



Corporate Compliance Policy

Approved by the Board of Directors on January 29, 2013

Table of Contents

	Page
I. Corporate Compliance Policy	1
▪ Code of Ethics and Philosophy	5
II. Corporate Compliance Program Oversight	
▪ The Role of the Corporate Compliance Director	7
▪ The Structure, Duties, and Role of the Compliance Committee	8
▪ Delegation of Substantial Discretionary Authority	9
III. Education and Training	10
IV. Effective Confidential Communication	11
V. Enforcement of Corporate Compliance Standards	12
VI. Auditing and Monitoring of Compliance Activities	13
VII. Detection and Response	14
VIII. Whistleblower Provisions and Protections	15

CORPORATE COMPLIANCE POLICY

1. Policy

It has been and continues to be the policy of Rochester Rehabilitation to comply with all applicable federal, state and local laws and regulations, and payer requirements. It is also the Rochester Rehabilitation's policy to adhere to the Code of Conduct that is adopted by the Board of Directors, the President and the Corporate Compliance Committee. The Code of Conduct is included with this policy as an attachment.

2. Commitment

Rochester Rehabilitation has always been and remains committed to its responsibility to conduct its business affairs with integrity based on sound ethical and moral standards. Rochester Rehabilitation will hold its employees, volunteers, contracted practitioners, and vendors to these same standards.

Rochester Rehabilitation is committed to maintaining and measuring the effectiveness of its compliance policies and standards through monitoring and auditing systems reasonably designed to detect noncompliance by its employees and agents. Rochester Rehabilitation shall require the performance of regular, periodic compliance audits by internal and/or external auditors.

3. Responsibility

All employees, volunteers, contracted practitioners, and vendors shall acknowledge that it is their responsibility to report any instances of suspected or known noncompliance to their immediate supervisor, the President/CEO or the Director of Corporate Compliance.

Reports may be made without fear of retaliation or retribution. If individuals want to make anonymous reports, that is permitted. Failure to report known noncompliance or making reports that are not in good faith will be grounds for disciplinary action, up to and including termination. Reports related to harassment or other workplace-oriented issues, shall be referred to Human Resources.

4. Policies and Procedures

Rochester Rehabilitation will communicate its compliance standards and policies through required training initiatives to all employees, volunteers, contracted practitioners, and vendors. Rochester Rehabilitation is committed to these efforts through distribution of this Corporate Compliance Policy and its Code of Conduct.

5. Enforcement

This Corporate Compliance Policy will be consistently enforced through appropriate disciplinary mechanisms, including, if appropriate, discipline of individuals responsible for failure to detect and/or report noncompliance.

6. Agency Response

Detected noncompliance, through any mechanism, i.e. compliance auditing procedures, confidential reporting, will be responded to in an expedient manner. Rochester Rehabilitation is dedicated to the resolution of such matters and will take all reasonable steps to prevent further similar violations, including any necessary modifications to the Corporate Compliance Policy.

7. Due Diligence

Rochester Rehabilitation will, at all times, exercise due diligence with regard to background and professional license investigations for all prospective employees, contractors and vendors.

8. Whistleblower Provisions and Protections

Rochester Rehabilitation will not take any retaliatory action against an employee if the employee discloses certain information about Rochester Rehabilitation's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official. Protected disclosures are those that assert that Rochester Rehabilitation is in violation of a law and that the violation creates a substantial and specific danger to the public health and safety or which constitutes fraud under the law.

Code of Ethics and Philosophy

1. Philosophy

Rochester Rehabilitation Center, Inc. is committed to operating under the highest moral and ethical standards and to maintaining a positive, ethical work environment for all members of the agency. Rochester Rehabilitation has established a Code of Conduct to guide every board director, staff member, contractor and volunteer affiliated with Rochester Rehabilitation to act in an honest, respectful and legally responsible manner.

