

AbleNet - Compliance Plan

AbleNet voluntarily implements a compliance program aimed at fraud, waste, and abuse prevention while at the same time advancing the mission of providing quality patient /customer care. Our compliance efforts are aimed at prevention, detection, and resolution of variances.

The eight elements of AbleNet's Compliance Plan are:

1. Commitment to Compliance
 - A. Standards of Conduct
 - B. Medical Necessity
 - C. Billing
 - D. Reliance on Standing Orders
 - E. Compliance with Applicable HHS Fraud Alerts
 - F. Marketing
 - G. Anti-Kick Back/Inducements
 - H. Retention of Records/Documentation
2. Designation of a Compliance Officer/Committee
3. Conducting Training and Education Programs
4. Communication
5. Disciplinary Guidelines
6. Auditing and Monitoring
7. Corrective Action
8. Response to Special Agent's Visit for the Purpose of Investigating Allegations of Fraud and Abuse

1. Commitment to Compliance

A. Standards of Conduct

AbleNet promotes adherence to the Compliance Program as a major element in the performance evaluation of all staff members.

AbleNet employees are bound to comply, in all official acts and duties, with all applicable laws, rules, regulations, standards of conduct, including, but not limited to laws, rules, regulations, and directives of the federal government and the state of Minnesota, and rules policies and procedures of AbleNet. These current and future standards of conduct are incorporated by reference in this Compliance Plan.

If AbleNet desires, all candidates for employment may undergo a reasonable and prudent background investigation, including a reference check. Due care will be used in the recruitment and hiring process to prevent the appointment to positions with substantial discretionary authority, persons whose record (professional licensure, credentials, prior employment, any criminal record) gives reasonable cause to believe the individual has a propensity to fail to adhere to applicable standards of conduct.

All new employees will receive orientation and training in compliance policies and procedures. Participation in required training is a condition of employment. Failure to participate in required training may result in disciplinary actions, up to and including, termination of employment.

Every employee is asked to sign a statement certifying they have received, read, and understood the contents of the compliance plan.

Every employee will receive periodic training updates in compliance protocols as they relate to the employee's individual duties.

Non-compliance with the plan or violations will result in sanctioning of the involved employee(s) up to, and including, termination of employment.

B. Medical Necessity

AbleNet will take reasonable measures to ensure that only claims for services that are reasonable and necessary, given the patient's condition, are billed.

Documentation will support the determinations of medical necessity when providing services.

AbleNet is aware that Medicare will only pay for items meet the Medicare coverage criteria and are reasonable and necessary to treat or diagnose a patient.

Advanced Beneficiary Notices (ABN) are used when there is a likelihood that an ordered service will not be paid. The patient will be notified, in writing, of the likelihood that the service will not be paid before the service is provided. The ABN will only include those specific items that do not meet Medicare criteria for medical necessity. Patients will never be offered blank ABNs to sign.

C. Billing

All claims for services submitted to Medicare or other health benefits programs will correctly identify the services ordered. Only those items ordered by an authorized physician that meet Medicare's or the health benefits program's criteria will be billed.

Intentionally or knowingly upcoding (the selection of a code to maximize reimbursement when such code is not the most appropriate descriptor of the service offered) may result in immediate termination. AbleNet must provide documentation to support the HCPCS, and/or ICD-9-CM codes used based on medical findings and diagnoses.

D. Reliance on Standing Orders

Standing orders will not be accepted by AbleNet.

E. Compliance with Applicable HHS Fraud Alerts

The Compliance Office will review the Medicare Fraud Alerts. The Officer will terminate any conduct criticized by the Fraud Alert immediately, implement corrective actions, and take reasonable actions to ensure that future violations do not occur.

F. Marketing

AbleNet will promote only honest, straightforward, fully informative, and non-deceptive marketing.

G. Anti-Kickback/Inducements

AbleNet will not participate in nor condone the provision of inducements or receipt of kickbacks to gain business or influence referrals. (Physician name) will consider the patient's interests in offering referral for treatment, diagnostic, or service options. Any employee involved in promoting or accepting kickbacks or offering inducements may be terminated immediately.

