

**Park Place Nursing Facility
1865 Bold Springs Road
Monroe, Georgia 30656**

**Operational Policy
and Procedure Manual**

Administrative Services

Corporate Compliance Plan and Integrity Program

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Corporate Compliance Plan and Integrity Program

Code of Ethics

Dear Employee:

Our corporate compliance plan has been developed to provide our employees with an overview of our facility's code of ethics. It is our goal to act at all times with the highest ethical standards and integrity.

Our corporate compliance plan and integrity program, along with our facility's operational policies and procedures provide our employees, residents, consultants, contractors, vendors, etc., with a clear understanding of the professional, legal and personal expectations of the goals we strive to achieve on an ongoing basis.

As an employee of our facility, you have the responsibility to read our compliance plan and code of ethics carefully and completely. Appropriate in-service training programs are conducted upon your initial employment and periodically throughout your employment to assure that you are familiar with and follow our compliance program and code of ethics.

Should you have any questions concerning your responsibility in complying with our facility's compliance plan or code of ethics, please speak with your supervisor.

Sincerely,

Administrator
Park Place Nursing Facility

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Providing Quality Care and Services

Our facility is committed to providing quality care and services to our residents. We will:

- Treat all residents with dignity, respect and courtesy and in a manner that respects each resident's background, culture, religion, and heritage.
- Provide medical care, treatments, and services within our capability to our residents without regard to race, color, creed, national origin, age, gender, or financial status.
- Listen to and do our best to understand the needs of our residents, families and visitors and act promptly to resolve grievances or complaints.
- Encourage residents to participate in decisions regarding their medical care and treatments, and in the development of their plan of care.
- Ensure that clinical duties are performed in accordance with current acceptable professional standards of practice.
- Ensure that staff attend and participate in training programs that address resident care issues in an environment that supports teamwork and quality of care.
- Conduct appropriate background checks and verify credentials, licenses, certifications, etc., as well as qualifications of health care professional providing care or services to residents of our facility.
- Provide residents with an opportunity to choose medical care, services, pharmacies, equipment, etc. from available sources within our community or service area.
- Transfer residents in accordance with established policy that provides for continuing care based upon the resident's assessed needs at the time of the transfer.
- Adhere to the Resident's Bill of Rights as set forth in the Medicare and Medicaid Conditions of Participation where applicable as well as other applicable laws or regulations governing resident's rights.

Compliance with Laws, Regulations, and Guidelines

Our facility will provide healthcare services and conduct our business affairs in compliance with applicable laws, regulations, and professional standards. We will:

- Refrain from engaging in illegal business practices, including bribery, kickbacks or payoffs intended to induce resident referrals, admissions, favorable terms or treatment, or for the purchase of goods or services.
- Refrain from entering into employment or other agreements with an individual or firm that has been excluded from participation in federal or state reimbursement programs.
- Market and advertise truthfully and accurately.
- Comply with current laws, rules, regulations and guidelines that apply to our facility and the types of services provided.
- Conduct business relationships and enter into transactions with physicians, providers, consultants, clinical practitioners and vendors and entities/agencies in a manner which, at a minimum, meet the following criteria:
 - Specifically defines the transaction and the respective parties' duties and obligations; and
 - In the case of purchase or sale of real or personal property, goods or services, the real or personal property, goods and/or services are specifically identified in the agreement; and
 - Amounts paid or received by the facility shall be consistent with fair market value; and
 - Transactions shall be commercially reasonable and conducted at arms-length.
- Conduct financial matters in a manner consistent with generally accepted accounting principles and in accordance with guidelines established by current Medicare and Medicaid Cost Reporting and Consolidated Billing requirements.
- Comply with current OSHA, CDC and Risk Management reporting policies and requirements.
- Comply with the Federal False Claims Act, 31 USC § 3279

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Safeguarding Assets, Property and Information

Our facility will use its resources wisely and will be accountable for their proper use. We will:

- Maintain, preserve and be responsible for our facility's assets, property, facilities, equipment and supplies, as well as employee and resident property, which is our legal responsibility.
- Report work-time records accurately and use work-time responsibility.
- Ensure that facility property is disposed of appropriately and in accordance with established policy.
- Use E-Mail and Internet, as well as other electronic communications responsibly.
- Release facility financial and other related information only in accordance with current law and facility policy governing the release of information.
- Introduce computer programs, software, or files into our computer system only when authorized by the administrator and governing board.
- Safeguard passwords and security codes to protect both our facility and the user. The sharing of passwords or security codes is prohibited.
- Prohibit others from using a computer terminal after an employee is logged on or when the employee is entering his/her password or code.