The conduct and practices of the Board of Directors, staff and volunteers of Rochester Rehabilitation, while serving to fulfill the mission and vision of the agency are governed by core values and must:

- Be honest and ethical in their conduct, including ethical handling of actual or apparent conflicts of interest between personal and professional relationships.
- Comply with applicable government laws, rules and regulations.
- Maintain the confidentiality of information entrusted to them by Rochester Rehabilitation or its clients except when authorized or otherwise legally obligated to disclose.
- Maintain complete, accurate and contemporaneous records as required by Rochester Rehabilitation, law or regulation. The term “records” includes all documents, both written and electronic, that relate to the provision of Rochester Rehabilitation services or provides support for the billing of such services. Records must reflect the actual service provided and must never be backdated or predated.
- Deal fairly with clients, suppliers, competitors, volunteers, and employees.
- Provide members of the community served with information that is accurate, completely objective, relevant, timely, and understandable.
- Proactively promote ethical behavior in the work environment as a responsible partner among peers.
- Protect and ensure the proper use of company assets.
- Prohibit improper or fraudulent influence over any external auditors.

2. Mission

Rochester Rehabilitation’s mission is to maximize each person’s ability to lead a full and active life by providing the highest quality services that lead to physical and mental wellness, employment and independence

3. Expectations

Rochester Rehabilitation ensures that all aspects of consumer care and business conduct are performed in compliance with its mission/vision statement, policies, and procedures, professional standards and applicable governmental laws, rules and regulations and other payer standards. Rochester Rehabilitation expects every person who provides services to its consumers to adhere to the highest ethical standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.

Employees may not engage in any conduct that conflicts – or is perceived to conflict – with the best interest of Rochester Rehabilitation. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor or investor in any entity that (a) engages in any business or maintains any relationship with Rochester Rehabilitation;

(b) provides to, or receives from, Rochester Rehabilitation any consumer referrals; or (c) competes with Rochester Rehabilitation. Employees may not without permission of the Director of Corporate Compliance accept, solicit or offer anything of value from anyone doing business with Rochester Rehabilitation.

Employees are expected to maintain complete, accurate and contemporaneous records as required by Rochester Rehabilitation, law or regulation. The term "records" includes all documents, written and electronic, related to the provision of Rochester Rehabilitation services or providing support for the billing of Rochester Rehabilitation services. Records must reflect the actual service provided. Any records to be appropriately altered must reflect the date of the alteration, the name, signature and title of the person altering the document and the reason for the alteration if not apparent. No person shall ever sign the name of another person to any document. Signature stamps shall not be used. Backdating and predating documents is unacceptable and will lead to discipline up to and including termination.

When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to immediate supervisors, the Director of Corporate Compliance or the President/CEO, so each situation may be appropriately dealt with. The Director of Corporate Compliance may be reached at 585.286.9221.

The Role of the Director of Corporate Compliance

1. Director of Corporate Compliance

The Board of Directors of Rochester Rehabilitation designates a Director of Corporate Compliance. The Director has direct lines of communication to the President/CEO, the Board of Directors and Rochester Rehabilitation counsel.

2. Job Duties

The Director of Corporate Compliance is directly obligated to serve the best interests of Rochester Rehabilitation, consumers and employees. Responsibilities include, but are not limited to:

- Developing and implementing corporate compliance policies and procedures (P&P).
- Overseeing and monitoring the implementation of the corporate compliance program and annual work plan.
- Directing Rochester Rehabilitation internal audits established to monitor effectiveness of compliance standards.
- Providing guidance to management, program personnel and individual departments regarding P&P and governmental laws, rules and regulations
- Updating, periodically, the Corporate Compliance Policy as changes occur within Rochester Rehabilitation, and/or in the law and regulations or governmental and third party payers.
- Overseeing efforts to communicate awareness of the existence and contents of the Corporate Compliance Policy.
- Coordinating, developing and participating in the educational and training program.
- Ensuring that independent contractors (consumer care, vendors, billing services, etc.) are aware of the requirements of Rochester Rehabilitation's Compliance Policy.
- Actively seeking up-to-date material and releases regarding regulatory compliance.
- Maintaining a reporting system and responding to concerns, complaints and questions related to the Corporate Compliance Policy.
- Acting as a resourceful leader regarding regulatory compliance issues.
- Investigating and acting on issues related to compliance.
- Coordinating internal investigations and implementing corrective action.