H. Retention of Records/Documentation

AbleNet will ensure that all records required by federal and/or state law are created and maintained. All records will be maintained for a period of no less than seven years. Documentation of compliance efforts will include staff meeting minutes, memoranda concerning compliance protocols, problems identified and corrective actions taken, the results of any investigations, and documentation supportive of assessment findings, diagnoses, treatments, and plan of care.

2. DESIGNATION OF A COMPLIANCE COORDINATOR AND A COMPLIANCE COMMITTEE

AbleNet designates a compliance coordinator to serve as the leader of all compliance activities. A compliance committee is also in place to assist the compliance coordinator with all tasks as needed.

Compliance Coordinator:

The responsibilities of the compliance Coordinator and committee are:

- Overseeing and monitoring the implementation of the compliance program.
- Reporting monthly/quarterly to the company's responsible body on the progress of implementation and assisting the company in establishing methods to improve efficiency and quality of services and to reduce the vulnerability to allegations of fraud, waste, and abuse.
- Developing and distributing all written compliance policies and procedures to all affected employees.
- Periodically revising the program in light of changes in the needs of the organization and in the law; and changes in policies and procedures of government and private payer health plans.
- Developing, coordinating, and participating in a multifaceted educational and training program that focuses on the elements of the compliance program and seeks to ensure that all employees are knowledgeable of, and comply with, pertinent federal, state, and private payer standards.
- Ensuring that all employees are informed of compliance program standards with respect to coding, billing, documentation, and marketing, etc.

- Assisting in coordinating internal compliance review and monitoring activities, including annual or as needed reviews of policies.
- Independently investigating and acting on matters related to compliance, including the flexibility to design and coordinate internal investigations.
- Developing policies and programs that encourage managers and employees to report suspected fraud and other improprieties without fear of retaliation.

The compliance coordinator and committee have the authority to review all documents and other information relative to compliance activities, including, but not limited to, requisition forms, billing information, claims information, and records concerning marketing efforts and arrangements with clients.

3. CONDUCTING EFFECTIVE TRAINING AND EDUCATION

AbleNet requires all employees to attend specific training upon hire and on an annual and as needed thereafter. This will include training in federal and state statutes, regulations, program requirements, policies of private payers, and corporate ethics. The training will emphasize the company's commitment to compliance with these legal requirements and policies.

The training programs will include sessions highlighting the company's compliance program, summaries of fraud and abuse laws, discussions of coding requirements, claim development, claim submission processes, and marketing practices that reflect current legal and program standards.

The compliance officer will document the attendees, the subjects covered, and any materials distributed at the training sessions.

Basic training will include:

- Government and private payer reimbursement principles.
- General prohibitions on paying or receiving remuneration to induce referrals.
- Proper translation of narrative diagnoses.
- Only billing for services ordered, performed, and reported.
- Duty to report misconduct.

4. DEVELOPING EFFECTIVE LINES OF COMMUNICATION

AbleNet will establish a procedure so that employees may seek clarification from the compliance officer/committee in the event of any confusion or questions regarding a policy or procedure.

AbleNet will protect whistle-blowers from retaliation.

A suggestion box is available in the office so that employees may anonymously consult with the Compliance Officer with questions or report violations. An email will be used to communicate responses to anonymous inquiries or reports, as well as to communicate other information regarding compliance and compliance activities.

Any potential problem or questionable practice which is, or is reasonably likely to be, in violation of, or inconsistent with, federal or state laws, rules, regulations, or directives or AbleNet rules or policies relative to the

delivery of healthcare services, or the billing and collection of revenue derived from such services, and any associated requirements regarding documentation, coding, supervision, and other professional or business practices must be reported to the Compliance Officer.

Any person who has reason to believe that a potential problem or questionable practice is or may be in existence should report the circumstance to the Compliance Officer. Such reports may be made verbally or in writing, and may be made on an anonymous basis.

The Compliance Officer will promptly document and investigate reported matters that suggest substantial violations of policies, regulations, statutes, or program requirements to determine their veracity. The Compliance Officer will maintain a log of such reports, including the nature of the investigation and its results.

The Compliance Officer will work closely with legal counsel who can provide guidance regarding complex legal and management issues.