Respecting and Protecting Confidentiality of Information (HIPAA)

Our facility will respect and protect the use of and /or release of confidential information concerning our business, residents or employees. We will:

- Maintain confidentiality of our business information and release such information only to authorized individuals or agencies with a need-to-know or in accordance with current laws and regulations governing the release of information to federal/state agencies as the result of our facility's participation in the Medicare or Medicaid Programs.
- Maintain confidentiality of information concerning our resident's medical treatment, finances, assessments, etc., by using and sharing such information according to current applicable laws, regulations and guidelines as defined by the federal Health Insurance Portability and Accountability Act (HIPAA) Privacy Rules.
- Follow our facility's established policies and procedures with respect to the proper authorization and disclosure of confidential information.
- Limit restricted information to those who need to know.
- Respect the resident's privacy and information by discussing confidential information at appropriate times and in appropriate places.
- Prohibit the release of business/resident information without appropriate approval and in accordance with our established procedures. This includes, but is not limited to the release of computer data files, financial information or reports, resident lists, charges or fee structure, computer programs, or other organizational information.

Coding, Billing and Collection Practices

Our facility is committed to integrity in our coding, billing and collection practices. We will:

- Maintain honest and accurate records of services provided to each resident.
- Follow current coding principles and applicable billing laws, regulations and guidelines to facilitate the proper documentation, coding and billing of claims.
- Take necessary steps to prevent the submission of claims for payment and reimbursement of any kind that are fraudulent, abusive, inaccurate or medically unnecessary, including, but not limited to the following:
 - Knowingly billing for items or services that do not meet industry/facility standards/guidelines for medical necessity.
 - Knowingly submitting claims to third party payers for items or services not ordered or certified by the appropriate healthcare professional.

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- Knowingly submitting false claims to Medicare Part A for residents who are not eligible for such coverage.
 - Knowingly providing misleading information about a resident's medical condition or up coding the resident assessment (MDS) to obtain a higher level of reimbursement.
 - Knowingly billing for items covered under the facilities basic per diem rate or reimbursed by a third party payer.
 - Unbundling claims (submission of bills in a fragmented fashion to maximize reimbursement if guidelines require the services be billed as one unit).
 - Submitting duplicate bills (more than one claim for the same service).
 - Forging a healthcare professional's or beneficiary's signature on documents used to verify that such services were ordered and/or provided.
 - Knowingly falsifying information contained in and/or knowingly filing a fraudulent cost report.
 - Failing to maintain documentation consistent with professional/industry standards that support the diagnosis, justifies treatment, and documents the course of treatment and results.
- Take immediate steps to correct billing errors, alert the payer of such discovery and promptly refund any over payments.
 - Provide an effective process to resolve resident billing issues.
 - Pursue collection of accounts in a professional manner and in accordance with facility policy.

Federal False Claims Act, 31 USC § 3279

The False Claims Act is a federal statute that covers fraud involving any federally funded contract or program, including the Medicare and Medicaid programs. This act was first enacted to counter fraudulent activities involving military procurement during the Civil War thus it is commonly known as "Lincoln Law". The act does not require proof of a specific intent to defraud the U.S. government. Instead, health care providers can be prosecuted for a wide variety of conduct that leads to the submission of fraudulent claims to the government, such as

- Knowingly present, or cause to be presented, a false or fraudulent claim for payment or approval
- Knowingly make, use, or cause to be made or used, a false record or statement to get a false or fraudulent claim paid or approved
- Conspire to defraud the government by getting a false or fraudulent claim allowed or paid
- Have possession, custody, or control of property or money used, or to be used, by the government, and defrauding the government by willfully concealing the property, or delivering, or causing to be delivered, less property than the amount indicated on a certificate of receipt
- With intent to defraud, make or deliver a document certifying receipt of property without complete knowledge that the information on the receipt is true
- Knowingly purchasing, or making a pledge of payment, for public property from a government employee with no right to sell or pledge it
- Knowingly making, using, or causing to be made or used, a false record or statement to conceal, avoid, or decrease an obligation to pay or transmit money or property to the government

"Knowingly" is defined to mean that a person, with respect to information:

- Has actual knowledge of falsity of information in the claim;
- Acts in deliberate ignorance of the truth or falsity of the information in a claim; or
- Acts in reckless disregard of the truth or falsity of the information in a claim.

