ACCESS: SUPPORTS FOR LIVING INC.
The Guidance Center of Westchester, Inc.; New York Families for Autistic Children, Inc.; and Meaningful NY Initiatives for People with Disabilities, Inc.

FRAUD, WASTE AND ABUSE REPORTING POLICY
NON-INTIMIDATION /NON-RETALIATIONS AND WHISTLEBLOWER PROTECTIONS

Access: Supports for Living, Inc., The Guidance Center of Westchester, New York Families for Autistic Children, Inc., and Meaningful New York (henceforth referred to as "the Agency") have a zero tolerance policy for fraud, waste, and abuse. Due to the severe legal and monetary consequences that can result from a violation of any false claims laws, the Agency have implemented a strict policy that applies to all employees (including management personnel), volunteers, contractors, board members and vendors (henceforth referred to as "agents"). The purpose of this policy is to ensure that we are providing the government with truthful information regarding the services that we render and to promote compliance with applicable laws and government standards by requiring all agents to report suspected fraud, waste or abuse. The Agency will not allow its employees or agents to fraudulently misrepresent to the government about the services that we provide.

Applicability of Policy
This policy is applicable to all employees, interns, volunteers, board members, contractors and vendors of the Agency.

Statement of Policy Reporting Responsibilities
It is the responsibility of all agents to report observed or suspected fraud, abuse or other improper activity relating to the operations at the Agency as soon as they become aware of it. For purposes of this policy, fraud means any type of intentional deception or misrepresentation made by a person with the knowledge that the deception could result in some unauthorized benefit to himself or herself, to the Agency, or to another person. Abuse means practices that are inconsistent with sound fiscal, business or medical practices and result in an unnecessary cost to the state or federal government or to the Agency, or in reimbursement of services that are not medically necessary or fail to meet professionally recognized standards for health care.

In accordance with Title 31 United States Code Sections 3801 to 3812, activity that must be reported include, but are not limited to the following:

- Billing Medicaid or other third-party payers for clients to whom the Agency have not rendered services.
- Billing Medicaid first for clients covered by both Medicare and Medicaid (commonly

referred to as “dual eligible”), when not permitted by the program’s rules.

- Inflating or otherwise misrepresenting the Agency costs on cost reports filed with government Agency or private funders.
- Intentionally denying or restricting access to medically necessary health care services for which the Agency are responsible.
- Billing Medicaid for services rendered to a client if the employee is aware that the client or his or her family has obtained Medicaid coverage fraudulently.
- Submitting inaccurate or misleading data or reports to government Agency or other funders.
- Using grant funds from government Agency such the Office of Mental Health or Office of People with Developmental Disabilities in a manner inconsistent with the Agency’s requirements.
- Failing to maintain required documentation of services for claims to Medicaid and other payers.
- Theft or other misuse of the Agency funds or property by employees or contractors.
- Theft or other misuse of client funds held in trust.
- Violations of the Agency compliance policies or other guidance.
- Violations of laws, regulations or government contracts.
- Submitting false claims related to the eligibility of an individual to receive benefits
- Making a claim in an application for medical benefits or assistance, including but not limited to benefits covered under the Social Security Act

Reporting Mechanisms

Agents have several options for reporting fraudulent, abusive or other improper conduct. Agents may file reports with their supervisor, department director, agency leadership, the Compliance Officer, or any other member of the Compliance Committee with whom the agent feels comfortable.

The Agency has also established a dedicated confidential Voicemail that anyone may call to file a report anonymously. The Voicemail may be accessed by calling 1-877-333-ASFL (2735). For anonymous reporting, dial *67 prior to the phone number.

Employees can also send a confidential email to: corporatecompliance@asfl.org.

The Compliance Officer or designee will be responsible for overseeing the operation of the Voice Mailbox and email address, responding to complaints, ensuring that all agents are aware of the number/email address and understand that reports may be filed through the Voice Mailbox/Email on an anonymous basis. The Compliance Officer will also publicize the availability of the Voice Mailbox/Email Address through regular reminders, posters and organized compliance awareness events.

As set forth in the Agency False Claims Act Policy, agents have the legal right to file qui tam lawsuits under seal if they become aware that the Agency have submitted claims for reimbursement to Medicaid or other government programs in violation of the federal or state False Claims Acts.

