

MaineHealth Accountable Care Organization

Policy # 02	Effective Date: 10/24/14	Revised Date: 5/14/2018; 10/18/2019; 10/6/2020; 11/2/2021; 11/23/21
Title: Compliance Plan	Owner: Compliance Official	
Reviewed & approved by: MaineHealth ACO Board		Date: 6/29/2018

POLICY

It is the policy of the MaineHealth Accountable Care Organization (MaineHealth ACO) to comply with all applicable state and federal laws. The MaineHealth ACO will develop and operate an effective Compliance Program to achieve compliance with state and federal laws. The MaineHealth ACO's Compliance Program will include the following components:

- 1) Designation of a Compliance Official and Committee;
- 2) Development of a Code of Conduct, Conflict of Interest and other written policies and procedures to achieve compliance with specific laws;
- 3) Hiring, Employment & Contracting Screening;
- 4) Development of effective education and training program;
- 5) Development of open lines of communication;
- 6) Development and implementation of auditing and monitoring;
- 7) Disciplinary Enforcement; and
- 8) Mechanisms for Responding to Detected Problems

PROCEDURE

These procedures have been developed to fit the needs and resources of the MaineHealth ACO.

1. Designation of the Compliance Roles and Responsibilities

- A. Compliance Official
 - a. The Compliance Official will have primary responsibility and accountability for the MaineHealth ACO's Compliance Program.
 - b. The Compliance Official, in conjunction with the Compliance Committee, will identify specific risk areas, develop and implement policies and procedures to address risk areas, monitor compliance, investigate concerns, and take corrective action as appropriate.

- c. The Compliance Official will report directly to the President/CEO and the Board of Directors (“Board”) on a regular basis, not less than twice a year and report the activities and status of the compliance program, including issues identified, investigated and resolved by the compliance program
- B. Privacy Official
 - a. The Privacy Official will have primary responsibility for ensuring the MaineHealth ACO’s compliance with the HIPAA Privacy Rule and other applicable confidentiality laws.
 - b. The Privacy Official will identify specific risk areas, develop and implement policies and procedures to address risk areas, monitor compliance, investigate concern, and other conduct corrective action as appropriate.
 - c. The Privacy Official will report to the Compliance Committee on a regular basis, not less than quarterly.
- C. Compliance Committee
 - a. The MaineHealth ACO’s Compliance Committee is an interdepartmental Committee responsible for assisting the Compliance Official in developing and operating an effective Compliance Program.
 - c. The Compliance Official will be the Chair of the Compliance Committee.
 - d. The Committee will conduct the following activities:
 - i. Identify specific risk areas;
 - ii. Develop a work plan with specific time frames for addressing identified risk areas;
 - iii. Develop and implement policies and procedures according to job function to achieve compliance with specific laws;
 - iv. Develop and implement audits and controls to monitor practices;
 - v. Develop a reporting and concern investigation procedure;
 - vi. Set standards for education and training;
 - vii. Establish and operate a “helpline” for individuals to report compliance issues and violations;
 - viii. Conduct periodic reviews of the Compliance Program for effectiveness; and
 - ix. Revise Compliance Program elements as needed to increase effectiveness.

2. Development of Compliance Standards, Policies and Procedures

- A. The Compliance Official in conjunction with the Compliance Committee and MHACO Board of Directors has adopted the MaineHealth Code of Conduct that applies to all of its employees, physicians, agents and corporate officials.
- B. The MaineHealth Compliance Official will conduct an annual review and bring to the MaineHealth Board of Directors the MaineHealth Code of Conduct and other MaineHealth compliance policies, as applicable, to review and approve any substantive changes.
- C. In conjunction with the Compliance Committee, the Compliance Official will develop and implement policies and procedures that will apply to different job functions in the organization to achieve compliance with applicable laws and contractual requirements.

- D. The MHACO Compliance Official with the Compliance Committee will periodically review the MaineHealth ACO Compliance and Privacy policies and incorporate changes in applicable laws, regulations and other requirements as needed.
- E. MaineHealth and MaineHealth ACO policies are available to workforce members through the MaineHealth MCN Policy Manager Application icon available on network desktops or at <https://mainehealth.ellucid.com/>.