5. DISCIPLINARY GUIDELINES

All members of AbleNet will be held accountable for failing to comply with applicable standards, laws, and procedures. Supervisors and/or managers will be held accountable for the foreseeable compliance failures of their subordinates.

The supervisor or manager will be responsible for taking appropriate disciplinary actions in the event an employee fails to comply with applicable regulations or policies. The disciplinary process for violations of compliance programs will be administered according to practice protocols (generally oral warning, written warning, suspension without leave, leading to termination) depending upon the seriousness of the violation. The Compliance Officer, as well as legal counsel may be consulted in determining the seriousness of the violation. However, the Compliance Officer should never be involved in imposing discipline.

If the deviation occurred due to legitimate, explainable reasons, the compliance officer and supervisor/manager may want to limit disciplinary action or take no action. If the deviation occurred because of improper procedures, misunderstanding of rules, including systemic problems, AbleNet should take immediate actions to correct the problem.

When disciplinary action is warranted, it should be prompt and imposed according to written standards of disciplinary action.

Within 30 working days after receipt of an investigative report, the supervisor and/or Managing Director of AbleNet shall determine the action to be taken upon the matter. The action may include, without limitation, one or more of the following:

- 1) Dismissal of the matter.
- 2) Verbal counselling.
- 3) Issuing a warning, a letter of admonition, or a letter of reprimand.
- 4) Entering into and monitoring a corrective action plan. The corrective action plan may include requirements for
 - a. Individual or group remedial education and training, consultation, proctoring, and/or concurrent review.
- 5) Reduction, suspension, or revocation of clinical privileges.

- 6) Suspension or termination of employment.
- 7) Modification of assigned duties.
- 8) Reduction in the amount of salary compensation.

The Managing Director shall have the authority to, at any time, suspend summarily the involved provider's clinical privileges or to summarily impose consultation, concurrent review, proctoring, or other conditions or restrictions on the assigned clinical duties of the involved provider in order to reduce the substantial likelihood of violation of standards of conduct.

6. AUDITING AND MONITORING

The Compliance Officer will conduct on going evaluations of compliance processes involving thorough monitoring and regular reporting to the officers of AbleNet.

The Compliance Officer will develop audit tools designed to address the company's compliance with laws governing kickback arrangements, physician self-referral prohibition, CPT, HCPCS, and ICD-9-CM coding and billing, claim development and submission, reimbursement, marketing, reporting, and record-keeping. Internal audits will be conducted on a quarterly basis.

The audits will inquire into compliance with specific rules and policies that have been the focus of Medicare fiscal intermediaries or carriers as evidenced by the Medicare

Fraud Alerts, OIG audits, and evaluations and publicly announced law enforcement initiatives. Audits should also reflect areas of concern that are specific to AbleNet.

The Compliance Officer/Committee shall conduct exit interviews of personnel in order to solicit information concerning potential problems and questionable practices.

The Compliance Officer should be aware of patterns and trends in deviations identified by the audit that may indicate a systemic problem.

7. RESPONDING TO DETECTED OFFENSES AND DEVELOPING CORRECTIVE ACTION INITIATIVES

Violations of AbleNet's compliance program, failure to comply with applicable state or federal law, and other requirements of government and private health plans, and other types of misconduct may threaten the company's status as a reliable, honest, and trustworthy provider, capable of participating in federal healthcare programs. Detected, but uncorrected misconduct may seriously endanger the mission, reputation, and legal status of the company. Consequently, upon reports or reasonable indications of suspected noncompliance, the Compliance Officer must initiate an investigation to determine whether a material violation of applicable laws or requirements has occurred.

The steps in the internal investigation may include interviews and a review of relevant documentation. Records of the investigation should contain documentation of the alleged violation, a description of the investigative process, copies of interview notes and key documents, a log of witnesses interviewed and the documents reviewed, the results of the investigation and the corrective actions implemented.

If an investigation of an alleged violation is undertaken, and the Compliance Officer believes the integrity of the investigation may be hampered by the presence of employees under investigation, those employees should be

removed from their current work activities pending completion of that portion of the investigation. These employees will be temporarily suspended with pay pending the outcome of the investigation.

