



## Compliance Training Plan

**Objective:** To train GBUACO provider/suppliers and participant practices on GBUACO's compliance policies, procedures and code of conduct for performance year 2016. This training will at a minimum cover the following topics:

- a. Physician Self-Referral, Anti-Kickback Statutes and Civil Monetary penalties laws
- b. Antitrust
- c. MSSP ACO Regulations and Guidelines
- d. Marketing Requirements
- e. Reporting and Investigating suspected violation and complaints
- f. Non-retaliation
- g. Conflict of interest requirements
- h. Data Sharing and other information security requirements
- i. Records retention

This training is designed to help employees, administrators, case managers, and contractors in conducting our activities with integrity and accountability for a shared set of ethical and legal principles. In particular, this Compliance Plan is established in order to prevent, detect and correct noncompliance with NYSDOH Medicaid Value-based Payment Model and CMS program requirements related to the Medicare Shared Savings Program ("MSSP").

**Requirement:** Each GBUACO participant employee must complete the compliance training program by December 31<sup>st</sup>, of each year. As part of the training curriculum they will acknowledge their understanding of GBUACO's compliance policies, procedures and code of conduct. This training must be documented in written form or recorded through the completion of an electronic learning system (ELS).

**Procedure:** Completion of a 30 minute GBUACO compliance training program. The training programs consist of a power point presentation to outline compliance committee members, the existence of a GBUACO compliance manual which details the GBUACO's compliance plan and related policies. The training will also instruct participants on how to report compliance violations. This training requirement can be fulfilled via the Geisinger Online Academic Learning System (GOALS), or GBUACO's HealthStream On-Line Learning portal. Employees without computer access can meet their training requirements by reading the training power point found in the compliance manual at each participating provider's office and signing the acknowledgement that that they have read and understand GBUACO Corporate Compliance Plan and agree to its code of conduct.

**Documentation:** Compliance training will be documented for each employee listed at the provider/supplier and participant practice either via certification of course completion through an ELS or by completion of a compliance training attestation.

## **Introduction**

The purpose of the compliance training program is to educate GBUACO provider/suppliers, participants, participant employees, administrators and contractors, and other individuals or entities performing functions or services related to GBUACO's activities to agree, or to comply with applicable laws and policies referenced in GBUACO Compliance manual.

## **GBUACO Compliance Committee**

Erin Flynn – Compliance Officer

## **GBUACO Compliance and Credentialing Committee**

Frances Ilozue MD, – Committee Co-Chairman  
Jesslyn, Perry, MD, - Committee Co-Chair

## **Compliance Manual**

- Each GBUACO provider/Supplier, Participant is required to have onsite a hard copy of GBUACO compliance manual.
- The manual consists of twelve policies GBUACO provider/supplier and participants have ultimate responsibility for adhering to and otherwise fully complying with all terms and conditions of GBUACO's Medicare/Medicaid agreement with CMS and NYSDOH.
- The manual will be reviewed and updated annually at a minimum or as necessary to remain in accordance with governing laws and regulations.

## **Compliance Plan**

GBUACO, LLC (the "ACO") is fully committed to conducting its activities in compliance with all federal, state and local laws and regulations and in conformance with the highest standards of business integrity. The policies, standards and procedures outlined herein reflect the dedicated commitment of GBUACO's Board of Directors to full compliance with legal, regulatory and ethical standards.

### **This Compliance Plan outlines the following:**

- Designated Compliance Officer
- Written Policies, Procedures and Standards
- Code of Conduct
- Education and Training.
- Communication Processes Including Hotline
- Well-Publicized Disciplinary Measures
- System for Routine Monitoring, Auditing, Record Retention and Identification of Compliance Risks Responding to Detected Noncompliance and Non-Retaliation

## **Code of Conduct**

### **Compliance with Laws and Regulations:**

- GBUACO operates in accordance with high legal, moral, and ethical standards and with all applicable laws, regulations, and standards. GBUACO will not tolerate false statements by employees to a government agency or other payor. Deliberate misstatements to government agencies or other payors will be grounds for disciplinary action which may include termination.

