

**ELIZABETH SETON CHILDREN'S  
CENTER**

**COMPLIANCE AND ETHICS PROGRAM**

**CODE OF CONDUCT AND  
PROGRAM SUMMARY  
FOR CONTRACTORS**

2023

## **COMMITMENT TO COMPLIANCE**

The Elizabeth Seton Children’s Center (the “Children’s Center”) is committed to providing high quality and caring services pursuant to the highest ethical, business, and legal standards, including Federal health care program requirements (e.g., Medicare and Medicaid).

These high standards apply to our interactions with everyone with whom we deal. This includes our resident children, the community, other healthcare providers, companies with whom we do business (i.e., our “Contractors”), government entities to whom we report, and the public and private entities from whom reimbursement for services is sought and received.

We expect and require all Contractors to be law-abiding, honest, trustworthy, and fair in all business dealings. In short, we do not and will not tolerate any form of unlawful or unethical behavior by anyone associated with the Children’s Center.

Our Compliance and Ethics Program is designed to help us prevent fraud and abuse in Federal health care programs. If fraud or abuse is detected, the Program provides us with a system for investigation and implementing corrective action. This Code of Conduct is one component of the Program and is designed to assist our Contractors in navigating the various compliance obligations of the highly regulated industry in which we do business. By adhering to the Code of Conduct, our Contractors enable the Children’s Center to continue to achieve its goals of providing excellent service to our children in a legal and ethical fashion.



To the extent that Contractors meet the definition of an “affected individual,”<sup>1</sup> they are subject to this Compliance and Ethics Program. Failure of an affected individual to meet the Program’s requirements may result in termination of contract or affiliation with the Children’s Center.

---

<sup>1</sup> “Affected individuals” means all persons who are affected by the Children’s Center’s compliance risk areas (which are discussed in this Handbook at p. 6). This includes our employees, the Chief Executive Officer, senior administrators, managers, contractors, agents, subcontractors, independent contractors, volunteers, the Board of Directors and corporate officers. Contractors are subject to the Compliance Program to the extent that it is related to their contracted role and responsibilities within the Children’s Center’s risk areas.

## **CODE OF CONDUCT**

All Contractors should adhere both to the spirit and the language of the Code, maintain a high level of integrity in their conduct, and avoid any actions that could reasonably be expected to adversely affect the integrity or reputation of any of the Children’s Center.

- **Responsibility of Our Contractors.** Contractors are expected to comply and be familiar with all federal and state laws, rules, and regulations that govern their work for the Children’s Center. All Contractors are also expected to comply with this Code of Conduct, and any applicable compliance standards and policies. Compliance with the Code is a condition of association with the Children’s Center, and violating the Code will result in discipline being imposed, including, termination of contract or affiliation.



- **Honesty and Lawful Conduct.** Contractors should avoid all illegal conduct and not take any action that they believe violates any statute, rule, or regulation. Contractors should strive to avoid the appearance of impropriety, and never act in a dishonest or misleading manner.

- **Reporting Requirements.** If Contractors become aware of or suspect misconduct or possible violations of the Children’s Center’s Compliance and Ethics Program, it is a requirement that such concerns are reported to a Children’s Center manager or supervisor, a member of senior management or the Corporate Compliance Officer. Contractors may also report their concern through the Compliance “Hotline.” Questions or concerns may be raised anonymously, if you wish, via the Compliance Hotline. The identity of callers to the Hotline will be kept confidential, whether requested or not, unless the matter is subject to a disciplinary proceeding, referred to or under investigation by the NY State Medicaid Fraud Control Unit (MFCU), the Office of Medicaid Inspector General (OMIG) or law enforcement or if disclosure is a requirement in connection with a legal proceeding.