"Claim" includes any request or demand for money that is submitted to the U.S. government or its contractors.

Liability

Health care providers and suppliers (persons and organizations) who violate the False Claims Act can be subject to civil monetary penalties ranging from \$5,500 to \$11,000 for each false claim submitted. In addition to this civil penalty, providers and suppliers can be required to pay three times the amount of damages sustained by the U.S.

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government. If a provider or supplier is convicted of a False Claims Act violation, the Office of Inspector General may seek to exclude the provider or supplier from participation in federal health care programs.

“Whistleblower” Provisions

To encourage individuals to come forward and report misconduct involving false claims, the False Claims Act includes a whistleblower provision. This provision essentially allows any person with actual knowledge of allegedly false claims to the government to file a lawsuit on behalf of the U.S. government. However, individuals seeking whistleblower status must meet several criteria. The whistleblower must file his or her lawsuit on behalf of the government in a federal district court. The lawsuit will be filed “under seal,” meaning that the lawsuit is kept confidential while the government reviews and investigates the allegations contained in the lawsuit and decides how to proceed. If the government determines that the lawsuit has merit and decides to intervene, the prosecution of the lawsuit will be directed by the U.S. Department of Justice. If the government decides not to intervene, the whistleblower can continue with the lawsuit on his or her own. If the lawsuit is successful, and provided certain legal requirements are met, the whistleblower may receive an award ranging from 15 to 30 percent of the amount recovered. The whistleblower may also be entitled to reasonable expenses including attorney’s fees and costs for bringing the lawsuit. In addition to a financial award, the False Claims Act entitles whistleblowers to additional relief, including employment reinstatement, back pay, and any other compensation arising from retaliatory conduct against a whistleblower for filing an action under the False Claims Act or committing other lawful acts, such as investigating a false claim or providing testimony for, or assistance in, a False Claims Act action.

It is the policy of Park Place Nursing Facility to comply with all of the Federal False Claims Act specifications.

Promoting Fair Employee Treatment

Our facility is committed to providing a work environment that promotes equal employment opportunities and compliance with all matters relating to employment issues. We will:

- Demonstrate appropriate respect and consideration for one another.
- Apply our Human Resource Policies and Procedures fairly and equitably, consistent with applicable legal requirements.
- Hire, train, promote and compensate employees without regard to race, color, creed, national origin, age, gender, marital status, religion, physical/mental disability or other classification protected by law.
- Maintain a work environment free from harassment, disruption, intimidation or hostility.
- Encourage open expression of concerns and use of our problem-solving process without fear of retaliation.
- Protect an employee’s job status, working conditions or employment relationship if he/she, in good faith, reports abuse, mistreatment, neglect or violations of our compliance program or established facility policies and procedures.

Conflicts of Interest

Our facility will conduct its business affairs with integrity, honesty and fairness to avoid conflict between personal interests and the interest of our facility.

- Employees may not accept, either directly or indirectly, compensation or gifts of cash, services or any items of value from physicians, vendors, clinical practitioners, consultants, residents, their families, visitors or others in exchange for favorable treatment, referral of residents, items, or services.
- Employees must avoid accepting or providing benefits that could be construed as conflicting with our facility’s legitimate business and personal interests, including without limitation, meals, gifts, refreshments, transportation, or entertainment provided or received in connection with your job or position.
- Employees and/or agents involved in the negotiation of contracts for our facility shall ensure that all statements, communications, and representations are accurate, complete, and truthful and comply with current applicable laws and regulations.