The Structure, Duties and Role of the Corporate Compliance Committee

1. Reporting Structure and Purpose

Corporate Compliance Committee members are appointed by the President/CEO and approved by the Board of Directors. The chairperson of the Committee must be a Rochester Rehabilitation Board member. Corporate compliance issues are reported by the Committee to the President/CEO and Board, where appropriate. The Committee's purpose is to advise and assist the Director of Corporate Compliance with implementation of the Corporate Compliance Policy and annual work plan.

2. Function

The roles of the Compliance Committee include:

- Analyzing the environment where Rochester Rehabilitation does business, including legal requirements with which it must comply.
- Reviewing and assessing existing P&P that address these risk areas for possible incorporation into the Corporate Compliance Plan.
- Reviewing, approving and monitoring the implementation of the annual work plan.
- Working with departments to develop standards and P&P that address specific risk areas and encourage compliance according to legal and ethical requirements.
- Advising and monitoring appropriate departments relative to compliance matters.
- Developing internal systems and controls to carry out compliance standards and policies.
- Monitoring internal and external audits to identify potential non-compliant issues.
- Implementing corrective and preventive action plans.
- Developing a process to solicit, evaluate and respond to complaints and problems.

Delegation of Substantial Discretionary Authority

1. Requirement

All employees and prospective employees are required to disclose any name changes, and any involvement in non-compliant activities including health care related crimes. In addition, Rochester Rehabilitation performs reasonable inquiries into the background of applicants, contractors, vendors and members of the Board of Directors.

The following organizations may be queried with respect to employees, potential employees, contractors, vendors and members of the Board of Directors:

- (a) General services administration: list of parties excluded from federal programs. The URL address is <http://epls.gov/>.
- (b) HHS/OIG cumulative sanction report. The URL address is <http://exclusions.oig.hhs.gov/search.html>.
- (c) NYS Medicaid Fraud Database. The URL address is <http://www.health.state.ny.us/nysdoh/medicaid/dqprvpg.htm>.
- (d) Licensure and disciplinary record with NYS Office of Professional Medical Conduct (Physicians, Physician Assistants) (the URL address is <http://www.health.state.ny.us/nysdoh/opmc/main.htm>) and/or New York State Department of Education (other licensed professionals) (the URL address is <http://www.op.nysed.gov/>).

Education and Training

1. Expectations

Education and training are critical elements of the Corporate Compliance Policy. Every employee and agent is expected to be familiar and knowledgeable about Rochester Rehabilitation's Policy and have a solid working knowledge of his or her responsibilities under it. Compliance policies and standards will be communicated to all employees through required participation in training programs.

2. Training Topics - General

All personnel and members of the Board of Directors shall participate in training on the topics identified below:

- Government and private payer reimbursement principles,
- History and background of corporate compliance,
- Legal principles regarding compliance and Board responsibilities related thereto,
- General prohibitions on paying or receiving remuneration to induce referrals and the importance of fair market value,
- Prohibitions against submitting a claim for services when documentation of the service does not exist to the extent required,
- Prohibitions against signing for the work of another employee,
- Prohibitions against alterations to records and appropriate methods of alteration,
- Proper documentation of services rendered, and
- Duty to report misconduct.

3. Training Topics - Targeted

In addition to the above, targeted training will be provided to all managers and any other employees whose job responsibilities include activities related to compliance topics, particularly those whose duties relate to billing, coding and its documentation. This training will be provided at hire, with ongoing training, monitoring and evaluation. Supervisors shall assist the Director of Corporate Compliance in identifying areas that require specific training and are responsible for communication of the terms of this Corporate Compliance Plan to all independent contractors doing business with Rochester Rehabilitation.

4. Orientation

As part of their orientation, each employee and contractor shall receive a written copy of the Corporate Compliance Policy and specific standards of conduct that affect their positions.

