

**SECTION:** 2.4.6.2  
**SUBJECT:** Corporate Compliance  
**TOPIC:** Auditing and Reporting  
Internal Investigations

### **POLICY**

Arc of Onondaga responds to reports or reasonable indications of suspected non-compliance by commencing a prompt and thorough investigation to determine whether a violation has occurred. The Corporate Compliance Officer will conduct or oversee the conducting of all internal investigations involving compliance-related issues. The Corporate Compliance Officer will have the authority to contact legal counsel or other consultants, as needed. The Corporate Compliance Officer will consider whether the investigation should be conducted under attorney/client privilege.

Upon report or notice of alleged non-compliance, the Compliance Officer will conduct an initial inquiry into the alleged situation. The purpose of the initial inquiry is to determine whether there is sufficient evidence of possible non-compliance to warrant further investigation. The initial inquiry may include documentation review, interviews, audit, or other investigative techniques. The Compliance Officer should:

- a. conduct a fair impartial review of all relevant facts
- b. restrict the inquiry to those necessary to resolve the issues; and
- c. conduct the inquiry with as little visibility as possible while gathering pertinent facts relating to the issue

For investigations that do not involve legal counsel, the Corporate Compliance Officer will determine what personnel possess the requisite skills to examine the particular issue(s) and will assign an investigator or assemble a team of investigators, as needed. The Compliance Officer will also decide whether the agency has sufficient internal resources to conduct the investigation or whether external resources are necessary. For minor situations, the Compliance Officer may determine that divisional staff should conduct the investigation. For more significant situations, QA staff will conduct the investigation.

As necessary, the Corporate Compliance Officer will work with the investigator to develop a strategy for reviewing and examining the facts surrounding the possible violations. The Compliance Officer will consider the need for an audit of documentation or billing practices and determine the scope of interviews. The Compliance Officer will maintain all notes of the interviews and review of documents as part of the investigation file.

The Compliance Officer will ensure that the following objectives are accomplished:

- All interviews conducted thoroughly
- Notification of appropriate internal parties
- Identify possible causes of problem, desired outcomes, affected parties, applicable guidelines, possible regulatory or financial impact

- Complete list of findings and recommendations, including identification of necessary corrective action measures (e.g. policy changes, operational changes, system changes, personnel changes, training/education)
- Documentation of investigation

If, during the initial inquiry, the Corporate Compliance Officer determines that there is sufficient evidence of possible noncompliance of any criminal, civil or administrative law to warrant further investigation, the issue will be turned over to legal counsel. The Executive Director will be immediately informed and a memorandum to this effect should be directed to legal counsel. This memorandum should state whether legal counselor or the Compliance Officer will be leading the investigation. All documents produced during the investigation by legal counsel to be possible protected from disclosure should include a notation indicating such.

Upon completion of the investigative report, depending upon the scope and severity of the identified violations, the Compliance Officer may consult with the Executive Director, the Corporate Compliance Committee and/or legal counsel to determine:

- a. the results of the investigation and the adequacy of recommendations for corrective actions
- b. the completeness, objectivity and adequacy of recommendations for corrective actions; and/or
- c. further actions to be taken as necessary and appropriate.

The completed investigative report, with recommendations, will be forwarded to the Division Director of the division or area investigated, or to the Executive/Assistant Executive Director if the Division Director is involved in the investigation. Copies may also be forwarded to the CFO, Executive Director or Assistant Executive Director. The Director will be expected to respond, in writing, to the recommendations in the investigative report, including actions that will be taken, staff responsible and timeframes for completion. The written response is expected to be forwarded to the Compliance Officer within one week of receipt of report.

Upon conclusion of the investigation, the Corporate Compliance Officer will organize the information in a manner that enables the agency to determine if an infraction did, in fact, occur. The Corporate Compliance Officer will track the investigation, implementation of recommendations, responsible parties and due dates in a chart. The chart includes the resolution of the investigation as closed or fully resolved.

If investigations result in the discovery of overpayments, the policy on overpayments/self-disclosures will be followed. Overpayments must be repaid within 60 days of discovery of the overpayment.

The Corporate Compliance Officer is responsible for reporting the results of all investigations to the Executive Director, the Corporate Compliance Committee and the Board of Directors. The open investigation chart is shared on a monthly basis with the

Compliance Committee and the Board. A complete chart, reflecting all investigations, is submitted on an annual basis.

## **PROCEDURE**

### **Person(s)**

Corporate Compliance Officer

### **Responsibility**

Receives report of suspected non-compliance or potential violation.

Conducts initial inquiry to determine need for additional investigation. Documents results of inquiry. Ensures Executive Director is informed of need for investigation.

As necessary, assigns investigator(s) or conducts investigation. As possible, completed investigation within five business days.

As necessary, and following informing of Executive Director, contacts legal counsel or external resources regarding need for additional investigation.

Reviews completed investigative report. As necessary, consults with Executive Director, Corporate Compliance Committee and/or legal counsel to determine if additional investigation is required, etc.

If investigation identifies receipt of overpayments, ensures overpayment is repaid in appropriate timeframe, including identification of need for self-disclosure.

Forwards completed investigative report to Division Director or Executive/Assistant Executive Director if Division Director is involved in investigation.

Division Director

Provides written response to recommendations within five business days of receipt of investigative report.

Provides written monthly update on

implementation of recommendations, until investigation is deemed “resolved” or “closed” by the Corporate Compliance Committee.

Corporate Compliance Officer

Ensures investigative report, supporting documentation and response to investigation is maintained in a confidential manner.

Reports results of all investigations to Executive Director and Corporate Compliance Committee through use of investigation chart.

Updates Corporate Compliance Committee on status of any unresolved/open investigations on a monthly basis.

Corporate Compliance Committee

Reviews investigative reports and response to investigations on a monthly basis.

Responsible for determining when all necessary action has been taken and determine investigation to be “closed” or “resolved”.

DATE: 7/2007  
REVISED: 12/2011

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Executive Director

\_\_\_\_\_  
Date

\_\_\_\_\_  
President, Board of Directors

\_\_\_\_\_  
Date