- GBUACO will not pay employees, physicians, or health care professionals for referral of clients, or accept payments for referrals we make.
- GBUACO will ensure that all reports or other information required by any federal, state, or local government agency are filed timely, accurately, and in conformance with the applicable laws and regulations.
- GBUACO will not engage, either directly or indirectly, in any corrupt business practice, including bribery, kick-backs or payoffs, intended to induce, influence, or reward favorable decisions of any client, contractor, vendor, government personnel, or anyone in a position to benefit us in any way.
- GBUACO will not hire or contract with any individual or entity who is currently excluded, suspended, debarred, or otherwise ineligible to participate in the federal health care programs or has been convicted of a criminal offense related to the provision of health care items or services and has not been reinstated in the federal health care programs after a period of exclusion, suspension, debarment, or ineligibility.
- All GBUACO provider/suppliers, participants, participant employees, administrators and contractors will perform their duties on behalf of GBUACO in a truthful and loyal manner. All GBUACO provider/suppliers, participants, participant employees, administrators and contractors will avoid any actions that may be reasonably construed to cause an actual or potential conflict of interest with their responsibilities.

## **Conflict of Interest**

The purpose of this conflicts of interest policy is to protect the interests of GBUACO, LLC when it is contemplating entering into a transaction or arrangement that might benefit the private interest of an officer, director, or senior leader. This policy is intended to supplement but not replace any applicable laws governing conflicts of interest applicable to nonprofit and charitable corporations.

### **Components of this policy include:**

- Excluded Persons or Entities

- Duty to Disclose
- Determining Whether a Conflict of Interest Exists
- Procedures for Addressing the Conflict of Interest
- Violations of the Conflicts of Interest Policy
- Records of Proceedings
- Compensation Matters
- Annual Statements
- Periodic Reviews
- Use of Outside Experts

## **Marketing Materials**

Any GBUACO marketing and communication materials intended for distribution to potential or actual ACO beneficiaries are required to be preapproved by the Centers for Medicare and Medicaid Services (CMS). There is no exception to this policy.

## **Compliance with Medicare/Medicaid Value-Based Reimbursement Program (VBRP)**

### **Program Regulations and Guidelines**

- GBUACO is a participant in a VBRP and as such is subject to various laws, regulations and guidelines related to that program. GBUACO will at all times adhere to and comply with the requirements of Part 1003 to 10 NYCRR, entitled “Accountable Care Organizations,” and Title 42, Part 425 of the Medicare regulations.
- Develop required processes regarding evidence-based medicine, quality assurance, and patient engagement, reporting of quality and cost metrics and coordination of care.

- GBUACO will meet all requirements regarding data submissions and quality reporting.
- All NYSDOH requirements for marketing materials and other communication relating to the GBUACO's activities will be met.
- GBUACO will publicly report and make transparent all required ACO information in the NYSDOH format. This includes organizational and contact information, shared savings and losses information and results of quality reporting.
- GBUACO will notify patients they are participating in an ACO and inform them they have the right to decline to share their health information.

## **HIPAA and Confidentiality/Privacy Issues**

- As required, GBUACO shall develop, implement and maintain policies and procedures with respect to Protected Health Information (PHI) designed to comply with the standards, implementation specifications or other requirements of 45 C.P.A. 164.530(i); (Privacy Rule, Administrative Requirements and 164.316(a)); (Security Rule, Policy and Procedure Standard)
- All medical and financial information must be treated as confidential
- Medical records, treatments, conditions and personal affairs should only be discussed or shared with the attending physicians, others who require access to the information to perform their duties or those authorized to receive PHI.
- This requires that all employees and contractors take reasonable measures to protect the confidentiality of PHI, whether that information is presented in oral, written or electronic form.
- Where applicable GBUACO provider/suppliers, participants, participant employees, administrators and contractors will sign and comply with the CMS Data Use Agreement (DUA). Each person agrees to abide with the CMS Privacy Act System of Records. The User agrees to use the data only for purposes that support the User's study, research or project referenced in this Agreement, which has been determined by CMS to provide assistance to CMS in monitoring, managing and improving the Medicare and Medicaid programs or the services

provided to beneficiaries; and the User agrees to ensure the integrity, security, and confidentiality of the data by complying with the terms of this Agreement and applicable law, including the Privacy Act and the Health Insurance Portability and Accountability Act.

### **Minimum Necessary Disclosure of Patient Health Information (PHI)**

- This policy of minimum necessary use and disclosure of PHI is to ensure GBUACO will use and disclose only the minimum necessary amount of Protected Health Information (PHI) needed to accomplish the intended purpose of the use, disclosure or request.
- When applicable, GBUACO will utilize the following to limit authorized uses, to the minimum information necessary **does not** apply to:
  - a) Disclosures to or requests by a health care provider for treatment purposes.
  - b) Disclosures to the individual who is the subject of the information.
  - c) Uses or disclosures made pursuant to an individual's authorization.
  - d) Uses or disclosures required for compliance with the Health Insurance Portability and Accountability Act (HIPAA) Administrative Simplification Rules.
  - e) Disclosures to the Department of Health and Human Services (HHS) when disclosure of information is required under the Privacy Rule for enforcement purposes.
  - f) Uses or disclosures that are required by other law.