3. Education and Training

- A. The MaineHealth ACO will require new employees to complete initial compliance, code of conduct, privacy and security training within 30 days and ongoing annual compliance training of employees, independent contractors, physicians, and other agents.
- B. The Compliance Committee will supervise the compliance education and training of employees.
- C. Compliance Training Content will include:
 - a. Compliance with Federal, State regulations and MaineHealth/MHACO policies and procedures
 - b. Fraud, Waste and Abuse
 - c. Employees role and reporting obligations
 - d. Reporting suspected non-compliance issues or concerns
 - e. MaineHealth Code of Ethical Conduct

4. Communication

- A. Investigation of Concerns
 - a. Concern Reporting
 - i. For purposes of the MaineHealth ACO's Compliance Program, a concern may be presented by telephone, in writing, or in person, to the Compliance Official, a Leadership Team Member, or the MaineHealth Compliance HelpLine available 24/7 @ 207-662-4646 or MaineHealthCorporateCompliance@MaineHealth.org.
 - ii. The MaineHealth ACO will attempt to maintain the confidentiality of concerns, but cannot guarantee such confidentiality.
 - b. Concern Investigation
 - i. All concerns will be acted upon promptly and investigated as appropriate, but no later than 2 weeks after the date the potential noncompliance or potential FWA incident was identified
 - ii. Depending on the type of concern, the Compliance Official may involve other departments in the investigation.
 - iii. The complainant will receive notice of the results of the investigation at the end of the investigation as appropriate.
 - iv. Investigation procedures will be fully documented and auditable.

5. Audit and Monitoring

- A. Quality Improvement
 - a. The Compliance Committee will implement effective audits and controls to achieve compliance with specific laws and the MaineHealth ACO risk areas.
 - b. The Compliance Committee will conduct baseline audits, new employee audits, periodic audits and concern audits as appropriate to achieve compliance.

6. Discipline and Enforcement

- A. The MaineHealth ACO's Corporate Officials, Board of Directors, employees, and agents are required to comply with applicable federal and state laws, the Code of Conduct, and the MaineHealth ACO's policies and procedures.
- B. The MaineHealth ACO will consider employees' adherence to compliance policies and procedures as a factor in evaluations.
- C. The MaineHealth ACO will make every effort to employ individuals who comply with all applicable laws. Accordingly, the MaineHealth ACO will:
 - a. Conduct appropriate reference checks as part of every employment application;
 - b. Require applicants to disclose violation of any federal and/or state fraud and abuse laws;
 - c. Conduct periodic reviews of State and Office of Inspector General (OIG) -generated lists of sanctioned and excluded individuals;
 - d. Prohibit employment of or entering into a contract with an individual who has been excluded from a state or federal health care program; and
 - e. Terminate the employment of individuals facing criminal charges related to health care or proposed exclusion or ineligibility from a state or federal health care program pending an outcome on the matter.
- D. The MaineHealth ACO will take appropriate disciplinary action against an individual who fails to comply with applicable law, compliance training requirements, the Code of Conduct, or the MaineHealth ACO's policies and procedures.
- E. The MaineHealth ACO will require employees, physicians, Directors, and Corporate Officials to assist in the administration and enforcement of the Compliance Program. Employees, physicians, Board of Directors, and Corporate Officials who know or have reason to know of violations of the applicable law are required to report such violation as set forth in this policy. Failure to report such violations are subject to MaineHealth Human Resources Standards of Conduct and or Corrective Action Policy.
- F. The MaineHealth ACO will ensure that the MaineHealth ACO's employees, members, Directors, and agents who make good faith reports of past or present compliance violations are not subject to retaliation. The MaineHealth ACO personnel who engage in retaliatory action will be subject to discipline.

7. Response and Correction

- A. As a part of its Compliance Program, the MaineHealth ACO will respond appropriately to compliance violations and attempt to prevent further similar offenses.

- B. The MaineHealth ACO's response will include "self-reporting" and reporting of others addressing improper or illegal activities in appropriate circumstances after thorough investigation.
- C. The MaineHealth ACO will report any compliance concerns to the appropriate entity including, but not limited to, Office of Inspector General (OIG), Department of Justice (DOJ) Centers for Medicare and Medicaid (CMS), National Benefit Integrity Medicare Drug Integrity Contractor (NBI MEDIC) and Medicare Advantage Plans as appropriate after investigation concludes there is a valid concern or violation.

Administrative Approval:



06/29/2018

Signature **Jennifer Moore**
Chief Operating Officer
MaineHealth ACO Compliance Officer

Date