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	EFFECTIVE DATE: March 2015	NUMBER:
	ORIGINATOR: Corporate Compliance Officer	
<p style="text-align: center;"><b>ORGANIZATIONAL POLICY</b></p> <p style="text-align: center;"><b>FALSE CLAIMS ACT AND WHISTLEBLOWER PROVISIONS</b></p>	CONCURRENCE:	
	APPROVAL:  Board of Managers	

### **PURPOSE OF POLICY**

Alliance for Better Health Care, LLC, d/b/a Alliance for Better Health (Alliance) is committed to prompt, complete and accurate reporting Funds that have been awarded by DOH are paid to Alliance in semi-annual installments based on a performance determination made upon a review by the states' independent auditor of quarterly performance reports submitted by Alliance. Alliance is also committed to ensuring its DSRIP Participants report accurately. Alliance and its employees, contractors, Participants and agents shall take steps necessary and appropriate to ensure that its Participants shall not make or submit any false or misleading entries on any reports. No employee, contractor, Participant or agent shall engage or participate in any arrangement at the direction of another person, including any supervisor or manager, that results in the submission of a false or misleading entry or report.

It is the policy of Alliance to detect and prevent fraud, waste and abuse in federal healthcare programs in accordance with the False Claims Act.

### **SCOPE**

This policy applies to all Members, Managers, Participants, employees, agents, contractors of Alliance (Covered Person).

### **GUIDELINES**

#### **Overview of the False Claims Act:**

The False Claims Act, 31 U.S.C. § 3729 *et seq.*, is a federal law designed to prevent and detect fraud, waste and abuse in federal healthcare programs, including Medicaid and Medicare. Under the False Claims Act, anyone who “knowingly” submits false claims to the Government is liable for damages up to three times the amount of the erroneous payment plus mandatory penalties.

The law was revised in 1986 to expand the definition of “knowingly” to include a person who:

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

- and
- Acts in reckless disregard of the truth or falsity of the information in a claim.

False Claims suits can be brought against individuals and entities. The False Claims Act does not require proof of a specific intent to defraud the Government. Providers can be prosecuted for a wide variety of conduct that leads to the submission of a false claim. Some examples include knowingly making false statements, falsifying records, submitting claims for services never performed or items never furnished, double-billing for items or services, using false records or statements to avoid paying the Government, or otherwise causing a false claim to be submitted.

### **Whistleblower or “Qui Tam” Provisions**

In order to encourage individuals to come forward and report misconduct involving false claims, the False Claims Act contains a “Qui Tam” or whistleblower provision.

The Government, or an individual citizen acting on behalf of the Government, can bring actions under the False Claims Act. An individual citizen, referred to as a whistleblower or “Relator,” who has actual knowledge of allegedly false claims may file a lawsuit on behalf of the U.S. Government.

The False Claims Act prohibits discrimination by Alliance against any Covered Person for taking lawful actions under the False Claims Act. Any employee who is discharged, demoted, harassed, or otherwise discriminated against because of lawful acts by the employee in False Claims actions is entitled to relief. Such relief may include reinstatement, double back pay, and compensation for any special damages.

### **Reporting Responsibility**

Covered Persons of Alliance have an obligation to report in accordance with this Whistleblower Policy (a) questionable or improper accounting or auditing matters, and (b) violations and suspected violations of Alliance’s Code (hereinafter collectively referred to as Concerns).

### **Authority of Audit and Compliance Committee**

All reported Concerns will be forwarded to the Audit and Compliance Committee in accordance with the procedures set forth herein. The Audit and Compliance Committee shall be responsible for investigating, and making appropriate recommendations to the Board of Managers, with respect to all reported concerns.

### **No Retaliation**

This Whistleblower Policy is intended to encourage and enable Members, Managers, employees and participants to raise Concerns within the Organization for investigation and appropriate action. With this goal in mind, no Member, Manager, employee or participant who, in good faith, reports a Concern shall be subject to retaliation or, in the case of an employee, adverse employment consequences.

Moreover, an employee who retaliates against someone who has reported a Concern in good faith is subject to discipline up to and including termination of employment.

## **Reporting Concerns**

### **Employees of Participants and Alliance**

Employees should first discuss their Concern with their immediate supervisor. If, after speaking with his or her supervisor, the individual continues to have reasonable grounds to believe the Concern is valid, the individual should report the Concern to the Compliance Officer. In addition, if the individual is uncomfortable speaking with his or her supervisor, or the supervisor is a subject of the Concern, the individual should report his or her concern directly to the Compliance Officer or file a report on-line at <https://goo.gl/forms/abxsDeiJFVScLQBw1>.

The Compliance Officer is required to promptly report the Concern to the Chair of Audit and Compliance Committee, which has specific and exclusive responsibility to investigate all Concerns.

### **Handling of Reported Violations**

The Audit and Compliance Committee shall address all reported Concerns. The Chair of the Audit and Compliance Committee shall immediately notify the Audit and Compliance Committee of any such report. The Chair of the Audit and Compliance Committee will notify the sender and acknowledge receipt of the Concern within five business days, if possible. It will not be possible to acknowledge receipt of anonymously submitted Concerns.

All reports will be promptly investigated by the Compliance Officer, and appropriate corrective action will be recommended to the Audit and Compliance Committee, if warranted by the investigation. In addition, action taken must include a conclusion and/or follow-up with the complainant for complete closure of the Concern.

Alliance has the authority to retain, on behalf of the Audit and Compliance Committee, outside legal counsel, accountants, private investigators, or any other resource deemed necessary to conduct a full and complete investigation of the allegations.

### **Acting in Good Faith**

Anyone reporting a Concern must act in good faith and have reasonable grounds for believing the information disclosed indicates an improper accounting or auditing practice, or a violation of the Codes. The act of making allegations that prove to be unsubstantiated, and that prove to have been made maliciously, recklessly, or with the foreknowledge that the allegations are false, will be viewed as a serious disciplinary offense and may result in discipline, up to and including dismissal from the volunteer position or termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

### **Confidentiality**

Reports of Concerns, and investigation pertaining thereto, shall be kept confidential to the extent possible, consistent with the need to conduct an adequate investigation.

Disclosure of reports of Concerns to individuals not involved in the investigation will be viewed as a serious disciplinary offense and may result in discipline, up to and including termination of employment. Such conduct may also give rise to other actions, including civil lawsuits.

## **POLICIES**

1. Alliance will make this this policy and procedure available through its' website to all its Members, Managers, agents, employees, contractors and Participants.
2. Alliance will perform reporting activities in a manner consistent with the regulations and requirements of third party payors, including Medicaid and Medicare.
3. Alliance will conduct regular auditing and monitoring procedures as part of its efforts to assure compliance with applicable regulations.
4. Any employee, contractor or agent who has any reason to believe that anyone is engaging in false reporting practices or false documentation of services is expected to report the practice according to Alliance's Corporate Compliance Department.
5. Any form of retaliation against any employee who reports a perceived problem or concern in good faith is strictly prohibited.
6. Any employee who commits or condones any form of retaliation will be subject to discipline up to, and including, termination.

## **PROCEDURES**

The Compliance Officer will ensure that all employees and agents have access to the contents of this policy and the False Claims Act.

## **EXHIBITS**

## **REFERENCES**

ORIGINAL IMPLEMENTATION DATE: 3/2015

REVIEW DATE: June 2018

REVIEWED: June 2018

APPROVED: