

The Arc Chemung-Schuyler		Created On: July 6, 2007 Reviewed/Revised: 6/09; 3/14; 10/17; 7/2020; 4/21; 9/21, 12/21, 6/23, 6/24, 6/25
Procedure Number: CC-015 Procedure Title: Corporate Compliance – Standards of Conduct		Position Responsible: Quality & Compliance Director Approved by Chief Executive Officer/Date:
Regulatory Reference: Justice Center Act		Audience: <input checked="" type="checkbox"/> All <input type="checkbox"/> Staff <input type="checkbox"/> Volunteers <input type="checkbox"/> Board Members <input checked="" type="checkbox"/> Other (Fill In) Contractors

Purpose: The purpose of this policy and procedure is to detail the Arc Chemung-Schuyler's design, implementation, and expectations of standards of conduct.

Overview: The Arc Chemung-Schuyler is committed to conducting business in an ethical manner, supported by our Compliance Program expectations, and embodied within our standards of conduct. All affected individuals, are trained on and expected to act in accordance with the Arc Chemung-Schuyler's standards of conduct because they are an integral component of our Compliance Program, provide guidance on carrying out our job duties within appropriate ethical and legal standards. The Arc Chemung-Schuyler Standards of Conduct can be found at **Exhibit A**.

Scope: This policy and procedure are applicable and made available/accessible to all affected individuals unless a specific exemption is noted within the policy.

References: The Arc Chemung-Schuyler is governed by several federal, state, and local statutes, rules, and regulations; however, this policy focuses on participation in and compliance with the Medical Assistance Program (Medicaid and Medicare). Applicable statutes, rules and regulations used to design this policy include New York State Title 18 regulations, specifically those under Part 521 that establishes requirements to adopt and implement programs designed to detect and prevent fraud, waste, and abuse in the Medical Assistance program. Social Services Law Part 363-d which establishes expectations for

provider compliance programs, was also used to design this policy and procedure. The Arc New York Chapter Manual also requires that all operating Chapters shall have in effect a plan for corporate compliance that contains all the elements of a corporate compliance plan required by the OMIG (Section III-15.0: Corporate Compliance, Arc New York Chapter Manual) as well as a Compliance Committee that is a committee of the Chapter Board. (Section II-5.1: Model Chapter By-Laws, Article XI, Sections 1 &2)

Title 18, Social Services Law, New York Codes, Rules, and Regulations at Part 521-1.4(a) govern Standards of Conduct requirements.

Definitions

Affected Individuals: All persons who are affected by the required provider's risk areas, including the required provider's employees, the chief executive and other senior administrators, managers, contractors, agents, subcontractors, independent contractors, and governing body and corporate officers. (N.Y. Comp. Codes R. & Regs. Title 18, & 521-1.2).

Procedures:

I. The Arc Chemung-Schuyler Standards of Conduct

A. Employees

Each affected individual is provided with a copy of the standards of conduct at the time of hire, execution of contract, annually, and at the discretion of the Compliance Officer (CO).

Training and education on the standards of conduct occurs within thirty (30) days of hire, Board appointment, or execution of contract, and a signed acknowledgement of the standards of conduct is collected at that time, indicating the recipients understanding and commitment to follow the standards of conduct. The Acknowledgement Form is attached as **Exhibit B**.

The standards of conduct will be provided to employees annually. At that time, the employees will be required to re-sign the acknowledgement form.

B. Supervisors & Managers

While all employees are obligated to follow our standards of conduct, the Arc Chemung-Schuyler management team is expected to set an example of acceptable conduct. We expect all Arc Chemung-Schuyler supervisory employees to: (1) exercise their responsibilities in a manner that is kind, sensitive, thoughtful, and respectful. We expect each supervisor to create an environment where all employees feel free to raise concerns and propose ideas; (2) ensure their employees have sufficient information to

comply with laws, regulations and Arc Chemung-Schuyler policies and procedures, including but not limited to those related to the Arc Chemung-Schuyler Compliance Program and to work to resolve ethical dilemmas.