<b>CONTACT INFORMATION</b>		
<b>Corporate Compliance Officer</b>	Lisa Poskanzer	<b>Telephone: (914) 294-6400</b> <b>Fax: (914) 294-6183</b> <b>Email:</b> <b>LPoskanzer@setonchildrens.org</b>  <b>300 Corporate Boulevard South</b> <b>Yonkers, NY 10701</b>
<b>Compliance Hotline</b>	<b>Senior Crimestoppers</b>	<b>(800) 590-5850</b>

- **No Retaliation or Intimidation.** The Children’s Center maintains a policy of non-retaliation and non-intimidation for good faith participation in the Compliance and Ethics Program. Good faith participation includes, but is not limited to reporting actual or potential compliance issues to appropriate personnel (e.g., the Corporate Compliance Officer); cooperating or participating in the investigation of compliance issues; assisting with or participation in self-evaluations and audits; assisting with or participation in remedial actions/resolution of compliance issues; reporting instances of retaliation/intimidation; and reporting potential fraud, waste or abuse to appropriate State or Federal entities. Acts of retaliation or intimidation should be immediately reported to the Corporate Compliance Officer or to the Hotline and, if substantiated, the individuals responsible will be disciplined appropriately.

- **Respecting the Children.** All affected individuals must strive to provide quality health care services that are medically necessary to attain or maintain the child’s well-being. Affected individuals must provide each child with a dignified existence that promotes freedom of choice, self-determination, and reasonable accommodation of individual needs.

- **Accurate Records and Documentation.** All of the Children’s Center’s records, documents and reports must be accurate, complete and in compliance with all legal requirements. Claims for services provided must be based on the service actually provided and supported by adequate documentation to justify the claim.

- **Exclusion Checks.** The Children’s Center conducts appropriate background checks on certain Contractors and requires those Contractors who assign staff that may be providing services to children on behalf of the Children’s Center to check applicable federal and state databases prior to assignment and on a monthly basis thereafter to ensure Contractor employees are not excluded from participating in federal health care programs (e.g., Medicaid). Contractors are required to maintain documentation demonstrating compliance with this condition and immediately disclose to the Corporate Compliance Officer if the Contractor or any of its staff becomes excluded or otherwise ineligible. The applicable databases are:

- <https://exclusions.oig.hhs.gov/> (the United States Department of Health and Human Services, Office of Inspector General’s List of Excluded Individuals/Entities); and
- <https://omig.ny.gov/medicaid-fraud/medicaid-exclusions> (the New York State Office of the Medicaid Inspector General’s Medicaid Exclusion List).

- **Compliance with the Children’s Center’s Abuse Prohibition/Reporting Policies and the Elder Justice Act (the “EJA”).** The Children’s Center prohibits abuse, neglect, mistreatment, exploitation and misappropriation of children’s property and has established reporting requirements and a system for investigating allegations of such actions. Contractors that provide direct care or who have access to children’s property are required to attend orientation and annual training regarding abuse prevention and prohibition and the reporting requirements. The EJA is a statute that requires the

Children's Center's contractors (as well as our employees) to report any reasonable suspicion of criminal activity including abuse against a resident of a long term care facility or against any person receiving care from the facility to the state survey agency and to a local law enforcement agency. Retaliation for reporting a reasonable suspicion of a crime is prohibited and the Children's Center will not engage in any retaliatory action against any individual who files such a report in accordance with the EJA. The Children's Center provides notice of this reporting obligation to Contractors on an annual basis. The Notice is posted on our website. We ask that you review the Summary of Abuse Prohibition and Reporting Policy and the EJA Notice, and [if applicable] review these documents with your staff that provide services to the Children's Center.

- **Compliance with the Deficit Reduction Act of 2005 (the "DRA").** In accordance with the DRA, the Children's Center has established written policies for all employees and contractors that provide detailed information about the federal False Claims Act, federal administrative remedies for false claims and statements, the New York State false claims provisions, state penalties (both civil and criminal) for false claims and statements, whistleblower protections under such laws, and the role of these laws in preventing and detecting fraud, waste and abuse in federal health care programs (e.g., Medicare and Medicaid). A copy of the DRA policy is posted on our website. We ask that you review this policy and [if applicable] review it with your staff that provide services to the Children's Center.