Additionally, the Compliance Officer must take appropriate steps to secure or prevent the destruction of documents or other evidence relevant to the investigation.

If the results of the internal investigation identify a problem, the response may be immediate referral to criminal and/or civil law enforcement authorities, development of a corrective action plan, a report to the government, and submission of any overpayments, if applicable. If potential fraud or violations of the False Claims Act are involved, the Compliance Officer should report the potential violation to the Office of the Inspector General or the Department of Justice.

When making a repayment for an overpayment, AbleNet should inform the payer of the following: (1) the refund is being made pursuant to a voluntary compliance program; (2) a description of the complete circumstances prompting the overpayment; (3) the methodology by which the overpayment was determined; (4) any claim-specific information used to determine the overpayment; and (5) the amount of the overpayment.

The Managing Director of AbleNet shall have the authority and responsibility to direct repayment to payers and the reporting of misconduct to enforcement authorities as is determined, in consultation with legal counsel, to be appropriate or required by applicable laws and rules.

If the Managing Director of AbleNet discovers credible evidence of misconduct and has reason to believe that the misconduct may violate criminal, civil, or administrative law, then the Compliance Officer will promptly report the matter to the appropriate government authority within a reasonable time frame, but not more than 60 days after determining that there is credible evidence of a violation.

Office of Inspector General Hotline: 1-800-HHS-TIPS (1-800-447-8477).

When reporting misconduct to the government, the compliance officer should provide all evidence relevant to the potential violation of applicable federal or state laws and the potential cost impact.

8. RESPONSE TO SPECIAL AGENTS VISIT FOR THE PURPOSE OF INVESTIGATING ALLEGATIONS OF FRAUD AND ABUSE

In the event special agents visit AbleNet for the purpose of investigating fraud and abuse allegations:

- Request a copy of the search warrant and the affidavit supporting it.
- Record names of all agents and agencies they represent.
- Ask the agent to secure the premises but to delay the search until counsel can be notified. If this request is refused, do not deny admission to the premises, which could be construed as obstruction of justice.
- Accompany the agents during the search.
- Record beginning and ending times of the search, items taken, areas searched, types of documents taken, photographs taken, questions asked or comments made, and requests made by agents.
- Identify and request copies of items essential to daily operation.
- If employees are interviewed, debrief them after the search.

This plan has attempted to provide the foundation for development of an effective and cost-efficient compliance program.

ICS 1 & 2 Maintaining a Clean, Safe, and Organized Work Environment

Policy

AbleNet ensures that it provides for the safety of staff, clients and visitors in all work sites, offices, locations and delivery vehicles (if applicable). AbleNet promotes safety and minimizes risks and hazards while complying with all regulations concerning a safe, clean and organized work environment. AbleNet routinely conducts safety inspections to identify hazards, and to ensure compliance with company safety practices in all workplace environments including office, warehouse, and storage areas.

The goals of this policy include, but are not limited to:

- Annually reduce employee incidents and injuries until incidents reach zero.
- Provide ongoing education to all employees in an effort to develop safe work habits and attitudes.
- Meet regularly as a safety committee to review any accidents and develop plans to reach our goal No.1.

Procedure

All office locations maintain working smoke detectors, smoke alarms and fire extinguishers in accordance with all local and state fire codes, as well as the National Fire Protection Agency (NFPA) and the Life Safety Code (LSC).

AbleNet performs a comprehensive safety review of all sites. Exit paths, lighting and posted escape routes are operable and posted through all locations. Fire extinguishers are placed in conspicuous areas and are well marked, easily accessible, are currently active and show the date of last inspection and expiration.

Smoking is prohibited in any area where oxygen is stored or being used, and is only permitted in designated smoking areas as determined in accordance with state and county laws and requirements.