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- Employees may not ask for or provide, directly or indirectly, compensation or gifts of cash, services or any items of value to physicians, vendors, clinical practitioners, consultants, residents, their families, visitors or others in exchange for referrals or items or services provided by or at our facility.
- Employees possessing or who has access to resident/provider information shall maintain such information so as to protect against improper access or use by individuals who do not have authority to access or use such information.
- Involvement, directly or indirectly, in outside commercial interests that could influence the actions of the employee constitutes a conflict of interest. This may include, without limitation, endorsing products or services on behalf of our facility or residents without explicit prior consent or approval from the facility or residents.
- Employees must avoid any actions that involve, or that may reasonably be construed as improperly influencing them or giving rise to an actual or potential conflict of interest with our facility or its business obligations, including without limitation, placement of business with a firm wherein the employee has a direct or indirect interest or employment or financial relationship with a competitor.
- The placing of facility business with any firm in which there is a family relationship must have written approval from the facility's governing board.
- All fundraising permitted by facility policy must be conducted ethically.
- Token promotional items, such as key chains, pens, or pencils marked with the donor's name, are not considered inappropriate when given in individual or limited quantities.

Maintaining a Safe Environment

Our facility is committed to providing our residents, their families, visitors and staff with a safe and healthful environment. We will:

- Identify, correct, repair and/or report unsafe practices, conditions or potential hazards that may violate a rule, regulation or safety standard to appropriate facility personnel and/or government agencies as required by current law and regulations.
- Use care in the handling and disposal of medical waste or other potentially infectious materials.
- Take necessary steps to prevent and respond in a prompt and appropriate manner to any incidents of threats of violence, and immediately report such information to appropriate security and law enforcement agencies.
- Follow the manufacturer's guidelines when using equipment, property and medical products.
- Take necessary steps to identify and eliminate hazards to the health and safety of employees, residents and visitors.
- Take necessary steps to prevent, and respond in a prompt and appropriate manner to any employee use, manufacture, distribution, dispensation, or possession of illegal drugs either on or off the job, use of non-prescribed controlled substances, or from reporting to work under the influence of alcohol or illegal drugs.

Compliance Concerns and Reporting Guidelines

It is the responsibility of all employees, contractors, physicians, residents, family members, consultants, vendors, and anyone else acting on behalf of our organization to follow all laws, regulations and guidelines set forth by our facility and applicable government agencies. Should you believe a violation has occurred, or you suspect a violation:

- Report your concern to your supervisor.
- If you wish to remain anonymous, file a written, typed or computerized report to our Administrator.
- Should you choose to identify yourself, your identity will be protected to the limit of the law.

The Administrator will investigate all reported incidents.

Our facility is committed to ensuring that persons reporting violations are allowed to report such concerns without fear of retaliation. Our Administrator will investigate immediately any potential violations of our no retaliation policy. Substantiated violations will result in appropriate disciplinary action, up to and including termination of employment.

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Patient Protection and Affordable Care Act Policy Reporting Suspected Crimes

Policy:

It is the policy of Park Place Nursing Facility to comply with federal and state regulations about reporting a reasonable suspicion of a crime, under Section 1150B of the Social Security Act, as established by the Patient Protection and Affordable Care Act. It is the policy of Park Place Nursing Facility to:

- a. annually notify all employees and all other covered individuals of their reporting obligations at Park Place Nursing Facility,
- b. not retaliate against any employee who reports a suspicion of a crime against an individual receiving care in Park Place Nursing Facility,
- c. post a notice in a conspicuous location that informs all employees of their reporting obligation and their right to file a complaint with the state survey agency if they feel that Park Place Nursing Facility has retaliated against an employee who reported a suspected crime,
- d. not employ any individual who has been prohibited from working in a long term care facility because of failure to report a suspicion of a crime against a resident of a long term care facility.

Procedure:

- A. Staff and Covered Individuals Reporting Requirements
 1. When employees or other covered individuals suspect a crime has occurred against a resident at Park Place Nursing Facility, they must report the incident to the Walton County Sheriff's Department at (770) 267 – 6557 and the Office of Regulatory Services at (404) 657 – 5850.
 2. If the reportable event results in serious bodily injury, the employee shall report the suspicion immediately, but not later than 2 hours after forming the suspicion.
 3. If the reportable event does not result in serious bodily injury, the employee shall report the suspicion not later than 24 hours after forming the suspicion.
 4. Failure to report in the required time frames may result in disciplinary action including up to termination.
 5. Employee or other covered individual must report the suspicion of an incident to the Director of Nursing or Administrator.
- B. Staff and Covered Individuals Notification
 1. All employees and covered individuals will annually receive a copy of their obligation to comply with the law and these policies and procedures.
 2. All new employees shall receive a copy of their obligation to comply with the law and this policy and procedure.
- C. Posting Requirements

Park Place Nursing Facility will post conspicuously in an appropriate location a sign specifying the rights of employees concerning their obligation to comply with the law and this policy and procedure.

