

**Venture Forthe, Inc.
Consumer Directed Personal Assistance Program**

Venture Forthe Inc., CDPAP Compliance Plan

Updated 7/13/2016

Purpose

Venture Forthe, Inc. (Venture Forthe or Agency) has many years of experience assisting individuals living in Western New York. Venture Forthe takes pride in its history of providing quality services that help individuals reach their highest level of independence possible. As a fiscal intermediary in the Consumer Directed Personal Assistance Program (CDPAP), Venture Forthe seeks to uphold its service values and adherence to high compliance standards. Acknowledging the unique aspects of CDPAP, Venture Forthe has established this plan to ensure compliance with all CDPAP and Medicaid program requirements. This plan is based on the philosophy of its Corporate Compliance Plan tailored to the unique needs of the CDPAP program.

Statement of Policy

Venture Forthe recognizes that an effective compliance program is a live operation made possible by communication between members of the Agency that carry out the plan, those that govern it, and those that are affected by it. Our compliance plan represents our commitment to conduct all aspects of our CDPAP in full compliance with the rules of the New York State Department of Health (DOH), the New York Medicaid Program, as well as the rules of all other regulatory entities having jurisdiction over Consumer-directed services. It also includes our continued compliance with all relevant federal and state laws focused on preventing fraud and abuse including prohibitions against improperly giving or receiving payments in return for referrals. The purpose of this plan is to ensure that Consumers of the program, their personal assistants, and affiliates of the Agency involved in this program are clear on the role and expectations of the Agency, their roles as Consumers and personal assistants, and where to address concerns.

Relationship between the Agency, the Consumer, and the Personal Assistants

As a fiscal intermediary, Venture Forthe does not employ, train, hire, or otherwise educate or assign Personal Assistants (PAs) in their roles. Venture Forthe's role is to maintain required records and facilitate billing/payroll for the hours that are reported to the Agency. In fulfilling this, Venture Forthe shall see to the following:

- a. Venture Forthe will inquire whether the designated PA is under 18 years of age or the Consumer's spouse, parent, or designated representative, and if so, inform the Consumer that the designated individual is ineligible.
- b. Venture Forthe will comply with New York State requirements for Medicaid exclusion list screenings for all PAs.
- c. Venture Forthe will ensure that all required health assessment documentation is completed and on file in accordance with 10 NYCRR § 766.11(c) and (d) before the individual acts as a PA and annually thereafter.
- d. All Consumers and Agency employees will be informed of the expectations of accurate reporting to ensure that all timesheets are completed and attested by the Consumer or Consumer's Designated Representative and do not represent hours worked beyond those authorized.
- e. Except for those Consumers approved for 24-hour live-in Consumer directed services, Consumers will be advised that no individual PA may work more than sixteen hours in a day.

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Compliance Department Reviews

The Agency's Corporate Compliance Officer and Continuous Quality Improvement (CQI) Committee are responsible for ensuring that internal and external corporate compliance auditing takes place on a regular basis. Compliance related audits are conducted as a result of an investigation or as a proactive means of monitoring compliance in areas of actual or potential risk.

Audit findings and recommendations are reported to the Administrator, the CQI Committee, and the appropriate Agency administrator. As needed or requested response plans will be completed by the operational management and incorporated into the final audit report.

For each program Venture Forthe conducts business under, the Compliance Department reviews for compliance with state and federal regulation. In the event that corrective action is necessary, the Compliance Department will facilitate and confirm corrective action is taken.

Records and Confidentiality

All Consumer information will be kept confidential by all Agency employees. No confidential Consumer information is to be relayed either verbally or in writing to anyone without a need to know, unless required by a court of law or any governmental authority. Any demand from any governmental authority or subpoena shall be reviewed by the Agency Privacy Officer before any disclosure is made.

All Consumer directed records required by applicable contract, rules or regulations will be maintained securely either on or off site for the time period required by the applicable regulation, but in no event less than six years.

Reporting, Review and Corrective Action

All Venture Forthe representatives have a responsibility to report in a timely fashion any violations of the law, acceptable business standards, or other concerns. The Compliance Plan encourages individual responsibility for reporting any activity by any Agency representative or affiliate that reasonably appears to violate applicable laws and regulations or compliance requirements. Any notice regarding potential litigation against the Agency and/or suspected violations of law by the Agency must be reported to the Administrator.

The Agency has an open door policy that encourages Agency representatives to share their questions, concerns, suggestions or complaints with someone who can address them properly. The Agency has established a "Corporate Compliance Hotline" for those who want to report anonymously. This reporting system provides Agency representatives the ability to report potential Corporate Compliance violations 24 hours a day and directs them to a voicemail. The "Corporate Compliance Hotline" is accessed by calling 716-501-8800. If the caller would like to report potential compliance issues toll-free, the callers can contact the Corporate Compliance Officer directly by calling 1-800-701-1233 x 127.