5. Attendance

All education and training relating to the Corporate Compliance Policy will be verified by attendance and a signed acknowledgement of receipt of the Policy and standards.

Attendance at compliance training sessions is mandatory and is a condition of continued employment.

Effective Confidential Communication

1. Expectations

Open lines of communication between the Director of Corporate Compliance and every employee and agent subject to the Corporate Compliance Policy are essential to the success of the Corporate Compliance Program. Every employee has an obligation to refuse to participate in any wrongful course of action and to report the actions according to the procedure listed below.

2. Reporting Procedure

If an employee, contractor or agent witnesses, learns of, or is asked to participate in potential non-compliant activities, in violation of the Corporate Compliance Policy, he or she should contact the Director of Corporate Compliance, his or her immediate supervisor, or the President/CEO.

Reports may be made in person or by calling a telephone line dedicated for the purpose of receiving such notification. The number is 585.286.9221 or by mailing information to:

Director of Corporate Compliance
Rochester Rehabilitation
1000 Elmwood Avenue
Rochester, NY 14620

Upon receipt of a question or concern, any supervisor, officer or director, shall document the issue at hand and report to the Director of Corporate Compliance. Any questions or concerns relating to potential non-compliance by the Director of Corporate Compliance should be reported immediately to the President/CEO.

The Director of Corporate Compliance or designee shall record the information necessary to conduct an appropriate investigation of all complaints. If the employee was seeking information concerning the Code of Conduct or its application, the Director or designee shall record the facts of the call, the nature of the information sought, and respond as appropriate. Rochester Rehabilitation shall, as much as is possible, protect the anonymity of the employee or contractor who reports any complaint or question if the person reporting requests it.

3. Protections

The identity of reporters will be safeguarded to the fullest extent possible and will be protected against retribution. Report of any suspected violation of this Corporate Compliance Policy by following the above shall not result in any retribution. Any threat of reprisal against a person who acts in good faith pursuant to his or her responsibilities is acting against the Rochester Rehabilitation's Corporate Compliance policy. Discipline, up to and including termination of employment will result if such reprisal is proven.

4. Guidance

Any employee or agent may seek guidance with respect to the Corporate Compliance Policy or Code of Conduct at any time by following the reporting mechanisms outlined above.

Enforcement of Compliance Standards

1. Background Investigations

For all employees who have authority to make decisions that may involve compliance issues, Rochester Rehabilitation will conduct a reasonable and prudent background investigation, including a reference check, as part of every employment application.

2. Disciplinary Action - General

Employees who fail to comply with Rochester Rehabilitation's compliance policy and standards, or who have engaged in conduct that has the potential of impairing Rochester Rehabilitation's status as a reliable, honest, and trustworthy service provider will be subject to disciplinary action, up to and including termination. Any discipline will be appropriately documented in the employee's personnel file, along with a written statement of reason(s) for imposing such discipline. The Director of Corporate Compliance shall maintain a record of all disciplinary actions involving the Corporate Compliance Plan and report at least quarterly to the Board of Directors regarding such actions.

3. Performance Evaluation - Supervisory

Rochester Rehabilitation's Corporate Compliance Policy requires that the promotion of, and adherence to the elements of the Corporate Compliance Policy be a factor in evaluating the performance of Rochester Rehabilitation employees and contractors. They will be periodically trained in new compliance policies and procedures. In addition, all managers and supervisors will:

- (a) Discuss with all supervised employees the compliance policies and legal requirements applicable to their function.
- (b) Inform all supervised personnel that strict compliance with these policies and requirements is a condition of employment.
- (c) Disclose to all supervised personnel that Rochester Rehabilitation will take disciplinary action up to and including termination or revocation of privileges for violation of these policies and requirements.

4. Disciplinary Action - Supervisory

Managers and supervisors will be sanctioned for failure to adequately instruct their subordinates, or for failing to detect noncompliance with applicable policies and legal requirements, where reasonable diligence on the part of the manager or supervisor would have led to the earlier discovery of any problems or violations and would have provided Rochester Rehabilitation with the opportunity to correct them.