Agents may not be retaliated against for filing such a lawsuit. Agents will be advised of this right through the Agency training program, but will be encouraged to report and attempt to resolve compliance concerns through the internal procedures described in this policy.

In accordance with the NY State Finance Law, sections 187-194, “False Claims Act”, any

individual person, partnership, corporation, association or any other legal entity with knowledge of a violations of the NY State False Claims Act is obligated to report it to the Agency Compliance Officer and/or local government.

Investigations

All reports of fraudulent, abusive or other improper conduct, if not made to the Compliance Officer, will be promptly forwarded to the Compliance Officer for review. The Compliance Officer, in consultation with other agency staff and counsel as appropriate, will determine whether the report warrants an investigation. If the Compliance Officer determines an investigation is warranted, he or she will promptly coordinate an investigation. The Compliance Officer may obtain the assistance of other agency staff and outside legal and financial advisors as necessary to carry out a proper investigation. All agents will be required to cooperate in such investigations. The Compliance Officer will monitor the activities of any outside advisors performing investigative services. The Agency will make reasonable efforts to protect the identity of any individuals filing non-anonymous reports except when disclosure of the individual's identity is necessary to conduct an effective investigation.

The Compliance Officer, or designee, will provide the President and Chief Executive Officer with regular reports of all pending investigations. The Compliance Officer, in consultation with the President and Chief Executive Officer, will have the authority to order the temporary suspension of any agency activity that is the subject of a pending investigation.

Upon completion of an investigation, the Compliance Officer will review the investigation's findings, which will indicate whether fraudulent, abusive or other improper conduct was committed. If such conduct is found, the Compliance Officer will recommend to the President and Chief Executive Officer and Human Resources Director, if appropriate, any corrective or disciplinary action deemed necessary.

The Compliance Officer will maintain a log of all compliance-related reports, including reports filed through the hotline and other means. The log will specify the nature of the report, the date of the report, the reporting method (Voice Mailbox, etc.), the name of the person filing the report (if the report was not filed anonymously), whether an investigation was conducted and if so, the outcome of the investigation and the corrective or disciplinary action, if any, taken by the Agency. The log, investigation reports and other related documents (such as witness lists and interview notes) will be maintained by the Compliance Officer for six years. These documents will be kept confidential and will be shared with employees or advisors only as necessary to comply with this policy or to otherwise carry out agency operations.

Notification of Government Authorities

The Compliance Officer, in consultation with the Chief Executive Officer and general counsel when necessary, will determine whether and in what manner it is appropriate to report any detected fraud, waste, abuse or improper activity to federal, state or local government agencies. Such reporting may involve, depending on the circumstances, refunding overpayments to Medicaid or other government payers, making a self-disclosure in accordance with formal or informal protocols established by the appropriate government agency or alerting law enforcement authorities.

Non-Intimidation/Non-Retaliation and Whistleblower Protections

No individual who files a report to OMIG, MFCU, DOH, OPWDD, DOL, OIG, US Attorney's Office or any governmental entity under this policy in good faith or who cooperates in an investigation of such a report may be subject to intimidation or retaliation in any form. Intimidation and retaliation is also prohibited against an employee for refusing to carry out any activity that is the subject of a report made under this policy in good faith. No employee may threaten to retaliate against another employee for filing a report.

Prohibited retaliation includes, but is not limited to, terminating, suspending, demoting, failing to consider for promotion, harassing or reducing the compensation of an employee due to the employee's intended or actual filing of a report under this policy. Retaliation is prohibited even if it is determined that the allegedly improper conduct was proper or did not occur, provided that the report was made in good faith. The Agency reserves the right to take disciplinary and or guidance action against any agent who maliciously files a report they know to be untrue.

Any actual or threatened retaliation should be reported by the affected agent or any other agent to the Compliance Officer. The Compliance Officer will investigate such allegations in the same manner as other investigations carried out under this policy.

Enforcement

Agents who do not comply with this policy will be subject to disciplinary action and or guidance by the Agency. Depending on the facts and circumstances of each case, the Agency may reprimand, suspend or dismiss any agent who fails to comply with this policy.