Anonymous calls are accepted; however representatives are encouraged to leave detailed information. The "Corporate Compliance Hotline" may also be accessed for callers to pose questions regarding any compliance issues. Should the caller leave their name and number, the Corporate Compliance Officer will respond to any questions within 10 business days. Additionally, any person may send a letter addressed to the Compliance Officer at the Venture Forthe corporate business address; these may be sent anonymously. Agents and visitors to the Agency's corporate location may submit an issue in writing

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to a drop box. Written notice of the drop box as well as the other methods by which issues may be reported is posted at the corporate location conspicuously.

VFI recognizes the difference between anonymity and confidentiality. Reports may be made in confidence to the Compliance Hotline, submitted in writing to the drop box, or addressed to the Compliance Officer via mail. In receipt of a confidential report, every reasonable effort will be made to maintain confidentiality to the extent that it does not prevent corrective action. This acceptance of anonymous and confidential reports is to encourage good-faith participation in the program. Any concern about the Administrator should be reported to the Compliance Officer, who will in turn notify the Board Chairperson. A concern involving the Compliance Officer's actions or determinations should be brought directly to the Administration.

Billing Accuracy

All billing and claims generated must accurately reflect that services rendered are supported by relevant documentation and are submitted in compliance with applicable laws, rules, regulations, and program requirements. Agency representatives should never knowingly make or present improper, false, fictitious or fraudulent claims to any government or private health care program, employee, department or Agency. Improper activity can include, but is not limited to:

- Misrepresentation of Services
- Duplicate Billing
- Multiple Coverage and Secondary-Payroll Fraud
- False Claims Statements
- Falsifying Dates on a Claim

It is the expectation of Venture Forthe that all service documentation will be an accurate reflection of services provided and that only those eligible to receive services per regulatory requirements will be billed for. Upon discovery or suspicion that the Agency may have wrongly billed for services that were either not rendered or not allowable per regulatory requirements steps will be taken to investigate the situation and when necessary void or adjust the billing per Agency guidelines. This also includes situations where the billing was submitted correctly to the Business Office, however was not processed correctly and thus a billing error occurred. Should it become evident that an affiliate of the Agency knowingly submitted a false claim it will be reported to the Office of the Medicaid Inspector General (OMIG) and appropriate corrective action would take place. In addition, the Agency will monitor for other situations which may be appropriate for self-disclosure as described in section 6402 of PPACA to the OMIG and OIG including, but not limited to:

- Substantial routine error
- Systematic errors
- Patterns of errors

In the event the Agency confirms that overpayments were received, the source of payment will be contacted in order to arrange refunding of such payments. In consultation with the company's legal counsel, a decision will be made whether a report to the DOH, the Office of Medicaid Inspector General, the Attorney General's MFCU or other law enforcement is appropriate.

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Whistleblower Protection

The Whistleblower Protection is intended to encourage and enable Agency representatives and others to raise serious concerns within the Agency prior to seeking resolution outside the Agency.

Questions or concerns about any ethical, legal, and/or regulatory issues may be raised without concern as long as they are made in good faith. Agency representatives will not be subject to reprisals for reporting or supplying information about potential violations, except in cases where those Agency representatives are responsible for the violation or when deliberate false reporting has occurred. Agency representatives are also protected under this provision and the False Claims Acts against any form of retaliation for filing a False Claim report. It protects an Agency representative who files a false claims lawsuit from being fired, threatened, harassed, or other forms of retaliation.

It is expected that all Venture Forthe representatives will fully cooperate with any investigation of potential violation. New York Labor Laws also protect employees from retaliatory practices. Additional details regarding these laws may be obtained by contacting a Human Resources Representative, the Compliance Officer, or visiting the New York State Department of Labor website at www.labor.state.ny.us.

The CDPAP Compliance Plan has been prepared to outline the broad principles of legal and ethical business conduct embraced by Venture Forthe. It is not a complete list of legal or ethical questions you might face in the course of business, and therefore this plan must be used together with your common sense and good judgment. If you are in doubt or have a specific question, you should contact your supervisor or the Agency Compliance Officer.

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Acknowledgement and Receipt of Venture Forthe CDPAP Compliance Plan

I acknowledge that I have received and reviewed the Venture Forthe, Inc. CDPAP Compliance Plan. I understand that Venture Forthe's role as a fiscal Intermediary is not a contract of employment. I understand that I and every Agency affiliate has a responsibility to accurately report hours as they are served. I further understand that any information I submit to Venture Forthe must be correct to the best of my knowledge. The Agency's adherence to ethical billing and reporting standards as required by state and federal law has been reviewed with me and I understand that I am responsible for the accuracy of all information I supply to Venture Forthe.

Signature _____

Date _____

Print Name _____