



Lakeview Health Services, Inc.
Compliance Plan

Lakeview Health Services, Inc. Compliance Officer

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Updated 02/21/2025.



COMPLIANCE PLAN

I. The Purpose of the Compliance Plan and Program.

Lakeview Health Services, Inc. (“Lakeview”)¹ has adopted a Compliance Program (the “Compliance Program”) to promote Lakeview’s compliance with all applicable laws, regulations, and ethical standards. Lakeview’s Compliance Program is described in this Compliance Plan (the “Compliance Plan”).² This Compliance Plan provides guidance to all persons who are affected by Lakeview’s Compliance Risk Areas (as defined herein), including Lakeview’s employees, contractors, and Board of Directors (“Board”) members³ on how to conduct themselves when working for Lakeview. The goals of our Compliance Program are to:

1. Prevent fraud, waste, abuse, and other improper, illegal or unethical conduct;⁴
2. Detect any improper, illegal or unethical conduct at an early stage before it creates a substantial risk of liability for Lakeview; and
3. Respond swiftly to compliance problems through investigation, disciplinary, and corrective action.

All Lakeview employees, contractors, and Board members have a personal obligation to assist in making the Compliance Program successful. Employees, contractors, and Board members are expected to:

1. Familiarize themselves with this Compliance Plan;
2. Review and understand the key compliance policies governing their particular functions and responsibilities;

¹ “Lakeview” includes its affiliates Lakeview Community Resources, Inc., Blue Cut Housing Development Fund Corporation, and Blue Cut II Housing Development Fund Company, Inc.

² The “Compliance Plan” is this document that provides an overview of Lakeview’s Compliance Program. The Compliance Program is Lakeview’s implementation of the Compliance Plan and includes all of Lakeview’s compliance activities.

³ In this Compliance Plan, “employees, contractors, and Board members” includes Lakeview’s employees, the Chief Executive Officer (“CEO”), senior administrators, managers, contractors, agents, subcontractors, independent contractors, Board members, and corporate officers who are affected by Lakeview’s Compliance Risk Areas, as defined herein.

⁴ Note that personnel issues are not compliance issues unless an employee believes that they have been intimidated or retaliated against for reporting a compliance issue in which case they should contact the Compliance Officer. Other personnel issues should be reported to the Director of Human Resources.

3. Report any fraud, waste, abuse, or other improper, illegal or unethical conduct by using the methods described in this Compliance Plan;
4. Cooperate in any Organization audits and investigations; and
5. Carry out their responsibilities in a manner that demonstrates a commitment to honesty, integrity, and compliance with the law.

The Compliance Plan and Compliance Program are reviewed at least annually to address new compliance challenges and maximize the use of Lakeview’s resources, and to determine whether:

1. The Compliance Plan, Compliance Program, and Standards of Conduct have been implemented;
2. Employees, contractors, and Board members are following the policies, procedures, and Standards of Conduct;
3. The policies, procedures, and Standards of Conduct are effective; and
4. Any updates are required.

Employees, contractors, and Board members are encouraged to provide input on how the Compliance Program might be improved.

II. The Elements of the Program.

The Compliance Program is based on the compliance laws and regulations, as well as guidance from Federal and State governmental entities that Lakeview is required to comply with.⁵ The key elements of the Compliance Program, which are discussed in greater detail in the sections referenced below, are as follows:

1. General Responsibilities (Section III);
2. Standards of Conduct and Key Policies and Procedures (Section IV);
3. Compliance Officer and Committee (Section V);
4. Compliance Training (Section VI);
5. Reporting Compliance Issues (Section VII);
6. Internal Investigations (Section VIII);
7. Corrective Action (Section IX);
8. Disciplinary Measures (Section X);
9. Non-Retaliation and Non-Intimidation (Section XI);

⁵ This includes Section 363-d of the New York Social Services Law, Part 521 of Title 18 of the New York State Codes, Rules and Regulations, and guidance issued by the New York State Office of Medicaid Inspector General (“OMIG”) and the United States Department of Health and Human Services Office of Inspector General (“OIG”).

10. Government Audits and Investigations (Section XII);
11. Risk Identification and Audits (Section XIII);
12. Conflict of Interest (Section XIV); and
13. Laws Regarding the Prevention of Fraud, Waste, and Abuse (Section XV).

III. General Responsibilities.

Lakeview recognizes that operating in an ethical and legal manner is not only an obligation of Lakeview, but is an obligation of each individual providing services on its behalf. The following responsibilities apply to employees, contractors, and Board members respectively:

A. Responsibilities of Employees.

1. Duty to Know And Comply With Applicable Requirements.

Employees are obligated to know the following information, to the extent it is applicable to the employee's daily responsibilities:

- a. Medicaid, Medicare, and other payer and service delivery requirements;
- b. The prohibitions against fraud, waste, abuse, and improper conduct;
- c. Lakeview's Compliance Risk Areas, as defined herein; and
- d. Lakeview's Compliance Program.

Employees are also required to comply with Lakeview's *Exclusion Screening Policy*. Employees, including the Compliance Officer and senior administrators, are obligated to attend periodic training related to their job responsibilities.

2. Duty to Report.

Employees are obligated to report instances of actual or possible fraud, waste, abuse, and other improper, illegal or unethical conduct to one of the following below. Employees can find more information on the duty to report in Lakeview's *Duty to Report Policy* and *Fraud Prevention Policy*.

- a. Lakeview's Compliance Hotline at 1-877-767-1900 (anonymous);
- b. Lakeview's Compliance Officer at 315-789-0550 ext. 2126;
- c. The employee's supervisor or any supervisor or director;
- d. Any member of the Compliance Committee; or
- e. In writing to 600 W. Washington Street, Geneva, New York 14456 (anonymous or otherwise).

Employees are encouraged to first report their concerns directly to Lakeview to allow Lakeview the opportunity to quickly address potential problems.

Employees shall cooperate in internal and external audits or investigations regarding possible fraud, waste, abuse, or other improper, illegal, or unethical conduct.

2. Duty to Respond.

Employees are obligated to respond appropriately to reports of actual or possible fraud, waste, abuse, or other improper, illegal or unethical conduct that are reported to them by other employees, contractors, and Board members. Such response should follow the procedures set forth in Sections VIII and IX of the Compliance Plan relating to investigating and responding to actual or suspected noncompliance.

3. Duty to Promote Organizational Compliance.

Employees shall promote their commitment to compliance with Medicaid, Medicare, and other payer and service delivery requirements, and prohibitions against fraud, waste, and abuse and other improper, illegal or unethical conduct. Employees shall cooperate with and assist the Compliance Officer in the performance of their responsibilities.

B. Responsibilities of Contractors.

1. Duty to Know and Comply With Applicable Requirements.

Contractors are obligated to know the following information, to the extent it is applicable to the service(s) they provide to Lakeview:

- a. Medicaid, Medicare, and other payer and service delivery requirements;
- b. The prohibitions against fraud, waste, abuse, and other improper, illegal and unethical conduct;
- c. Lakeview's Compliance Risk Areas, as defined herein; and
- d. Lakeview's Compliance Program.

Contractors are also required to comply with Lakeview's *Vendor Relations Policy*, *Exclusion Screening Policy*, and *Fraud Prevention Policy*.

2. Duty to Report.

Contractors shall report instances of actual or possible fraud, waste, abuse, and other improper, illegal or unethical conduct to the following below. Contractors can find more information in Lakeview's *Duty to Report Policy*.

- a. Lakeview's Compliance Hotline at 1-877-767-1900 (anonymous);
- b. Lakeview's Compliance Officer at 315-789-0550 ext. 2126;
- c. Any member of the Compliance Committee; or

- d. In writing to 600 W. Washington Street, Geneva, New York 14456 (anonymous or otherwise).

C. Responsibilities of Board Members.

1. Duty to Know and Comply With Applicable Requirements.

All Board members must attend annual compliance training and review and certify adherence to Lakeview's Compliance Plan. Board members are obligated to know the following information:

- a. The prohibitions against fraud, waste, abuse, and other improper, illegal or unethical conduct;
- b. Lakeview's Compliance Risk Areas, as defined herein; and
- c. Lakeview's Compliance Program.

2. Duty to Report.

Board members shall report instances of actual or possible fraud, waste, abuse, and other improper, illegal or unethical conduct in the following ways identified below. Board members can find more information in Lakeview's *Duty to Report Policy* and *Fraud Prevention Policy*.

- a. Lakeview's Compliance Hotline at 1-877-767-1900 (anonymous);
- b. Lakeview's Compliance Officer at 315-789-0550 ext. 2126;
- c. Any member of the Compliance Committee;
- d. Lakeview's CEO; or
- e. In writing to 600 W. Washington Street, Geneva, New York 14456 (anonymous or otherwise).

3. Duty to Promote Organizational Compliance.

Board members shall promote and demonstrate their commitment to Lakeview's Compliance Program. Board members are responsible for overseeing the development, implementation, operation, and evaluation of the Compliance Program. The Board shall periodically receive updates and reports from the Compliance Officer on compliance-related initiatives and activities.

4. Duty to Respond.

Board Members are obligated to respond appropriately to reports or other indications of actual or possible fraud, waste, abuse, or other improper, illegal or unethical conduct. Such response should include ensuring that Lakeview follows the procedures set forth in Sections VIII and IX of the Compliance Plan relating to investigating and appropriately responding to reports of fraud, waste, abuse, or other improper, illegal or unethical conduct.

Board Members are obligated to cooperate in any internal or external audits or investigations by duly authorized internal or external auditors or investigators regarding possible fraud, waste, abuse, or other improper, illegal or unethical conduct.

IV. Standards of Conduct and Key Policies and Procedures.

A. Standards of Conduct.

These Standards of Conduct set forth the basic principles that guide Lakeview's decisions and actions. The Standards of Conduct are not intended to address every potential compliance issue that may arise in the course of Lakeview's business. All employees, contractors, and Board members are expected to familiarize themselves with the Code of Conduct and comply with it in carrying out their duties.

1. Comply With Applicable Laws.

All employees, contractors, and Board members must be aware of and comply with all laws and regulations applicable to their functions.

2. Conduct Affairs in Accordance With High Ethical Standards.

All employees, contractors, and Board members shall conduct themselves in accordance with high ethical standards of the community and their respective professions.