- **Gifts and Benefits.** Our personnel are prohibited from offering, paying or receiving any gifts or benefits to or from any person or entity: (i) that makes referrals to the Children's Center, (ii) to which the Children's Center makes referrals, or (iii) with which the Children's Center does business, under circumstances where the gift or benefit is offered, paid or received with a purpose of inducing or rewarding referrals of health care goods, items or services, or other business between the parties. This guiding principle is also applicable to our Contractors: Contractors may not be involved with gifts or benefits that are undertaken in return for or to induce referrals or the purchasing, leasing, ordering or arranging (or the recommending of any of the foregoing) of any item or service.



- **Confidentiality.** Contractors who learn confidential information about the Children's Center or our resident children may not share that information with anyone, including family or friends.

## **How the Compliance and Ethics Program Operates**

The Compliance and Ethics Program includes our Code of Conduct and the following operational elements:

### **Written Standards and Procedures**

The Children's Center has developed and distributed written standards of conduct, as well as written policies and procedures that promote our commitment to compliance, address specific areas of potential fraud and abuse, and give guidance to affected

individuals about how the Compliance and Ethics Program operates and how compliance issues are investigated and resolved. The written policies and procedures are available to all affected individuals. A list of current Program policies and procedures is included at the end of this Summary.

## **Oversight**

The Children's Center has designated a Corporate Compliance Officer and a Compliance Committee charged with the responsibility for developing, operating, and monitoring the Compliance and Ethics Program. The Corporate Compliance Officer and the Committee are accountable to and report directly to the Children's Center's Board of Directors and Chief Executive Officer.

## **Mandatory Education and Training**

The Children's Center has developed and conducts effective education and training programs that cover, among other things, compliance risk areas, expectations, disciplinary standards and the operation of the Compliance and Ethics Program.

## **Reporting System**

The Children's Center has established and implemented effective lines of communication, ensuring confidentiality, that are accessible to all affected individuals and all children receiving services from the Children's Center. This includes an anonymous method for reporting (i.e., the Hotline) and allows for questions regarding compliance issues to be asked and for compliance issues to be reported.

## **Disciplinary Standards**

The Children's Center has established well-publicized disciplinary standards to encourage good faith participation in the Compliance Program by all affected individuals. It is our policy that discipline is enforced fairly and consistently. Note that the Children's Center will escalate disciplinary actions as warranted based on the severity of the misconduct, with intentional or reckless behavior subject to more significant sanctions. Contractors who violate the Code of Conduct or commit illegal acts are subject to discipline, including contractual or financial penalties and/or termination of contract or affiliation with the Children's Center. Discipline will be enforced for:



- Failure to report suspected problems;
- Participation in non-compliant behavior;
- Encouraging, directing, facilitating or permitting either actively or passively non-compliant behavior;



- Failure by a violator’s supervisor(s) to detect and report a compliance violation, if such failure reflects inadequate supervision or lack of oversight;
- Refusal to cooperate in the investigation of a potential violation;
- Refusal to assist in the resolution of compliance issues; and
- Retaliation against, or intimidation of, an individual for their good faith participation in the Compliance Program.

It is our policy that contracts governing relationships with independent contractors, and all applicable laws, rules and regulations governing the relationship, are respected.

### **Auditing and Monitoring System**

The Children’s Center routinely uses audits and/or other risk evaluation techniques to monitor compliance and identify **compliance risk areas**, such as coding, billing and documentation and payment practices; issues relating to quality of care and medical necessity of services; the credentialing process; compliance with mandatory reporting requirements; governance standards; contractor oversight and other potential compliance risk areas that may arise from complaints, risk assessments, or that are identified by specific compliance protocols or through other means.

### **Response System**

The Children’s Center has established and implemented procedures and a system for promptly responding to compliance issues as they are raised, investigating potential compliance problems as identified in the course of self-evaluations and audits, correcting such problems promptly and thoroughly, including reporting of any violations of state or federal law. These steps reduce the potential for recurrence, and ensure ongoing compliance with Federal health care program requirements (e.g., the Medicaid Program).