### **GBUACO Policy to a business need for access.**

- Awareness education of workforce members of the prohibition of accessing PHI without a business need.
- Limiting access to protected health information held in electronic media to those employees with a business



- need, approved by the data manager with review of need to be done on a semi-annual basis.
- Enforcement of sanctions for access without a business need.

## **Retention and Disposal of PHI**

- GBUACO will follow CMS rules for its records containing PHI. In general, all GBUACO records, regardless of medium, are maintained for a period of 10 years unless a longer retention is required.
- All records shall be maintained in a readable format regardless of changes in technology.
- If records cannot be maintained on site, GBUACO is responsible for ensuring appropriate and secure storage and the means to retrieve records as required.
- Electronic mail (“email”) communications, messages and records are subject to this policy if the content relates to business transactions or the legal obligations of GBUACO. The originator/sender of the message is responsible for retaining the message (or the recipient if the message originates outside of GBUACO).
- Records constituting, referring or relating to any matter subject to an actual or anticipated investigation, audit or legal claim shall not be destroyed until Counsel has advised otherwise.
- Records that have reached the end of their retention period shall be destroyed regardless of whether the record is stored on-site or off-site unless the records are subject to a litigation hold. Disposed records shall be destroyed such that the records cannot be recovered or reconstructed.

## **Annual Training and Continuing Compliance Education**

Each year policies relating to compliance, including information security policies, are reviewed annually to ensure they are current with changing regulatory requirements and/or emergent risks. All partners having access to GBUACO’s information system must follow the information security policies of GBUACO. GBUACO will ensure communication of

revisions to its provider/suppliers, participants, participant employees, administrators and contractors, as appropriate, subsequent to this annual review. GBUACO will provide annual compliance training to all current provider/suppliers, participants, participant employees, administrators and contractors and will provide compliance training for all new affiliates.

## **Licensure and Verification**

GBUACO, is committed to ensuring that all license, registration and/or certification (“license”) requirements are met by the ACO’s staff who are in job classifications that require a license and are not subject to the clinical privileging process conducted by an appropriate Medical Staff Office or other credentialing personnel. GBUACO will verify each legally required license, with its partner organizations and will follow-up for all future license renewals.

## **Patient Complaints and Grievances**

- A patient has the right to a fair and efficient process for resolving concerns about their care. A patient complaint and grievance process is readily available to any patient or patient representative. Patient grievances will be investigated and resolved within five (5) calendar days of the filing date, unless the nature of the grievance requires additional time. If additional time is required, the responsible care manager will notify the patient no later than five calendar days after the filing date and provide the patient with a date on which a response can be expected. No patient will be retaliated against or have their care impacted because they filed a complaint or grievance.
- If the patient’s care is managed by a provider/supplier or participant practice, the patient will follow that practice’s complaint and grievance process.
- GBUACO’s embedded care managers will assist patients with the grievance process applicable to the provider’s practice.

## **Fraud and Abuse Laws**

GBUACO will at all times adhere to and comply with the requirements of all Federal and State Fraud and Abuse laws. Federal laws, and many state laws, prohibit persons or entities from paying or receiving a kickback or other improper inducement to or from anyone for the referral of a patient or for the purchase of healthcare products or services. Such laws apply not only to physicians and other healthcare professionals, but also to all types of referral sources, such as hospitals, nursing home, case managers, workers' compensation attorneys, and other individuals in a position to influence referrals or purchases. They cover both:

- a) The offer or payment of a kickback or other improper inducement to secure referrals.
- b) The request or receipt of an improper payment in exchange for agreement to purchase a healthcare product or service from a particular vendor or contractor.

## **Reporting Compliance Violations**

How do I report Compliance Violations?

- Calling GBUACO Compliance Hot-Line at 1-855-877-2940
- By logging on to MyComplianceReport.com and completing a report.
- Contact the Chief Compliance Officer or any member of the Compliance Committee.

Can I file a report anonymously?

Yes, both our hotline and web-site allows for anonymous reporting and by completing this course you attest to understanding the code of conduct for the GBUACO and agree to comply with applicable laws and policies referenced in GBUACO Compliance manual.