3. Conflicts of Interest.

All employees, contractors, and Board members must faithfully conduct their duties solely for the purpose, benefit, and interest of Lakeview and those individuals it serves. All employees, contractors and Board members have a duty to avoid conflicts with the interests of Lakeview and may not use their positions and affiliations with Lakeview for personal benefit. Employees, contractors, and Board members must avoid not only actual conflicts of interest but also the appearance of conflicts of interest.

4. Provide High Quality of Care.

All employees and contractors are expected to provide high quality services and Board members shall support this standard of care. The care provided must be reasonable and necessary to the care of each individual and must be provided by properly qualified individuals.

5. Provide Equal Opportunity For All Service Recipients.

Lakeview is committed to providing services for persons without regard to age, creed, disability, domestic violence victim status, gender identity or expression, familial status, marital status, military status, national origin, predisposing genetic characteristic(s), pregnancy-related condition, prior arrest or conviction record, race, color, sex, sexual orientation, human research subject, or source of payment. All employees, contractors, and Board members shall treat all individuals receiving services with respect and dignity. Discrimination in any form will not be tolerated.

6. Confidentiality.

Employees, contractors, and Board members have access to a variety of sensitive and proprietary information of Lakeview, the confidentiality of which must be protected. All such persons must ensure that confidential and proprietary information is properly maintained in accordance with laws, regulations, policies, and procedures, and that no confidential and proprietary information is disclosed without proper authorization or a legal basis.

7. Integrity with Payer Sources.

Employees and contractors shall ensure that all requests for payment for services are reasonable, necessary, and appropriate, issued by properly qualified persons, and billed in the correct amount with appropriate supporting documentation.

8. Honesty and Integrity.

Employees, contractors, and Board members must be honest and truthful in all of their dealings. They must avoid doing anything that is, or might be, against the law.

9. Dignity and Respect.

Employees, contractors, and Board members shall respect and value each other, the diversity of Lakeview's workforce, and the individuals they serve.

B. Key Policies and Procedures.

The development and distribution of policies and procedures are essential components of an effective compliance program. All employees, contractors, and Board members are required to review and carry out their duties in accordance with the policies applicable to their functions and responsibilities. Lakeview's Compliance Program policies and procedures include:

1. Duty to Report Policy;
2. Non-Retaliation and Non-Intimidation Policy;
3. Compliance Training Policy;
4. Compliance Investigations Policy;
5. Disciplinary Policy;
6. Vendor Relations Policy;
7. Auditing and Monitoring Policy;
8. Employee and Contractor Screening Policy;
9. Fraud Prevention Policy;
10. Conflict of Interest Policy; and
11. Whistleblower Policy.

V. Compliance Officer and Compliance Committee.

A. Compliance Officer.

The Compliance Officer is responsible for overseeing the implementation of the Compliance Program, and for carrying out the Compliance Program's day-to-day activities. The Compliance Officer's duties include, but are not limited to, the following:

1. Overseeing and monitoring the adoption, implementation, and maintenance of the Compliance Plan and Compliance Program;
2. Evaluating the effectiveness of the Compliance Plan and Compliance Program;
3. Reviewing and updating the Compliance Plan and Compliance Program policies and procedures, and developing new compliance policies and procedures as needed;
4. Overseeing operation of the Compliance Hotline;
5. Evaluating, investigating, and independently acting on compliance-related questions, concerns, and complaints, including designing and coordinating internal investigations, and documenting, reporting, coordinating, and pursuing any resulting corrective action, including self-disclosure if appropriate;
6. Ensuring proper reporting of violations to duly authorized regulatory agencies as appropriate or required;
7. Working with the Managing Director of Talent & Organizational Development and others as appropriate to develop the compliance training program described in Section VI of the Compliance Plan, below;
8. Establishing and maintaining open lines of communication with members of the Compliance Committee, Lakeview's employees, managers, Board members, downstream and related entities, programs, and departments to ensure effective and efficient compliance policies and procedures; and distributing information on the Compliance Program to contractors;
9. Conducting and facilitating internal audits to evaluate compliance and assess internal controls;
10. Responding to government audits and investigations and other inquiries;
11. Distributing compliance responsibilities throughout Lakeview;
12. Developing an annual work plan that outlines Lakeview's proposed strategies for meeting the applicable statutory and regulatory requirements for the coming year, including internal audits, with the assistance of program supervisors and the Compliance Committee;
13. Assisting Lakeview in establishing methods to improve its efficiency, quality of services, and reducing its vulnerability to fraud, waste, and abuse;

14. Ensuring the Human Resources Department is screening prospective current employees, contractors, and Board members; and
15. Maintaining appropriate Compliance Program documentation.

The Compliance Officer reports directly to, and is accountable to, the CEO or another senior manager designated by the CEO for reporting purposes. Lakeview will ensure that the Compliance Officer is allocated sufficient staff and resources to satisfactorily perform their responsibilities for the day-to-day operation of the Compliance Program based on Lakeview's Compliance Risk Areas and organizational experience,⁶ and that the Compliance Officer and appropriate personnel have access to all records, documents, information, facilities, and employees, contractors, and Board members that are relevant to carrying out their Compliance Program responsibilities.