Auditing and Monitoring of Compliance Activities

1. Internal Audits

Ongoing evaluation is critical in detecting non-compliance and will help ensure the success of Rochester Rehabilitation's Corporate Compliance Policy. An ongoing auditing and monitoring system, reviewed and approved each year, implemented by the Director of Corporate Compliance, in consultation with the Corporate Compliance Committee, is an integral component of Rochester Rehabilitation's auditing and monitoring systems. This ongoing evaluation shall include the following:

- Review of relationships with third-party contractors, specifically those with substantive exposure to government enforcement actions,
- Compliance audits of compliance policies and standards, and
- Review of documentation and billing relating to claims made to federal, state and private payers for reimbursement, performed internally or by an external consultant as determined by Director and the Committee.

The audits and reviews will examine Rochester Rehabilitation's compliance with specific rules and policies through on-site visits, personnel interviews, general questionnaires (submitted to employees and contractors), and consumer record documentation reviews.

2. Plan Integrity

Additional steps to ensure the integrity of the Corporate Compliance Plan will include:

- Annual review with legal counsel of all records of communications and reports by all employees or contractors kept in accordance with the Corporate Compliance Policy.
- The Director of Corporate Compliance will be notified immediately in the event of any visits, audits, investigations or surveys by any federal or state agency or authority, and shall immediately receive a photocopy of any correspondence from any regulatory agency charged with licensing Rochester Rehabilitation and/or administering a federally or state-funded program or County-funded program with which Rochester Rehabilitation participates.
- Establishment of a process detailing ongoing notification by the Director of Corporate Compliance to all appropriate personnel of any changes in laws, regulations or policies, as well as appropriate training to assure continuous compliance.

Detection and Response

1. Violation Detection

The Director of Corporate Compliance, President/CEO and the Corporate Compliance Committee shall determine whether there is any basis to suspect that a violation of the Corporate Compliance Plan has occurred.

If it is determined that a violation may have occurred, the matter shall be referred to legal counsel, who, with the assistance of the Director of Corporate Compliance shall conduct a more detailed investigation. This investigation may include, but is not limited to, the following:

- Interviews with individuals having knowledge of the facts alleged,
- A review of documents, and
- Legal research and contact with governmental agencies for the purpose of clarification.

If advice is sought from a governmental agency, the request and any written or oral response shall be fully documented.

2. Reporting

At the conclusion of an investigation involving legal counsel, he/she shall issue a report to the Director of Corporate Compliance, President/CEO and Corporate Compliance Committee summarizing his or her findings, conclusions and recommendations and will render an opinion as to whether a violation of the law has occurred.

The report will be reviewed with legal counsel in attendance. Any additional action will be on the advice of counsel.

The Director of Corporate Compliance shall report to the Corporate Compliance Committee regarding each investigation conducted.

3. Rectification

If Rochester Rehabilitation identifies that an overpayment was received from any third party payer, the appropriate regulatory (funder) and/or prosecutorial (attorney general/police) authority will be appropriately notified with the advice and assistance of counsel. It is Rochester Rehabilitation's policy to not retain any funds that are received as a result of overpayment. In instances where it appears an affirmative fraud may have occurred, appropriate amounts shall be returned after consultation and approval by involved regulatory and/or prosecutorial authorities. Systems shall also be put in place to prevent such overpayments in the future.

4. Record Keeping

Regardless of whether a report is made to a governmental agency, the Director shall maintain a record of the investigation, including copies of all pertinent documentation. This record will be considered confidential and privileged and will not be released without the approval of the President/CEO or legal counsel.

Whistleblower Provisions and Protections

1. Provisions

The False Claims Act provides protection to whistleblowers who are discharged, demoted, suspended, threatened, harassed, or in any other manner discriminated against in the terms and conditions of their employment as a result of their furtherance of an action under the False Claims Act.

Rochester Rehabilitation will not take any retaliatory action against an employee if the employee discloses information about Rochester Rehabilitation's policies, practices or activities to a regulatory, law enforcement or other similar agency or public official in accordance with the Corporate Compliance Policy. Protected disclosures are those that assert that Rochester Rehabilitation is in violation of a law that creates a substantial and specific danger to the public health and safety or that constitutes health care fraud under the law or that assert that, in good faith, the employee believes constitute improper quality of patient care.