Supervisors must create a culture within the Arc Chemung-Schuyler which promotes the highest standards of ethics and compliance.

C. Contractors, Agents, Subcontractors & Independent Contractors

Contractors, agents, subcontractors, and independent Contractors are provided with a copy of the Standards of Conduct at the time of entering into a written agreement with the Arc Chemung-Schuyler.

Each contractor, agent, subcontractor, and independent contractor signs an acknowledgement of the Standards of Conduct at the time of initial contracting and at renewal, indicating their understanding and commitment to follow the Standards of Conduct. The Acknowledgement Form is attached as **Exhibit C.**

D. Board Members

Each Board member is provided with a copy of the Standards of Conduct at the time of Board orientation and upon renewal of their Board seat.

Each new Board member is oriented on the Standards of Conduct within thirty (30) days of joining the Board of the Arc Chemung-Schuyler and signs an acknowledgement of the Standards of Conduct at that time, indicating their understanding and commitment to follow the Standards of Conduct. The Acknowledgement Form is attached as **Exhibit D.**

II. Justice Center Code of Conduct

All staff members are expected to follow the Justice Center Code of Conduct.

The Justice Center Code of Conduct is part of the New Hire Orientation Training. The Justice Center Code of Conduct is reviewed with all new hires on their date of hire. As part of the review process, all new hires are asked to sign the Pledge to Abide by the Code of Conduct for Custodians of People with Special Needs. Additionally, on an annual basis, staff will review the Justice Center Code of Conduct and Pledge to Abide by the Code of Conduct for Custodians of People with Special Needs via the Relias on-line training system. The Justice Center Code of Conduct and Acknowledgement form is attached as **Exhibit E.**

Exhibits

- Exhibit A – Arc Chemung-Schuyler Standards of Conduct
- Exhibit B – Employee Acknowledgement Form

- Exhibit C – Contractors, Agents, Subcontractors & Independent Contractors Acknowledgement Form
- Exhibit D – Board Member Acknowledgement Form
- Exhibit E- Justice Center Code of Conduct & Acknowledgement Form

Exhibit A

The Arc Chemung-Schuyler Standards of Conduct

Mission

The Arc Chemung-Schuyler is a family based organization, providing supports to people with varying abilities. We create opportunities for individual growth, while emphasizing choice. Our passion for excellence is evidenced by our family and community partnerships, quality supports, education and advocacy.

Vision

The people we support are accepted and valued members of their communities.

Values

At the Arc Chemung-Schuyler, we believe in:

- Our staff being our greatest resource
- The people we support being first
- Integrity/Honesty
- Respect
- Teamwork
- Life-long learning

Commitment to Stakeholders

To the people we support: We are committed to providing the highest quality of care, in a caring and compassionate manner.

To the communities we serve: We are committed to understanding the unique needs of the people we support and to provide our services with cost-effective, quality services.

To our staff members: We are committed to a work setting which is safe, which treats all staff with fairness, dignity and respect, which affords all staff an opportunity to grow, to develop professionally and to work in a team environment where all ideas are considered.

To our third-party payors: We are committed to working with our payors in a way that demonstrates our commitment to our contractual obligations and reflects our shared concerns for quality services in an efficient and effective manner. We encourage our payors to adopt their own set of ethical principles that recognize their obligations to the people we support, as well as the need for fairness between providers and payors.

To our regulators: We are committed to creating an environment in which compliance with applicable rules, laws and regulations is woven into the fabric of The Arc Chemung-Schuyler. We accept responsibility to self-govern and monitor adherence to requirements of law and our Standards of Conduct.

To our suppliers: We are committed to fair competition among existing and prospective suppliers. We encourage our suppliers to adopt their own set of standards and ethical practices.

Rules of Conduct

The Arc Chemung-Schuyler believes that certain rules of conduct must be observed to promote a positive and ethical work environment and pledge to abide by laws, regulations and Agency procedures, particularly those related to the agency's Corporate Compliance Plan.