The Compliance Officer will report directly to the Board, CEO, and Compliance Committee on the progress of adopting, implementing, and maintaining the Compliance Program on a regular basis, and no less frequently than quarterly. In addition, the Compliance Officer shall prepare a written report to the Board annually describing the compliance efforts undertaken during the preceding year and identifying any changes necessary to improve the Compliance Program.

In the event of suspected or actual improper conduct on the part of the CEO, the Compliance Officer is required to report such conduct directly to the Board of Directors.

B. Compliance Committee.

Lakeview has a Compliance Committee which is responsible for coordinating with the Compliance Officer to ensure that Lakeview is conducting its business in an ethical and responsible manner, consistent with its Compliance Program.

The Compliance Officer shall be a member of the Compliance Committee and serve as the Chair of the Committee. The CEO shall appoint additional members to the Compliance Committee with representatives from finance, human resources, clinical, information technology, operations, and any other department to ensure the Compliance Committee has the expertise to handle compliance issues. These additional members shall, at a minimum, be comprised of senior managers. The Compliance Committee meets at least quarterly, and the duties, responsibilities, and members of the Compliance Committee are reviewed at least annually.

The Compliance Committee reports directly, and is accountable to, Lakeview's CEO and Board. The Compliance Committee's functions include, but are not limited to, the following:

⁶ As used in this Compliance plan, "organizational experience" means Lakeview's: (1) knowledge, skill, practice, and understanding in operating its Compliance Program; (2) identification of any issues or risk areas in the course of its internal monitoring and auditing activities; (3) experience, knowledge, skill, practice, and understanding of its participation in the Medicaid Program and the results of any audits, investigations, or reviews it has been the subject of; or (4) awareness of any issues it should have reasonably become aware of for its categories of service.

1. Receiving regular reports from the Compliance Officer on the implementation of the Compliance Program;
2. Identifying Compliance Risk Areas, as defined herein;
3. Assisting with the development of and approving the annual work plan carried out under the Compliance Program;
4. Coordinating with the Compliance Officer to ensure that written policies, procedures, and the Standards of Conduct are current, accurate, and complete;
5. Approving the compliance training program provided to all employees, contractors, and Board members and re-evaluating as appropriate;
6. Coordinating with the Compliance Officer to ensure that all compliance training program requirements are timely completed;
7. Receiving reports from the Compliance Officer of investigations of actual or suspected fraud, waste, abuse, or other improper, illegal or unethical conduct and any corrective action taken as a result of such investigations;
8. Coordinating with the Compliance Officer to ensure communication and cooperation by employees, contractors, and Board members on compliance-related issues, internal or external audits, or any other Compliance Program-related functions or activities;
9. Recommending and approving any changes to the Compliance Plan, Compliance Program, and compliance policies; and
10. Developing and evaluating strategies to promote compliance and detection of fraud, waste, abuse, or other improper, illegal or unethical conduct.

C. Board of Directors.

The Board of Directors has ultimate authority for governance of Lakeview, including oversight of Lakeview's Compliance Program. The Board will receive reports on the operation of the Compliance Program directly from the Compliance Officer at least quarterly. The Compliance Officer has the right to bring matters directly to the Board at any time.

VI. Compliance Training.

The Compliance Officer and all employees, contractors, and Board members are required to receive Compliance Program training upon hiring and no less frequently than annually thereafter. Training and education will be provided in a form and format that is accessible and understandable to all employees, contractors, and Board members, consistent with Federal and State language and other access laws, rules, or policies.

Every employee, including the Compliance Officer and senior administrators, must attend the basic compliance training session offered by Lakeview within thirty (30) days of the commencement of employment and a refresher training session annually thereafter. Training will be scheduled by the Managing Director of Talent & Organizational Development and/or their

designee as part of their responsibility to oversee general orientation for new employees and annual refresher training. The basic compliance training session shall cover the key elements of the Compliance Program.

Employees may also be required to participate in targeted compliance training sessions recommended by the Compliance Officer or Program Managers. Targeted training is designed to focus on the specific compliance issues associated with an employee's functions. After all compliance trainings, employees must acknowledge in writing that they have received training and agree to fulfill their obligations under the Compliance Plan and policies.

Board members must attend a compliance training session within sixty (60) days of the commencement of their term and an annual training session thereafter. After all compliance trainings, Board members must acknowledge in writing that they have received training and agree to fulfill their obligations under the Compliance Plan and policies.

Contractors must participate in compliance training either prior to contracting with Lakeview or within thirty (30) days of contracting with Lakeview. Such training may consist of Lakeview providing the contractor with Lakeview's ***Fraud Prevention Policy*** and a copy of the Compliance Plan or a link to access the Compliance Plan.

All individuals and entities required to receive training must be afforded an opportunity to ask questions and receive responses to such questions. Additional information on compliance training can be found in Lakeview's ***Compliance Training Policy***.

VII. Reporting Compliance Problems.

A. Reporting Options

In accordance with its ***Duty to Report Policy***, Lakeview maintains open lines of communication for the reporting of actual or suspected improper, illegal or unethical conduct. Employees, contractors, and Board members shall promptly report any such conduct of which they become aware in any one of the following ways:

1. Filing a report through the Compliance Hotline at 1-877-767-1900 (anonymous);
2. Notifying the Compliance Officer at 315-789-0550 ext. 2126;
3. Notifying a supervisor or director;
4. Notifying any member of the Compliance Committee; or
5. In writing to 600 W. Washington Street, Geneva, New York 14456 (anonymous or otherwise).

