



29 British American Boulevard, 2<sup>nd</sup> Floor  
Latham, NY 12110  
518-439-8311  
thearcny.org

## [Policy Number]: Detecting and Responding to Violations; Voluntary Disclosure

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Category: Corporate Compliance      Effective Date: XXXXXXXX  
Department: XXXXXXXXXXXXXXXXXXXXXXXX      Last Revision Date(s): 7/6/2020

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### POLICY STATEMENT

The [Chapter] will respond appropriately to violations of law, regulations and the [Chapter] Corporate Compliance Plan to protect the [Chapter] and to continue to improve upon the [Chapter's] reputation as a reliable and trustworthy organization.

This policy shall apply to actions taken in response to identification of violations of applicable law, regulations and the [Chapter] Corporate Compliance Plan.

### PROCEDURE

#### A. Identification of a Violation

If the Compliance Officer, the Compliance Committee or the [Chapter] management confirms that a violation of the Corporate Compliance Plan or an applicable state or federal law or regulation has taken place, then that person shall discuss the violation with [Inside Counsel/Outside Counsel], as appropriate to determine the proper response to the violation. Violations may be identified through various avenues, including but not limited to: voluntary disclosures by employees; calls to the Corporate Compliance Hotline; self-auditing and monitoring; outside investigations by consultants, government agencies or accrediting bodies; and any other means.



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The Compliance Officer shall coordinate the [Chapter's] response to a violation by evaluating each violation and promptly implementing action consistent with the following:

- ✓ Development and implementation of a Corrective Action Plan;
- ✓ Prompt notification to the Corporate Compliance Committee of the violation;
- ✓ Disclosure to state or federal regulatory agencies, if applicable, upon consultation and recommendations of [Inside Counsel/Outside Counsel];
- ✓ Making restitution of any overpayments to the appropriate payer (e.g., a commercial health plan, a government payor or an individual or their family)

### B. Development of a Corrective Action Plan

The [department manager] shall provide input to the development of an appropriate Corrective Action Plan; however, final approval shall be made by the [Compliance Officer], [Corporate Compliance Committee], [Executive Director] or [Board of Directors], depending on the scope and severity of the violation.

Corrective Action Plans will be stated in measurable terms with progress monitored on a monthly or quarterly basis, as appropriate. The Compliance Officer is responsible for ensuring that the Corrective Action Plans are followed and that feedback is provided to the area or department manager on the plan progress.

Elements that may be included in a Corrective Action Plan include, but are not limited to: disciplinary action against employees and independent contractors



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responsible; revising or developing policies and procedures in response, or training specific to the violation.

The Compliance Officer will present progress reports on Corrective Action Plans to the Corporate Compliance Committee during their regularly scheduled meetings with a copy to the Board and the [Executive Director]. Upon request by the Board, the Compliance Committee or the [Executive Director] more frequent updates may be submitted.

### C. Voluntary Disclosure of Violations

The Compliance Officer, in consultation with the [Executive Director] and the [Corporate Compliance Committee], will evaluate the violation to determine if a voluntary disclosure of the violation is appropriate. The Compliance Officer will consult with [Inside Counsel/Outside Counsel] on the notification of appropriate government officials, private payors or other entities in the event of a violation where voluntary disclosure of the violation may be appropriate. Notification shall be made within a reasonable period after discovering the violation and may include the restitution of monies paid by the applicable state or federal agency, payor or other entity.

### D. Documentation of Corrective Action

Documentation should reflect every effort by [Chapter] to comply with applicable statutes, regulations, and federal healthcare program requirements.