As people who are working for and on behalf of The Arc Chemung-Schuyler, we have the added responsibility of following specific rules of conduct, as follows:

- ♦ To work cooperatively and respectfully with all agency employees, Board Members and volunteers to provide the highest quality of services;
- ♦ To place the interests of the people we serve and their family members first and foremost in all aspects of what we do. This shall specifically include the following:
 - People shall not engage in any activity that constitutes abuse of the people we support;
 - The people we serve shall not carry out the duties of employees;
 - The people we serve shall not be subject to inappropriate exposure to firearms or other weapons in or on the grounds of the agency.
(This does not preclude a person served from pursuing the opportunity to attend hunter safety training.) Firearms and other weapons are not permitted to be stored on the grounds of the agency;
 - Financial transactions between employees and the people we serve shall be prohibited; and
 - Employees need to model appropriate behavior to the people we support;
- ♦ To represent the Arc Chemung-Schuyler positively, truthfully and accurately in the community;
- ♦ To conduct all activities in a fiscally responsible manner, including contractual agreements and the use of time;
- ♦ To work in accordance with applicable laws, regulations, and Chapter procedures. This includes, but is not limited to: Federal and State False Claims Act laws and all environmental, health and safety requirements;
- ♦ To refrain from distributing, selling, possessing, purchasing or consuming illegal substances or alcohol while at work; this also precludes attending

work while under the influence of alcohol, and/or illegal or legal substances, that would impair work performance;

- ◆ To seek training and assistance in areas that would strengthen the ability to fulfill responsibilities to the people we serve and the Arc Chemung-Schuyler;
- ◆ To refrain from discriminatory or harassing behaviors for any reason, and to refrain from the use of obscene, abusive or threatening language and gestures, fighting and gambling. Good faith participants of the Corporate Compliance Plan shall be protected from any intimidation and/or retaliation;
- ◆ To avoid conflicts of interest, including acceptance and giving of gifts; this shall include that gifts shall not be offered to potential referral sources, or their families;
- ◆ Potential referral sources shall not receive financial benefits to increase the volume of referrals to the Chapter;
- ◆ To conserve resources of the Arc Chemung-Schuyler by not engaging in wasteful behavior, including the misuse of time;
- ◆ To treat confidential information appropriately and respect the privacy of the people we serve and our employees. Confidential information shall only be utilized in a professional manner and subject to relevant laws and regulations;
- ◆ To complete tasks in a timely manner and meet the quality expectations of the Chapter;
- ◆ To bill individuals and third-party payors accurately and if an error is discovered, we will correct it as soon as possible;
- ◆ To report to a supervisor, the Chief Executive Officer or to the anonymous, Compliance Hotline (607-734-6151, ext. 555 or 607-333-9252), any potential violation of applicable laws, regulations and procedures, including the Corporate Compliance Program;
- ◆ To assist the agency in its internal investigations in an honest, reliable and trustworthy manner;
- ◆ To respect the role of the Board and management and to fully implement their decisions; and
- ◆ To consult Arc Chemung-Schuyler leadership when questions arise regarding the conduct permitted under applicable laws, regulations and policies, including the Corporate Compliance Plan.

Exhibit B

Acknowledgement Form
Arc Chemung-Schuyler Employees

- ✓ I acknowledge that I have read and that I understand the Arc Chemung-Schuyler Standards of Conduct.
- ✓ I understand and agree that I must comply with the Arc Chemung-Schuyler Compliance Program, the Arc Chemung-Schuyler Standards of Conduct and all laws, regulations, policies, procedures, and other guidance applicable to the responsibilities of my position.
- ✓ I agree to fully cooperate with the implementation of the Arc Chemung-Schuyler Compliance Program, to participate in any auditing or monitoring processes and to report any instances of possible violations of law, regulations or policies that are applicable to the Arc Chemung-Schuyler of which I become aware.
- ✓ I acknowledge that the Arc Chemung-Schuyler maintains a hotline for the purpose of receiving notifications of possible violations of law, regulation and the Arc Chemung-Schuyler Compliance Program. I can contact the Corporate Compliance Officer, Keegan Ovens, at ext. 121 or can call the Anonymous Hotline at 607-734-6151 ext. 555 or 607-333-9252 if I have any questions or would like to report a concern.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations or the Compliance Program may result in disciplinary action, up to and including termination.