These lines of communication will be publicized by Lakeview, and will be made available to all employees, contractors, Board members, and service recipients who are Medicaid Program beneficiaries. Employees, contractors, and Board members may also use these reporting methods

to ask compliance-related questions and communicate directly with Lakeview's Compliance Officer.

B. Compliance Hotline.

The Compliance Hotline may be accessed by dialing 1-877-767-1900 to report a complaint. Employees, contractors, and Board members have the option of reporting a complaint on the Compliance Hotline anonymously. The Compliance Officer is responsible for reviewing all Compliance Hotline reports and assessing whether they warrant further investigation.

Employees should understand that the Compliance Hotline is designed solely for the good faith reporting of fraud, waste, abuse, and other compliance problems; it is not intended for complaints relating to the terms and conditions of an employee's employment. Any such complaints should be directed to the employee's supervisor or Director of Human Resources. However, if an employee believes that they were retaliated against or intimidated for reporting a compliance concern, the employee's complaint may be reported on the Compliance Hotline or to the employee's supervisor or Director of Human Resources. However, if the employee reports retaliation or intimidation on the Compliance Hotline, the employee will have to disclose their identity in order for the Compliance Officer to be able to investigate the matter.

C. Confidentiality.

Lakeview will ensure that the confidentiality of persons reporting compliance issues is maintained unless the matter is subject to a disciplinary proceeding, referred to, or under investigation by the New York State Attorney General's Medicaid Fraud Control Unit ("MFCU"), OMIG, or law enforcement, or disclosure is required during a legal proceeding. All persons reporting compliance issues will be protected from non-intimidation and non-retaliation pursuant to Lakeview's *Non-Retaliation and Non-Intimidation Policy*.

VIII. Internal Investigations.

All reports of fraud, waste, abuse, or other improper, illegal or unethical conduct, as well as any potential compliance problems identified in the course of internal auditing and monitoring, shall be promptly investigated and evaluated by the Compliance Officer to determine what, if any, corrective action is required and to likewise promptly implement such corrective actions, as set forth in **Section IX**. Where appropriate, Lakeview will retain outside experts, auditors, or counsel to assist with the investigation. If the Compliance Officer determines it is in the best interests of Lakeview, the Compliance Officer shall arrange for legal counsel to conduct and/or supervise the investigation under the attorney-client privilege.

In accordance with Lakeview's *Compliance Investigations Policy*, employees, contractors, and Board members are required to cooperate fully in all audits and investigations. Although individuals have a right not to incriminate themselves, any employee who fails to provide such cooperation will be subject to termination of employment. Any Board member who fails to provide such cooperation will be subject to sanctions in accordance with Lakeview's Bylaws. Any contractor who fails to provide such cooperation will be subject to termination of contract or the relationship.

Investigations shall consist of interviews and document reviews as necessary. The investigation of the compliance issue will be documented, including any alleged violations, a description of the investigation process, and copies of interview notes and any other documents essential for demonstrating that a thorough investigation of the issue was completed. Any disciplinary action taken and the corrective action implemented will also be documented.

All investigations will conclude with a written report of findings and recommendations for corrective action to correct the problem and prevent future occurrence. The written report may be subject to the attorney-client privilege if it is prepared by Lakeview's outside legal counsel. The Compliance Officer and/or legal counsel shall present the written report or a summary thereof to the Compliance Committee and CEO. The Compliance Officer shall oversee the corrective action to ensure it is completed. The Compliance Officer shall update the Compliance Committee on the status of internal investigations and corrective action.

The Compliance Officer shall work with the CEO and outside advisors to determine whether the conduct that is the subject of the investigation should be disclosed to governmental agencies and/or payers. If the Compliance Officer credibly believes or credible evidence is identified that a State or Federal law, rule, or regulation has been violated, Lakeview will promptly report the violation to the appropriate governmental entity. The Compliance Officer shall receive copies of any reports submitted to governmental entities.

IX. Corrective Action.

Lakeview is committed to taking prompt and thorough corrective action to address any fraud, waste, abuse, or other improper, illegal or unethical conduct identified through internal audits, investigations, reports by employees, or other means.

The Compliance Officer, in consultation with the CEO, is responsible for reviewing and approving all corrective action plans. However, the Compliance Officer is authorized to recommend corrective action directly to the Board of Directors if the Compliance Officer believes, in good faith, that the CEO is not promptly acting upon such a recommendation or acting in Lakeview's best interests. In cases involving clear fraud or illegality, the Compliance Officer also has the authority to order interim measures, such as a suspension of billing, while a recommendation of corrective action is pending. Corrective action may include, but is not limited to, any of the following steps:

1. Modifying Lakeview's existing policies, procedures, and/or business practices;
2. Providing additional training or other guidance to employees, contractors, or Board members;
3. Seeking interpretive guidance of laws and regulations from government agencies and/or legal counsel;
4. Disciplining employees, terminating contractors, and sanctioning Board members as described more fully in Section X of the Compliance Plan, below;

5. Notifying government agencies of improper conduct by employees, contractors, Board members, or others; and/or
6. Facilitating the reporting and returning of overpayments or other funds to which Lakeview is not entitled to the appropriate government agency or payer, including through the OMIG's voluntary self-disclosure program, if applicable.

