

## **IHANY INTEGRITY AND COMPLIANCE PLAN**

**Effective: September 21, 2015**

### **I. Introduction**

Innovative Health Alliance of New York, LLC (IHANY) was formed as an Accountable Care Organization ("ACO") to participate in the Medicare Shared Savings Program ("MSSP"). The Centers for Medicare and Medicaid Services ("CMS") established the MSSP to facilitate coordination and cooperation among providers to improve the quality of care for Medicare Fee-For-Service beneficiaries while reducing inefficiencies and unnecessary costs.

CMS regulations require MSSP ACO's to have a compliance plan that meets certain minimum elements as specified in §425.300 Compliance Plan of the MSSP regulations. This document summarizes the structure and core elements of IHANY's Compliance Plan that address each MSSP regulation.

### **II. Policy Statement**

IHANY is committed to conducting its affairs in accordance with the highest ethical standards and in full compliance with all applicable federal and state laws and regulations. To this end, IHANY will establish and operate an effective Integrity and Compliance Program designed to detect, correct and prevent incidences of non-compliance with applicable federal and state statutes, regulations, and rules, including, but not limited to, incidences of fraud, waste, and abuse relating to the MSSP and federal health care programs.

### **III. Integrity and Compliance Program Elements**

#### **1. Designated Integrity and Compliance Official (§425.300(a)(1))**

- a. IHANY will designate a Compliance Officer with responsibility for oversight and operation of the IHANY Compliance Program.
- b. The Compliance Officer will report directly to the IHANY Board of Directors on the operations of the Compliance Program, including the nature and status of any material compliance issues or other matters identified affecting IHANY.
- c. The Compliance Officer will not serve as legal counsel to the ACO.
- d. The Compliance Officer may serve in a similar role for a Participant organization provided the individual meets the requirements of 1b. and 1c. above.

## **2. Participant Compliance (§425.208 (2)(b))**

- a. IHANY will contractually require its employees, contractors, providers/suppliers and any other individuals or entities performing functions or services related to IHANY activities (hereinafter referred to as "Participants") to comply with the requirements of the Integrity and Compliance Program described herein.
- b. IHANY and its Participants will comply with all applicable federal and state laws, regulations and rules, CMS instructions and guidance, including but not limited to: (a) federal criminal law; (b) the False Claims Act (31 USC 3729); (c) the anti-kickback statute (42 USC 1320a-7b(b)); (d) the civil monetary penalties law (42 USC 1320a-7a); (e) the physician self-referral law (42 USC 1395nn); (f) the MSSP regulations (42 CFR Part 425); and (g) all requirements specified in IHANY's MSSP Agreement with CMS (collectively, "Requirements").
- c. Most providers participating in the Medicare program are required by law to maintain a compliance program as a condition of enrollment in federal health care programs. Accordingly, each Participant provider organization, if required by law, will maintain a compliance program to detect, correct and prevent incidents of non-compliance with Requirements as applicable to the activities of the Participant. Such compliance program will be appropriate to the Participant provider organization's size and scope of operations and consistent with existing compliance program regulations and guidance issued by federal agencies.

## **3. Identification, Monitoring and Remediation of Compliance Issues (§425.300(a)(2))**

- a. IHANY will establish procedures to monitor and review all bulletins, transmittals and other publications issued by CMS and its contractors relevant to IHANY and its participation in the MSSP and will implement changes in systems, policies and procedures, as required, to maintain IHANY's compliance with laws, regulations and guidance applicable to its operations.
- b. IHANY will conduct a risk assessment at least annually that considers IHANY's operation and performance in accordance with legal and regulatory requirements for participation in the MSSP, results of internal or external audits and reviews, matters identified through the Integrity and Compliance Hotline or other reporting systems, and other relevant factors.

- c. IHANY will conduct periodic audits and reviews to assess specific risk areas related to IHANY's operations and performance, including compliance with MSSP requirements and areas identified through the annual risk assessment process. IHANY may conduct such audits independently or in conjunction with ACO Participants, and may rely upon applicable compliance reviews conducted by ACO Participants. IHANY Participants are required to fully cooperate in the performance of such audits, including providing requested information in a timely manner.
- d. IHANY's Compliance Officer may initiate audits or investigations in response to various compliance matters reported through the Integrity and Compliance Hotline or other reporting systems. The results of audits will be communicated to appropriate IHANY personnel and corrective actions based on audit findings will be monitored for timely implementation.
- e. IHANY and Participants will not knowingly hire, employ, contract, or otherwise do business with any individual or entity excluded, debarred, or ineligible to participate in federal or state health care programs. IHANY and each Participant organization are responsible for ensuring that all IHANY personnel are screened against the Health and Human Services Office of Inspector General (OIG) List of Excluded Individuals and Entities (LEIE) and the U.S. General Services Administration System for Award Management (SAM) prior to hire and monthly thereafter.
- f. IHANY Participants are expected to adhere to the Integrity and Compliance Program requirements and all laws, regulations and IHANY policies applicable to participation in the MSSP. If, after an appropriate investigation is conducted, it is determined that applicable laws, regulations or IHANY policies have been violated, the Integrity and Compliance Officer shall inform IHANY senior management and the IHANY Board of Directors, as appropriate. Appropriate discipline, remedial processes and penalties, up to and including termination of participation in IHANY, will be taken.
- g. Responsibility for the oversight and monitoring of IHANY's operations rests with IHANY Board of Directors. The results of compliance risk assessment and auditing and monitoring activities will periodically be reported to IHANY Board of Directors.