### **Policy of Non-intimidation and Non-Retaliation**

Intimidation and Retaliation Are Prohibited. We expect all affected individuals to comply with this Program, including the reporting of any potential misconduct, illegal conduct or other compliance-related concerns. Retaliation or intimidation in any form against an individual who in good faith reports potential compliance issues or for other good faith participation in the Program is strictly prohibited and is itself a serious violation of the Code of Conduct. Acts of retaliation should be immediately reported to the Corporate Compliance Officer and, if substantiated, will be disciplined appropriately. The Children’s Center’s Whistleblower and Non-Retaliation/Non-Intimidation Policy is posted on our website. We ask that you review this policy and [if applicable] review it with your staff that provide services to the Children’s Center.

<b>Compliance and &amp; Ethics Program Policies and Procedures</b>
<b>Acceptance of Charitable Donations</b>
<b>Access to Electronic Protected Health Information (PHI)</b>
<b>Admissions/Continued Stay</b>
<b>Compliance Discipline Policy</b>
<b>Compliance Personnel</b>
<b>Compliance Reviews for Excluded Individuals/Entities</b>
<b>Compliance Reviews of Clinical Staff Credentials</b>
<b>Compliance Risk Assessment and Monitoring</b>
<b>Compliance Standards Regarding Billing and Identifying Overpayments</b>
<b>Compliance Standards Related to Documentation and Care Planning</b>
<b>Compliance Standards Related to Rehabilitation/Therapy Services</b>
<b>Compliance Standards Related to Vendors and Suppliers</b>
<b>Compliance Training and Education</b>
<b>Compliance with Anti-Referral Laws</b>
<b>Compliance with Federal and State False Claims Laws: Overview of the Laws Regarding False Claims and Whistleblower Protections</b>
<b>Conflict Of Interest</b>
<b>Gifts and Gratuities</b>
<b>Protocols for Investigations and Implementing Corrective Action</b>
<b>Quality of Care</b>
<b>Record Retention</b>
<b>Reporting the Reasonable Suspicion of a Crime</b>
<b>Resident Rights</b>
<b>Summary of Abuse Prevention and Reporting Requirements</b>
<b>Whistleblower and Non-Retaliation/Non-Intimidation Policy for Good Faith Participation in the Compliance and Ethics Program</b>



## **ACKNOWLEDGMENT OF RECEIPT**

I acknowledge that I have received access to the Children's Center's:

- Compliance and Ethics Program Handbook for Contractors containing the Code of Conduct and Program Summary;
- Policy entitled: Compliance with Federal and State False Claims Acts: Overview of the Laws Regarding False Claims and Whistleblower Protections;
- Policy entitled: Whistleblower and Non-Retaliation/Non-Intimidation Policy for Good Faith Participation in the Compliance and Ethics Program;
- Annual Notice regarding the requirement to report the reasonable suspicion of a crime against a resident of the Children's Center; and
- Summary of the abuse prohibition and reporting policies.

I affirm the following:

- (1) I agree to review these documents and [if applicable] to review them with my staff that provide services to the Children's Center.
- (2) If I become aware of any possible violations of the Program, or if I have concerns or questions about the appropriateness of any practices at the Children's Center, I will report such issues to the Corporate Compliance Officer, other senior management, or via the Compliance Hotline.
- (3) I understand that discipline (or other corrective action) may be imposed for violations of the standards and requirements set forth in the Handbook or any of the Children's Center's Compliance Program related policies and procedures, which may include termination of my contract or affiliation with the Children's Center.

**Acknowledged and agreed:**

\_\_\_\_\_  
Signature

\_\_\_\_\_, 20\_\_\_\_  
Today's Date

\_\_\_\_\_  
Print name

\_\_\_\_\_  
Job Title or Description

**THIS FORM MUST BE SIGNED, DATED AND RETURNED TO THE CORPORATE COMPLIANCE OFFICER .**