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Patient Protection and Affordable Care Act Posting

IF YOU HAVE REASONABLE SUSPICION THAT A CRIME HAS OCCURRED AGAINST A RESIDENT OR PERSON RECEIVING CARE AT THIS FACILITY, FEDERAL LAW REQUIRES THAT YOU REPORT YOUR SUSPICION DIRECTLY TO BOTH LAW ENFORCEMENT AND THE STATE SURVEY AGENCY

If you believe the crime involves serious bodily injury including criminal sexual abuse to the resident, you must report it immediately, but no later than 2 hours after forming the suspicion.

OR

If the crime does not appear to cause serious bodily injury to the resident you must report it within 24 hours after forming the suspicion.

WHO MUST REPORT

- Individuals who must comply with this law are: owner(s), operators, employees, managers, agents or contractors of this LTC facility. This law applies to the above individuals associated with nursing facilities, skilled nursing facilities, hospices that provide services in LTC facilities, and Intermediate Care Facilities for the Mentally Retarded (ICFs/MR).

PENALTIES FOR NOT REPORTING

- **Individuals** – Who fail to report are subject to a civil monetary penalty of up to \$300,000 and possible exclusion from participation in any Federal health care program as an “excluded individual.”

NO PENALTIES FOR REPORTING

- An LTC facility cannot punish or retaliate against you for lawfully reporting a crime under this law. Examples of punishment or retaliation include: firing/discharge, demotion, threatening these actions, harassment, and denial of a promotion or any other employment-related benefit or any discrimination against an employee in the terms and conditions of employment. In addition, a facility may not file a complaint or a report against a nurse or other licensed individual or employee with the state professional disciplinary agencies because the individual lawfully reports the suspicion of a crime.
- Employees can file a complaint with the state survey agency against the facility if there is retaliation for reporting, causing a report to be made, or for taking steps in furtherance of making a report of a reasonable suspicion of a crime to the appropriate authorities.

HOW DO I REPORT

- Individuals reporting suspicion of a crime must call, fax, or email both local law enforcement and the state survey agency.
- Multiple individuals can report a suspicion of a crime jointly and will be considered in compliance with the law. However, an individual may report the suspicion separately if he/she chooses to do so and the facility may not prevent an individual from reporting.

Contact the following agencies regarding the suspicion of a crime at Park Place Nursing Facility:

Walton County Sheriff's Department at 770-267-6557

Office of Regulatory Services at 404-657-5850

To file a complaint because you believe you have been punished or retaliated against for reporting the suspicion of a crime, contact the Office of Regulatory Services at 404-657-5850

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Employee Attestation Statement

I have reviewed and received a copy of the facility's Corporate Compliance Plan and Code of Ethics as a part of my compliance training. I understand and acknowledge and accept its contents as they relate to my job position. I have also had the opportunity to ask questions and discuss any aspects of the facility's compliance program.

Further, I have this date no knowledge of any transactions or events that appear to violate the facility's compliance program or code of ethics. I acknowledge my affirmative obligation to adhere to the principles and standards of the facility's compliance program, code of ethics and established policies and procedures and my responsibility to report any violations or suspected violations of such data.

I understand that I have the right, subject to federal or state investigation, to remain anonymous in any report filed with the Administrator. I also recognize that in the event an investigation by federal or state authorities is conducted, those organizations may require me to serve as a witness and that, in this case, I may no longer maintain anonymity.

I understand that the facility has a policy of no retaliation for the benefit of reporting compliance program violations or suspected violations.

I understand that if I am directly implicated in a compliance investigation, and if my presence threatens the conduct of an investigation, the facility is obligated to remove me from my position pending the outcome of such investigation.

I understand that if I am named to any list of individuals excluded from participation in federal or state reimbursement programs, my employment with this facility will be terminated.

Employee's Printed Name: _____

Signature of Employee: _____

Date: _____