after applicable reconciliation, is not entitled. An erroneous payment by the Medicare contractor, through no fault of the provider, is still an overpayment.

### **Elder Justice Act**

All Team Members are notified of their reporting obligations under the Elder Justice Act (EJA) to report a suspicion of crime to state regulatory authorities and local law enforcement. White Horse Village will post a notice about Team Members' EJA reporting obligations in the same area where other required Team member notices are posted. The reporting requirements shall be posted in public locations for residents, contractors, visitors or other interested parties. EJA reporting requirements shall be communicated to appropriate contractors and vendors at least annually.

Team Members are required to report to the state survey agency and local law enforcement any reasonable suspicion of a crime against any individual who is a resident of, or receiving care in, the skilled nursing care facility of White Horse Village. If more than one Team member has a reasonable suspicion of a crime, each individual is obligated to file the report. Coordinated reporting may be completed by the skilled nursing facility administrator or designee.

## **Resident Gifts**

While residents, patients and families often wish to show their appreciation for the care and services rendered by White Horse Village Team Members, White Horse Village must ensure that residents, patients and family members do not feel obliged to give White Horse Village or its Team Members gifts or gratuities in order to assure a resident receives quality care. Accordingly, it is White Horse Village's policy that Team Members may not accept gifts or gratuities directly from residents and patients for whom White Horse Village provides care or from the resident's family or friends.

## **Rights/Obligations if contacted by Government Agency**

Team Members have certain rights and obligations in the event they are contacted by an agent or attorney during the course of an investigation.

While Team Members are free to talk with government investigators, there is not an obligation to do so. Team Members have a right to decline to be interviewed by a government attorney or investigator.

Absent a formal process, government agents or investigators cannot compel Team Members to be interviewed or make a statement.

Team Members also have a right to choose to speak with a government investigator or agent. If Team Members choose to be interviewed or make a statement, White Horse Village expects Team Members to respond to questions truthfully.

Regardless of whether Team Members refuse to be interviewed or agree to be interviewed, White Horse Village requests that Team Members inform their supervisor of the date of the contact and the name of the investigator.

Team Members contacted by a government attorney or agent have the right to meet with an attorney. They also have the right to have an attorney present during an interview. White Horse Village will provide an attorney to meet with any employee who is contacted during the course of an investigation. The attorney may be able to inform the Team Member of his/her rights in connection with the investigation.

However, an attorney provided by White Horse Village is a legal representative of White Horse Village only. An attorney provided by White Horse Village is not a personal representative of any Team Member.

## **Sanctions Screening**

White Horse Village will not employ or engage in a business relationship with anyone who is currently under sanction or exclusion by any duly authorized enforcement agency, or licensing and disciplining authority. This includes both Federal and State agencies.

For purposes of this policy "Ineligible Person" shall be designated as any individual or entity who: (i) is currently excluded, suspended, debarred or otherwise ineligible to participate in the Federal health care programs; or (ii) has been convicted of a

criminal offense related to the provision of health care items or services that has not been reinstated in the Federal health care programs after a period of exclusion, suspension, debarment, or ineligibility

### **Triple Check**

White Horse Village is committed to providing accurate and complete information to the government when submitting claims for reimbursement under the Medicare program. In order to ensure that claims are accurate and complete, it is the policy of White Horse Village to perform a Triple Check review for each Medicare claim prior to submitting the claim to the government.

### **Vendor Agreements**

White Horse Village is committed to doing business in a manner that subscribes to best legal and ethical practices. Before entering into a business relationship with an individual or entity, both parties will sign a valid written agreement (indicating the products, terms of sale, price, discounts, terms of payment, etc.) for each contractor, vendor, dealer, distributor, or agent arrangement for ongoing business relationships associated with healthcare related services or products.

White Horse Village will only allow a vendor or supplier access to a residents' medical record after we have entered into a written agreement with the vendor or supplier and the vendor or supplier requires review the resident's medical record in order to render the services required pursuant to the contract.

A Business Associate Agreement will be executed as required with vendors and contractors with whom White Horse Village's relationship meets the criteria set forth by HIPAA.

White Horse Village will provide a copy of the Code of Conduct to all contractors, vendors, dealers, distributors and agents with whom it does business that relates to any federal or state reimbursement funding.

All vendors and contractor agreements will include language that requires compliance with White Horse Village's Sanctions Screening policy.