2. Protections

The employee's disclosure is protected only if the employee first brought up the matter with a supervisor and gave the employer a reasonable opportunity to correct the alleged violation, unless the danger is imminent to the public or patient and the employee believes in good faith that reporting to a supervisor would not result in corrective action.

Rochester Rehabilitation will protect whistleblowers with remedies that include reinstatement with comparable seniority as the whistleblower would have had but for the discrimination, two times the amount of any back pay, interest on any back pay, and compensation for any special damages sustained as a result of the discrimination, including litigation costs and reasonable attorneys' fees.

If Rochester Rehabilitation takes a retaliatory action against the whistleblower, the employee may sue in state court for reinstatement to the same, or an equivalent position, any lost back wages and benefits and attorneys' fees.

I. PHILOSOPHY

Rochester Rehabilitation (RR) is committed to operating under the highest moral and ethical standards and to maintaining a positive, ethical work environment for all members of the agency. RR has established a Code of Conduct to guide every board director, staff member, contractor, and volunteer affiliated with RR to act in an honest, respectful, and legally responsible manner.

The conduct and practices of the Board of Directors, staff and volunteers of RR, while serving to fulfill the mission and vision of the agency are governed by core values and must:

- Be honest and ethical in their conduct, including ethical handling of actual or apparent conflicts of interest between personal and professional relationships.
- Comply with applicable government laws, rules and regulations.
- Maintain the confidentiality of information entrusted to them by RR or its clients except when authorized or otherwise legally obligated to disclose.
- Maintain complete, accurate and contemporaneous records as required by RR, law, or regulation. The term “records” includes all documents, both written and electronic, that relate to the provision of RR services or provide support for the billing of such services. Records must reflect the actual service provided and must never be backdated or predated.
- Deal fairly with clients, suppliers, competitors, volunteers, and employees.
- Provide members of the community served with information that is accurate, completely objective, relevant, timely, and understandable.
- Proactively promote ethical behavior in the work environment as a responsible partner among peers.
- Protect and ensure the proper use of company assets.
- Prohibit improper or fraudulent influence over any external auditors.

II. EXPECTATIONS

RR ensures that all aspects of consumer care and business conduct are performed in compliance with its mission/vision statement, policies, and procedures, professional standards, and applicable governmental laws, rules, and regulations, and other payer standards. RR expects every person who provides services to its consumers to adhere to the highest ethical standards and to promote ethical behavior. Any person whose behavior is found to violate ethical standards will be disciplined appropriately.

Employees may not engage in any conduct that conflicts – or is perceived to conflict – with the best interest of RR. Employees must disclose any circumstances where the employee or his or her immediate family member is an employee, consultant, owner, contractor, or investor in any entity that (i) engages in any business or maintains any relationship with RR; (ii) provides to, or receives from, RR any consumer referrals; or (iii) competes with RR. Employees may not, without permission of the Director of Corporate Compliance, accept, solicit, or offer anything of value from anyone doing business with RR.

Employees are expected to maintain complete, accurate, and contemporaneous records as required by RR, law, or regulation. The term “records” includes all documents, written and electronic, related to the provision of RR services or which provide support for the billing of RR services. Records must reflect the actual service provided. Any records to be appropriately altered must reflect the date of the alteration, the name, signature, and title of the person altering the document, and the reason for the alteration if not apparent. No person shall ever sign the name of another person to any document. Signature stamps shall not be used. Backdating and predating documents is unacceptable and will lead to discipline up to and including termination.

When any person knows or reasonably suspects that the expectations above have not been met, this must be reported to immediate supervisors, the Director of Corporate Compliance, or the President/CEO. The Director of Corporate Compliance can be reached at 585.271.2520, ext. 1234 or through the corporate compliance hotline at 585.286.9221. The CEO can be reached at 585.271.2520, ext. 1300.