Signature

Title

Print Name

Date

Exhibit C

Acknowledgement Form Contractors, Agents, Subcontractors & Independent Contractors

The Arc Chemung-Schuyler has developed a Compliance Program that states that the organization and all affected individuals will adhere to applicable federal, state, and local laws and regulations and internal policies and procedures.

Our Compliance Program is a combination of policy and procedure that assists our organization to monitor, detect and correct actions that are not in compliance with applicable laws or our own policies and procedures.

As our agent, we expect that you will act in compliance with the laws that are applicable to our organization and to your organization and in compliance with our policies and procedures, particularly our Standards of Conduct that sets forth the overarching principles for conducting our business with integrity based on sound ethical and legal standards.

As our agent, we also expect you to report any suspected or potential violations of law or our policies and procedures of which you become aware by contacting our Chief Executive Officer at 607-734-6151, our Compliance Officer at 607-734-6151 or our Compliance Hotline at 607-333-9252.

As our agent, we expect you to understand your role in the Compliance Program of Arc Chemung-Schuyler and we expect you to request any policies and procedures that are applicable to you and your organization. You may contact the Chief Executive Officer or the Compliance Officer for any questions or clarifications of your responsibilities.

* * * * *

- ✓ I acknowledge that on behalf of myself and my organization that I have read and that I understand the Arc Chemung-Schuyler Standards of Conduct and the policies and procedures of the Arc Chemung-Schuyler Compliance Program that are applicable to the services that my organization and I are providing to Arc Chemung-Schuyler.
- ✓ I understand and agree that I and all those in my organization who provide services to Arc Chemung-Schuyler must comply with the Arc Chemung-Schuyler Compliance Program and the Arc Chemung-Schuyler Standards of Conduct and all laws, regulations, policies, procedures and other guidance applicable to the services that are provided to Arc Chemung-Schuyler.
- ✓ I agree on behalf of myself and my organization to fully cooperate with the implementation of the Arc Chemung-Schuyler Compliance Plan, to participate in any auditing or monitoring processes and to report any instances of possible violations of law, regulations or policies that are applicable to the Arc Chemung-Schuyler of which I become aware.

- ✓ I acknowledge that the Arc Chemung-Schuyler maintains a hotline for the purpose of receiving notifications of possible violations of law, regulation and the Arc Chemung-Schuyler Compliance Program.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations or the Compliance Program may result in corrective action, up to and including termination of my agreement with Arc Chemung-Schuyler.

Signature

Title

Print Name

Date**Exhibit D****Acknowledgement Form
Members of the Arc Chemung-Schuyler Board of Directors**

- ✓ I acknowledge that I have read and that I understand the Arc Chemung-Schuyler Standards of Conduct.

- ✓ I agree to comply with the Arc Chemung-Schuyler's Compliance Program and the Arc Chemung-Schuyler Standards of Conduct and all laws, regulations, policies, procedures and other guidance applicable to the responsibilities of my membership on the Arc Chemung-Schuyler Board of Directors.
- ✓ I understand that, as a member of the Board of Directors, I have a responsibility to oversee and support the implementation of the Arc Chemung-Schuyler Compliance Program, including participating in monitoring, auditing, investigations and other activities related to compliance.
- ✓ I understand that my failure to report any concerns regarding possible violations of law, regulations or the Compliance Program may result in corrective action.

Signature

Title

Print Name

Date

Exhibit E

CODE OF CONDUCT FOR CUSTODIANS OF PEOPLE WITH SPECIAL NEEDS

Revised January 21, 2016

Introduction

The Code of Conduct, as set forth in the Code of Conduct itself, sets forth a framework intended to assist impacted employees to help people with special needs “live self-directed, meaningful lives in their communities, free from abuse and neglect, and protected from harm,” in addition to the specific guidance provided by the agency’s policies and training.

