
Attachment "B"

*Corporate Compliance Fact Sheet:
What You Should Know*

Child & Family Services of Erie County ("the Agency") is providing a summary of the relevant federal and state laws for your reference. Please review this information carefully and contact the Agency's Compliance Officer by any of the means referenced below if you have any questions about your legal responsibilities. As part of the federal Deficit Reduction Act, the Agency's Board members, employees, volunteers, independent contractors, and agents (collectively, "Agency Personnel") are to comply with:

1. The federal False Claims Act;
2. The New York State False Claims Act;
3. Federal and state Medicaid regulations;
4. All of the Agency's compliance policies, procedures, and standards.

Agency personnel, including but not limited to independent contractors, must comply with all relevant federal and state laws and regulations, including laws and regulations relating to billing, documentation, and coding practices. Agency personnel must also comply with all applicable Agency policies, procedures, and standards of conduct relating to billing, documentation, and coding practices.

Violations of any laws, regulations, and/or Agency policies and procedures referenced herein are expressly prohibited and may result in the immediate termination of any contract or agreement with an independent contractor.

PLEASE REVIEW THIS INFORMATION CAREFULLY: Questions about the Agency's compliance program or compliance with any federal or state law or regulation should be directed to the Compliance Officer by any of the means referenced below.

WHO DOES THIS APPLY TO?

This policy applies to all Agency Personnel, including but not limited to independent contractors, who provide services to or on behalf of the Agency, performs billing or coding functions, or are involved in monitoring health care provided by the Agency.

WHAT IS THE REQUIRED ACTION?

Agency Personnel **MUST ALWAYS** report concerns about known or suspected wrongdoing or violations of laws, regulations, or policies. If you know of or reasonably believe that the Agency or any of its employees, Board members, volunteers, independent contractors, and/or agents may be involved in any activity prohibited by the laws or policies referenced herein, you are required to report this information **immediately** using any one of the following established Agency reporting procedures noted below.

HOW CAN YOU CONTACT THE COMPLIANCE OFFICER?

The Agency's Compliance Officer is Laura Yager, and she can be contacted through any of the following means:

- (1) Direct communication in person at 3901 Genesee St. Cheektowaga, NY or by telephone at (716) 335-7037;
- (2) Email at lyager@cfsbny.org (please note that this is not an anonymous form of communication);
- (3) Calling the 24 hour hotline (716) 852-1360 (the hotline is accessible only by the compliance officer and does not have caller-i.d service); and
- (4) Sending a written communication to the compliance officer (can be done anonymously).

Pursuant to the Agency's Whistleblower Policy, retaliation for good faith reporting is expressly prohibited.

SUMMARY OF THE LAW

FALSE CLAIMS PROHIBITIONS, PENALTIES, AND PROTECTIONS

I. Federal False Claims Act ("FCA")

Originally enacted in 1863, the current FCA was passed in Congress in 1982 and was amended in 1986. It is designed to enhance the government's ability to identify and recover losses it suffers due to fraud.

A. What is prohibited?

billing for services that were not provided, billing for services without proper

documentation, and/or billing at a higher rate or code than warranted by the documentation.

The FCA is enforced by filing and prosecution of a civil complaint in court. Under the FCA, civil actions must be brought within 6 years of a violation, or, if brought by the government, within 3 years of the date when material facts are known or should have been known by the government, but in no event more than 10 years after the date on which the violation was committed.

B. What are the penalties?

Individuals or companies found to have violated the statute are liable for civil and criminal penalties plus additional damages.

C. What are the protections?

The FCA authorizes private citizens to file a lawsuit (known as a “*qui tam*” or whistleblower action) in the name of the United States. The suit is commenced by filing a civil complaint in federal court under seal and providing all material evidence of the fraudulent conduct. Whistleblowers who file a meritorious action may be eligible for certain monetary awards, attorneys’ fees, and costs.

However, individuals found to have brought a frivolous whistleblower action can be held liable to a defendant for its attorneys’ fees and costs.

Whistleblowers are also offered certain protections against retaliation for bringing an action under the FCA. Personnel who are discharged, demoted, harassed, or otherwise confront retaliation are entitled to all relief necessary to make them whole.

Bad faith whistleblowing activity will be grounds for corrective action and/or termination of relationship to the Agency, including but not limited to the termination of employment or the termination of all existing contracts.

II. New York State False Claims Act (“NYFCA”)

the State, including Medicaid. Like the federal FCA, the NYFCA includes whistleblower provisions that allow enforcement through whistleblower actions and protects whistleblowers from retaliation.