X. Disciplinary Measures.

Lakeview shall have disciplinary policies in effect to address violations of its compliance standards and to encourage good faith participation in the Compliance Program, including Lakeview's ***Disciplinary Policy***. Lakeview's disciplinary standards are enforced fairly and consistently, and the same disciplinary actions apply to all levels of personnel.

Employees, contractors, and Board members are subject to disciplinary action in accordance with Lakeview's ***Disciplinary Policy*** if the employee, contractor, or Board member:

1. Engages in, encourages, directs, facilitates, or permits improper, illegal, or unethical conduct;
2. Fails to report actual or suspected improper, illegal, or unethical conduct; or
3. Violates Lakeview's Compliance Plan or a Lakeview policy designed to detect or prevent improper, illegal, or unethical conduct.

The Compliance Officer will promptly notify the Managing Director of Human Resources of any improper, illegal, or unethical conduct of an employee that may warrant discipline. The Director of Human Resources, in consultation with appropriate officer, will be responsible for determining the appropriate discipline for employees, in accordance with Lakeview's standard employment policies.

Contractor sanctions shall range from written admonition, financial penalties (if applicable), and in the most extreme cases, termination of the contractor's relationship with Lakeview. The Compliance Officer shall make a recommendation to the CEO with respect to such sanctions.

Board member sanctions can range from written admonition to, in the most extreme cases, removal from the Board of Directors, in accordance with Lakeview's Bylaws and policies, as well as applicable laws and regulations. The Compliance Officer shall make a recommendation to the Board of Directors with respect to such sanctions.

The Compliance Officer will ensure that the written policies and procedures for taking disciplinary actions are published and disseminated to all employees, contractors, and Board members, and are incorporated into Lakeview's training plan, as set forth in its ***Compliance Training Policy***.

XI. Non-Retaliation and Non-Intimidation.

In accordance with the Lakeview's *Non-Retaliation and Non-Intimidation Policy*, Lakeview prohibits intimidation and retaliation for good faith participation in the Compliance Program, including for reporting or threatening to report potential issues, investigating issues, and reporting to appropriate officials. No employee, contractor, or Board member who files a report of, or threatens to report, actual or suspected fraud, waste, abuse, or other improper, illegal, or unethical conduct based on a reasonable belief will be subject to retaliation or intimidation by Lakeview in any form.

With respect to employees, prohibited retaliation and intimidation includes, but is not limited to, terminating, suspending, demoting, failing to consider for promotion, harassing, reducing the compensation of any employee, or adversely changing working conditions due to the employee's intended or actual filing of a report. Employees, contractors, and Board members should immediately report any perceived retaliation or intimidation to the Compliance Officer. However, if an employee has participated in a violation of law and/or Lakeview policy, Lakeview has the right to take appropriate action against them. While Lakeview requires its employees to report such concerns directly to Lakeview, certain laws provide that individuals may also bring their concerns to the government.

XII. Government Audits and Investigations.

A. Contact By Government Officials

Employees, contractors, and Board members are required to cooperate fully in all government audits and investigations. If contacted by governmental investigators or auditors, all employees are expected to request the following information:

1. The name, agency, business telephone number, and address of all investigators or auditors;
2. The reason for the contact; and
3. If the contact is in person, the investigators' or auditors' business cards.

Employees shall direct the investigators or auditors to the Compliance Officer, or in their absence, the CEO. If neither are available, the employee shall contact the Chief Financial Officer and/or Chief Programs Officer.

B. Subpoenas and Document Requests.

Employees may receive subpoenas and other written or verbal requests for documents from government agencies. Subpoenas that are outside the normal course of Lakeview's business and written or verbal requests for documents from government agencies must immediately be forwarded to the Compliance Officer, or in their absence, the CEO. The Compliance Officer or CEO, in conjunction with Lakeview's legal counsel, will evaluate the subpoena or written request, and if appropriate, coordinate the production of documents to the government agency. It is Lakeview's policy to respond only to written requests for documents, and to cooperate with all appropriate written requests for documents from government agencies.

C. Prohibition on Altering or Destroying Records.

Employees, contractors, and Board members are strictly prohibited from altering, removing, destroying, or otherwise making inaccessible any paper or electronic documents, records, or information relating to the subject matter of any government subpoena, information request, or search warrant during the course of an audit or investigation. This prohibition shall override any record destruction that would otherwise be carried out under Lakeview's ordinary record retention and destruction policies. Employees, contractors, and Board members are also barred from directing or encouraging another person to alter, remove, destroy, or otherwise making inaccessible any such paper or electronic documents, records, or information.

D. Request For Interviews.

If an employee, contractor, or Board member receives a request from a government official to provide an interview in the course of a government audit or investigation, the individual should immediately contact the Compliance Officer, or in their absence, the CEO. The Compliance Officer or CEO will, as appropriate, seek advice from legal counsel. If the request is deemed to be appropriate, the Compliance Officer or legal counsel will coordinate and schedule all interview requests with the relevant government agency.