#### 4. Reporting of Compliance Issues (§425.300(a)(3))

- a. All IHANY Participants are required to report in good faith any actual or suspected actions or concerns that involve the IHANY's participation in the MSSP, including violations or suspected violations of law, regulation or IHANY policies. Such matters may include, but are not limited to:
  - i. IHANY operations and performance-related activities;
  - ii. Beneficiary privacy, security and use of CMS claims data;
  - iii. Beneficiary services reduction and limitations;
  - iv. Conflicts of interest;
  - v. Criminal violations; and
  - vi. Violations of fraud and abuse laws and regulations.
  
- b. Participants may choose one or more of the following methods for reporting:
  - i. Participant Organization Management: Participants are encouraged, but are not required, to report compliance matters directly to their supervisor or to other management of their organization or to their organization's compliance officer. Participant organizations are required to notify the IHANY Integrity and Compliance Officer of any compliance issues reported to the Participant organization that relate to the activities or operations of IHANY.
  
  - ii. IHANY Compliance Officer: Participants may at any time report compliance matters directly to the IHANY Integrity and Compliance Officer at [suskoc@ellismedicine.org](mailto:suskoc@ellismedicine.org) or (518) 243-4404.
  
  - iii. IHANY Compliance Hotline: Participants may report compliance matters to the IHANY Compliance Officer using the following:
    - i. Calling the Compliance Hotline at 855-375-6527. The Compliance Hotline is staffed 24 hours a day, seven days a week by an outside organization.
  
    - ii. Filling an online report at [www.allianceforbetterhealthcare.com](http://www.allianceforbetterhealthcare.com).
  
- b. Individuals filing a report using either the telephone or the online reporting systems will have the option to remain anonymous if they so choose.
  
- c. The identity of the individual filing the report and the information provided will be treated confidentially throughout the process of investigation to the extent possible under applicable law and as necessary for a full investigation of the matters reported.

- d. IHANY strictly prohibits retaliation against any individual reporting an issue in good faith. Individuals who believe they have been retaliated for reporting a matter are encouraged to report their concern using one of the available options listed previously. All cases of alleged retaliation will be promptly investigated.
- e. Information concerning the availability of the Compliance Hotline and other methods for reporting issues and concerns will be regularly publicized by IHANY through posters, website, training materials and other communications.
- f. The IHANY Compliance Officer will maintain documentation of all reports received and will periodically furnish a summary of such reports to the IHANY Board of Directors.

**5. Compliance Training (§425.300 (a)(4))**

- a. This Compliance Plan will be provided to or otherwise made accessible to all IHANY Participants.
- b. IHANY and Participants will ensure that all personnel receive compliance training at the time of employment or engagement by IHANY or a Participant organization and at least annually thereafter.
- c. Compliance training will emphasize the IHANY commitment to compliance with all legal and regulatory requirements and IHANY policies and procedures. The Integrity and Compliance Officer will ensure IHANY maintains documentation of compliance training provided to IHANY employees and to Participant organizations.
- d. The compliance training may be provided by IHANY or by a Participant organization. The training will focus on the requirements of the IHANY Compliance Program, and applicable federal and state laws, regulations, and rules, including training on compliance issues specific to IHANY operations and its participation in the MSSP.
- e. Targeted compliance training will be also provided, where appropriate, to address specific compliance needs as may be identified through the collection and analysis of quality data and measures, compliance risk assessments, quality and compliance reviews, and legal and regulatory changes.

**6. External Reporting of Compliance Issues (§425.300 (a)(5))**

- a. Upon discovery, from any source, of credible evidence of misconduct related to IHANY's operations and performance under the MSSP and, after reasonable inquiry and investigation, it is determined that the misconduct represents a probable violation of

law, IHANY will promptly report the probable violation to the appropriate law enforcement agency.

#### **IV. Plan Amendments**

The Compliance Officer will review and update the Compliance Program as necessary to reflect changes in applicable laws, regulations, guidance, and IHANY's operations. Any substantive changes to the Compliance Program will be approved by the IHANY's Board of Directors or a Committee of the Board.

Approved by IHANY Board of Directors 9/21/15