Fire drills are conducted annually to assess the staff's ability to clear the area safely and swiftly. Reports of these drills are documented and any deficiencies identified create an action plan for correction. (See also 2.9 Disaster and Emergency)

AbleNet appoints a safety team, who is responsible for the monitoring and surveillance of all safety and infection control issues. The duties and responsibilities of the safety team include but are not limited to:

- Identifying hazards in the workplace.
- Ensuring there are posted exit strategies throughout the physical location, with clearly marked routes and exits.
- Maintaining working fire extinguishers and smoke detectors and that sprinklers (if present) are tested appropriately
- Conducting and documenting a fire drill, at least annually
- Maintaining adequate first aid supplies.
- Providing an eye wash station in areas where cleaning and disinfecting occur and when required by law and regulation.
- Ensuring that any hazardous waste is handled and disposed of properly.
- Keeping the workplace clean of clutter and ensuring that regular trash removal is consistent and thorough.
- Advising and monitoring the staff to ensure that any food items kept on company property are stored appropriately and away from contaminated areas and all patient or client products.
- Supervising and conducting all safety and infection control training and education
- Informing management of results or findings during inspections.

- Ensuring that identified items are corrected immediately, or, if that is not possible, ensuring that these items are part of an action plan that is created to correct the deficiencies.
- Reporting this information to appropriate Safety and Maintenance Committee members.
- Maintaining annual documentation of all drills held.

In addition to the above procedures, the following processes are also followed:

- Review past injuries quarterly for trends and cause of accidents.
- Develop an ongoing educational plan based on department and job responsibilities.
 - Each committee member will provide the training recommendations and the committee will finalize the communication plan.
- Put together an annual safety committee meeting calendar in an effort to review our goals, processes, employee educational plan, and make any necessary changes

In order to achieve the desired safety results, committee members, managers/ supervisors and employees must each take on defined responsibilities. The following responsibilities are guidelines and they are minimum requirements and should not restrict individual initiatives to further strengthen the injury prevention program.

Safety Committee Responsibilities:

1. Track and analyze accident and injury reports
2. Develop an educational plan commiserate with department and individual responsibilities.
3. Implement the educational plan.

Manager/Supervisor Responsibilities:

1. Ensure all incidents are reported to human resources.
2. Assist and ensure the implementation of the educational plan is executed.
3. Provide training to new employees.

Employee Responsibilities:

1. Report any incidents as they occur and provide any details if possible.
2. Follow manager/supervisor's educational plan recommendations.
3. Proactively report any potential hazards to supervisor/manager.
4. Review all safety information posted to the shared drive under *S:\Common\Safety Committee* and agree to his or her commitment to the information provided.

Work Standards and Rules

All employees are expected to be familiar with and abide by all the following rules. Our policy toward safety is not limited to these rules alone. All unsafe practices, whether listed here or not, will be addressed. Failure to comply with any safety rule will be cause for disciplinary action and can lead to reprimand or termination.

1. Always report any injuries or accidents or any potential hazards to Tech department or their manager immediately.
2. Know where first aid station is located. All injuries should be treated immediately.
3. Do not remove safety guards from any saw, machine or hand tool. Do not operate any saw, machine or hand tool without a safety guard.
4. Obey all warning tags and signs posted throughout the workplace or affixed to machinery or hand tools. Be careful when lifting or pushing heavy objects. Avoid unnecessary back injuries by following rules of common sense:
 - a. Use equipment to move heavy items whenever practical.
 - b. Use team lifting to share the load.
 - c. If an employee must lift a load alone, they will:
 - i. Know your limitations.

- II. Keep neutral curve in low back.
 - III. Keep head up.
 - IV. Lift with legs.
 - V. Bring load in close.
5. Know where a fire extinguisher is located and how to properly operate it. Do not play with fire extinguishers.
 6. Keep all areas neat, orderly and free from trash and debris.
 7. Check the condition of all personal protection equipment, machinery and extension cords daily. Never remove ground wires from electrical tools. Unless it is a part of your regular job, never attempt to make electrical repairs.
 8. Smoking is allowed only in designated areas. Completely extinguish all matches and butts.
 9. Possessing, using, selling or being under the influence of alcohol, marijuana, hallucinogens or any other drugs or controlled substances on company property at any time or when on company time away from the workplace is strictly prohibited and could result in immediate termination of employment.

**Statement of Understanding – AbleNet
Compliance Program Outline and
Workplace Accident and Injury
Reduction**

Employee Name _____ Position _____

I have received, read, and understand the Compliance Plan and Workplace Accident and Injury Reduction Plan provided to me by AbleNet.

Employee Signature: _____

Date: _____