Employees, contractors, and Board members are required to reasonably cooperate with government officials, including providing them with timely access to facilities and records upon reasonable notice, and being truthful and complete in their communications. Although individuals have the right not to incriminate themselves, any failure by an employee to provide cooperation or follow the requirements set forth in this Compliance Plan will be subject to disciplinary action including termination of employment. Any Board member who fails to provide such cooperation will be subject to sanctions, in accordance with Lakeview's Bylaws and policies, as well as applicable laws and regulations. Any contractor who fails to provide such cooperation will be subject to termination of its contract.

XIII. Risk Identification and Audits.

Lakeview seeks to identify compliance issues at an early stage before they develop into significant legal problems by establishing a system for routine identification and evaluation of compliance risk areas. Additional information on risk identification and internal auditing can be found in Lakeview's *Auditing and Monitoring Policy*.

A. Identification of Key Risk Areas.

Key risk areas include, but are not limited to, the following⁷:

1. Billing for individuals not actually served by Lakeview;

⁷ These risk areas include the ten (10) areas identified in 18 NYCRR § 521-1.3(d), including: (1) billings; (2) payments; (3) ordered services; (4) medical necessity; (5) quality of care; (6) governance; (7) mandatory reporting; (8) credentialing; (9) contractor, subcontractor, agent, or independent contractor oversight; and (10) other risk areas that are or should reasonably be identified by Lakeview through its organizational experience.

2. Billing for services rendered to individuals that are not properly documented;
3. Billing the same service twice;
4. Billing at a rate in excess of the rate permitted under the applicable program;
5. Billing for services that are knowingly also being billed to the government by another health care provider;
6. Failing to properly coordinate an individual's benefits among Medicare, Medicaid, and other third party payers;
7. Submitting cost reports that are inaccurate or incomplete;
8. Ordering unnecessary or excessive services;
9. Failing to properly document the provision of ordered services;
10. Providing medically unnecessary services;
11. Failing to properly credential licensed health care professionals;
12. Employing an excluded individual or company or billing for services provided by an excluded individual or company;
13. Failing to properly oversee contractors, subcontractors, agents, and independent contractors; and
14. Ensuring compliance with applicable mandatory reporting obligations.

Additional risk areas can be identified by reviewing external audits performed by governmental agencies, payers, and credentialing bodies. Risk areas may also be identified by reviewing of the annual work plans and other resources from OMIG, OIG, and other regulatory agencies.

B. Performance of Compliance Audits and Effectiveness Reviews.

Lakeview's Compliance Officer, in conjunction with the Compliance Committee, will develop internal monitoring and audits and, as appropriate, external audits, to evaluate the organization's compliance with the requirements of the Medicaid Program ("Compliance Audits") and the overall effectiveness of Lakeview's Compliance Program ("Effectiveness Reviews"), and develop a schedule of audits for the upcoming year.

The Compliance Audits will cover aspects of Lakeview's operations that pose a heightened risk of non-compliance, and will focus on Lakeview's Compliance Risk Areas. Ongoing Compliance Audits will be performed by internal or external auditors who have expertise in State and Federal Medicaid Program requirements and applicable laws, rules, and regulations, or who have expertise in the subject area of the audit. The results of all internal or external audits, or audits conducted by the State or Federal government, shall be reviewed for Risk Areas that can be included in updates to the Compliance Program or work plan. The design, implementation, and results of any Compliance Audit shall be documented, and the results shared with the Compliance Committee and Board of Directors. Any overpayments identified in any Compliance Audit shall be reported, returned and explained in accordance with applicable laws and regulations and

Lakeview shall promptly take corrective action as described in **Section IX** to prevent recurrence. If requested by the Program Director, the Compliance Officer will work with the appropriate Program Director to implement any corrective action and said Program Director shall report to the Compliance Officer when implementation is completed.

Lakeview will also review the effectiveness of its Compliance Program, including a determination as to whether any revision or corrective action is required, on at least an annual basis through its Effectiveness Review. This Effectiveness Review may be carried out by the Compliance Officer, Compliance Committee, external auditors, or other staff designated by Lakeview, provided, however, that such staff have the necessary knowledge and expertise to evaluate the effectiveness of the components of the Compliance Program they are reviewing and are independent from the functions being reviewed. The reviews should include on-site visits, interviews with affected individuals, review of records, surveys, or any other comparable method deemed appropriate, provided that such method does not compromise the independence or integrity of the review. The Compliance Officer, or their appropriate designee, shall document the design, implementation, and results of any Effectiveness Review, and the results shall be presented to the Compliance Committee, CEO and other senior management, and Board of Directors, and any recommended corrective action shall be implemented.

Lakeview may contract with outside companies to perform certain auditing functions. The Compliance Officer will oversee the services provided by outside companies. If the Compliance Officer determines it is in the best interests of Lakeview, the Compliance Officer shall arrange for legal counsel to conduct and/or supervise the audit under the attorney-client privilege.

All employees, Board members, and contractors are required to participate in and cooperate with Compliance Audits and Effectiveness Reviews as requested by the Compliance Officer. This includes assisting in the production of documents, explaining program operations or rules to auditors, and implementing any corrective action as described in **Section IX** to prevent recurrence.