Similarly, the Notice to Mandated Reporters contains guidance designed to assist mandated reporters, and is intended to provide a summary of reporting obligations for mandated reporters. It is not intended to supplement or in any way add to the reporting obligations provided by law, rule, or regulation.

As provided by law, rule, or regulation, only custodians who have or will have regular and direct contact with vulnerable persons receiving services or support from facilities or providers covered by the *Justice Center Act* must sign that they have read and understand the Code of Conduct.

The framework provides:

1. Person-Centered Approach

My primary duty is to the people who receive supports and services from this organization. I acknowledge that each person of suitable age must have the opportunity to direct his or her own life, honoring, where consistent with agency policy, their right to assume risk in a safe manner, and recognizing each person’s potential for lifelong learning and growth. I understand that my job will require flexibility, creativity and commitment. Whenever consistent with agency policy, I will work to support the individual’s preferences and interests.

2. Physical, Emotional and Personal Well-being

I will promote the physical, emotional and personal well-being of any person who receives services and supports from this organization, including their protection from abuse and neglect and reducing their risk of harm to others and themselves.

3. Respect, Dignity and Choice

I will respect the dignity and individuality of any person who receives services and supports from this organization and honor their choices and preferences whenever possible and consistent with agency policy. I will help people receiving supports and services use the opportunities and resources available to all in the community, whenever possible and consistent with agency policy.

4. Self-Determination

I will help people receiving supports and services realize their rights and responsibilities, and, as consistent with agency policy, make informed decisions and understand their options related to their physical health and emotional well-being.

5. Relationships

I will help people who receive services and supports from this organization maintain or develop healthy relationships with family and friends. I will support them in making informed choices about safely expressing their sexuality and other preferences, whenever possible and consistent with agency policy.

6. Advocacy

I will advocate for justice, inclusion and community participation with, or on behalf of, any person who receives services and supports from this organization, as consistent with agency policy. I will promote justice, fairness and equality, and respect their human, civil and legal rights.

7. Personal Health Information and Confidentiality

I understand that persons served by my organization have the right to privacy and confidentiality with respect to their personal health information and I will protect this information from unauthorized use or disclosure, except as required or permitted by law, rule, or regulation.

8. Non-Discrimination

I will not discriminate against people receiving services and supports or colleagues based on race, religion, national origin, sex, age, sexual orientation, economic condition or disability.

9. Integrity, Responsibility and Professional Competency

I will reinforce the values of this organization when it does not compromise the wellbeing of any person who receives services and supports. I will maintain my skills and competency through continued learning, including all training provided by this organization. I will actively seek advice and guidance of others whenever I am uncertain about an appropriate course of action. I will not misrepresent my professional qualifications or affiliations. I will demonstrate model behavior to all, including persons receiving services and supports.

10. Reporting Requirement

As a mandated reporter, I acknowledge my legal obligation under *Social Services Law § 491*, as may be amended from time to time or superseded, to report all allegations of reportable incidents immediately upon discovery to the Justice Center's Vulnerable Persons' Central Register by calling 1-855-373-2122.

**JUSTICE CENTER CODE OF CONDUCT¹ ACKNOWLEDGMENT FOR
CUSTODIANS OF PEOPLE WITH SPECIAL NEEDS**

I pledge to prevent abuse, neglect, or harm toward any person with special needs, consistent with agency policy. In addition, to the extent I am required to report abuse, neglect, or harm of any person with special needs by law, rule, or regulation, I agree to abide by the law, rule, or regulation. If I learn of, or witness any incident of abuse, neglect or harm toward any person with special needs, I will offer immediate assistance, notify emergency personnel, including

9-1-1, and inform the management of this organization, consistent with agency policy.

I acknowledge that I have read and that I understand the Code of Conduct.

Signature

Print Name

Date

Program:

Department:

Facility/Provider Organization:

¹No aspect of this Code of Conduct is in any way intended to interfere, abridge, or infringe upon the rights provided by the *Taylor Law*.