XIV. Conflict of Interest Policies.

Lakeview seeks to protect its interests when it is considering a transaction with a Board member, employee, key person, or officer that might also benefit the personal interests of those individuals. Lakeview's *Conflict of Interest Policy* describes such conflicts and disclosure of conflicts in detail. Board members and officers owe a fiduciary duty of loyalty to Lakeview and must disclose any actual or potential conflicts of interest to Lakeview promptly upon learning of such conflict and on an annual basis.

XV. Laws Regarding the Prevention of Fraud, Waste, and Abuse.

A. Federal Laws.

1. Civil and Criminal False Claims Act.

Any person who knowingly and/or willfully submits a false claim for payment to the Federal government shall be subject to civil or criminal penalties, including imprisonment, repayment, civil monetary penalties per claim, treble damages, and exclusion from participating in Medicare and Medicaid. Examples of prohibited conduct include billing for services not

rendered, upcoding claims, double billing, misrepresenting services that were rendered, falsely certifying that services were medically necessary, making false statements to the government, failing to comply with conditions of payment, and failing to refund overpayments made by a Federal health care program. Individuals may be entitled to bring an action under this Act and share in a percentage of any recovery. However, if the action has no merit and/or is for the purpose of harassing Lakeview, the individual may have to pay Lakeview for its legal fees and costs.

2. Anti-Kickback Law.

Individuals/entities shall not knowingly offer, pay, solicit, or receive remuneration to induce referrals for items paid for by Medicare, Medicaid, or another Federal health care program unless the transaction fits within a safe harbor. This applies to any form of remuneration to induce or reward referrals for Federal health care program business (money, free or discounted items or services, overpayments or underpayments, waivers of copays or deductibles, low interest loans or subsidies, or business opportunities that are not commercially reasonable). Criminal or civil penalties include imprisonment, fines, treble damages, and exclusion from participating in Medicare and/or Medicaid.

3. Ethics in Patient Referrals Act (“Stark Law”).

Physicians⁸ (including psychologists) or their family members who have an ownership or compensation relationship with an entity that provides “designated health services” shall not refer a patient in need of designated health services for which payment may be made under Medicare or Medicaid to such entities unless that ownership or compensation arrangement is structured to fit within a regulatory exception. Penalties include repayment of Medicare or Medicaid reimbursement and civil penalties.

4. Civil Monetary Penalties Law.

Individuals are prohibited from specified conduct including: submitting false or fraudulent claims or misrepresenting facts, kickbacks, offering inducements to Medicare/Medicaid beneficiaries, offering inducements to physicians to limit services, submitting claims for services ordered by, or contracting with, an excluded entity, failing to report and repay an overpayment, and failing to grant government officials timely access. Penalties include fines, treble damages, denial of payment repayment of amounts improperly paid, and exclusion from participating in the Medicare and/or Medicaid programs.

B. New York State Laws.

New York has laws that are similar to the Federal laws listed above. These include the New York False Claims Act, False Statements Law, Anti-Kickback Law, Self Referral Prohibition Law, Health Care and Insurance Fraud Penal Law, and anti-fee-splitting law. Individuals may be entitled to bring an action under the New York False Claims Act and share in a percentage of any

⁸ Physicians include medical doctors, doctors of osteopathy, psychologists, oral surgeons, dentists, podiatrists, optometrists, and chiropractors.

recovery. However, if the action has no merit and/or is for the purpose of harassing Lakeview, the individual may have to pay Lakeview for its legal fees and costs.

C. Whistleblower Protections.

1. Federal Whistleblower Protection.

An employee who is discharged, demoted, suspended, threatened, harassed, or discriminated against because of the employee's lawful acts conducted in furtherance of a False Claims Act action may bring an action against the employer. However, if the employee's action has no basis in law or fact or is primarily for harassment, the employee may have to pay Lakeview its fees and costs.

2. New York State Whistleblower Protection.

Employees who, in good faith, report a false claim are protected against discharge, demotion, suspension, threats, harassment, and other discrimination by their employer. Remedies include reinstatement, two (2) times back pay plus interest, and litigation costs and attorneys' fees.

3. New York State Labor Laws.

An employee is protected from retaliation or intimidation by an employer if the employee discloses or threatens to disclose an activity, policy, or practice of the employer that the employee reasonably believes is in violation of any law, rule, or regulation or reasonably believes poses a substantial and specific danger to the public health or safety, to a supervisor or public body. An employee is also protected from retaliation or intimidation by an employer if the employee provides information to, or testifies before, any public body conducting an investigation, hearing, or inquiry into any such activity, policy, or practice, or who objects to, or refuses to participate in, any such activity, policy, or practice. The employee's disclosure or threat of disclosure is only protected if the employee has made a good faith effort to notify the employer by bringing the activity, policy, or practice to the attention of a supervisor and has afforded the employer a reasonable opportunity to correct the activity, policy, or practice.

XVI. Summary.

In summary, Lakeview has adopted this Compliance Plan with the goal of carrying out its activities in accordance with law and high ethical standards. The effectiveness of the Compliance Program depends on the active participation of all employees, contractors, and Board members in preventing, detecting, and appropriately responding to actual or suspected fraud, waste, abuse, or other improper conduct. Working together, we can make Lakeview a model of excellence and integrity in our community.