

CORPORATE COMPLIANCE, ETHICS, & DEFICIT REDUCTION ACT TRAINING CODE OF PROFESSIONAL ETHICS

All Providers shall conduct their professional relationships in accordance with the following code of professional ethics:

1. Shall not discriminate against or refuse professional services to anyone on the basis of race, color, age, sex, religion, national affiliation, marital status, height, weight, arrest record, disability, medical condition or sexual orientation.
2. Shall regard as their primary objective the welfare of the individual or group served.
3. Shall not without proper credentials provide care, treatment or services that require a license, registration or certification under applicable law or regulation.
4. Shall not use professional relationships to further their own interests, shall remain sensitive to any potential conflict of interest, or appearance of conflict of interest, and shall discuss such situations with CMHCM.
5. Shall maintain responsibility for providing quality services, only so long as there is a clear benefit to the person, and shall assist with obtaining other needed services when their services are no longer appropriate.
6. Shall not provide services in the employee's home or families home.
7. Shall not engage in sexual relationships with persons they serve in a professional capacity and shall not engage in sexual relationships with the significant others of the persons they serve in a professional capacity.
8. Shall recognize and advocate for the rights afforded consumers of mental health services.
9. Shall respect the privacy of service consumers and hold in confidence all information obtained in the course of professional service, disclosing confidences only when mandated or permitted by law. This applies both during and after the CMHCM contractual relationship.
10. Shall display a professional attitude toward applicants, consumers, colleagues and any sensitive situations arising within CMHCM.
11. Shall respect the rights, findings, views and actions of colleagues, shall treat them with fairness, courtesy and good faith, and shall use appropriate channels to express judgment.
12. Shall be aware of their potential influence on consumers and shall not exploit their trust.
13. Shall not engage in nor condone any form of harassment or discrimination.
14. Shall accept the responsibility to help protect the community against unethical practice by any individual or organization engaged in mental health services.

15. Shall accurately represent themselves and CMHCM to the public, distinguishing clearly between statements and actions made as individuals or as representatives of CMHCM, and refraining from any public activity, which could harm CMHCM or its consumers.
16. Shall bill only for services actually provided using a detailed timesheet or invoice.
17. Shall not bill for goods and services that were never delivered or rendered.
18. Shall not submit false service records or samples in order to show better than actual performance.
19. Shall not falsify time sheets or other documents.
20. Shall not pre-date or post-date documents.
21. Shall document support services delivered.
22. Shall not forge a signature- signing for someone else even if they ask you to sign.
23. Shall not provide services before all mandatory trainings are complete.
24. Shall not perform inappropriate or unnecessary services that are not medically necessary or does not meet the definition of the service in the Medicaid Provider Manual.
25. Documenting one-on-one service for each consumer when multiple consumers were served at the same time.
26. Using the same medical documentation for multiple services/shifts (for example, copying the same documentation and using it other dates instead of writing a specific document for each time period)
27. Shall understand that violation of this Code of Ethics may be considered a material breach of contract and could result in provider agreement termination.

False Claims Act

The False Claims Act (FCA) is a Federal law that establishes criminal and civil liability when any covered person or entity improperly receives reimbursement from or avoids payment to the Federal government.

In particular, the Federal FCA prohibits:

- Knowingly presenting, or causing to be presented, a false or fraudulent claim for payment;
- Knowingly making, using or causing to be made or used, a false record or statement to get a false claim paid or approved;
- Conspiring to defraud by getting a false claim allowed or paid;
- Certifying recipient of property from an unauthorized officer of the government, and;
- Knowingly making, using or causing to be made or used a false record or statement to conceal, avoid or decrease an obligation to pay or transmit money or property to the government.

TIME PERIOD FOR A CLAIM TO BE BROUGHT

The statute of limitations for suits under the False Claims Act is the later of:

- a) Within six years of the illegal conduct, or
- b) Within three years after the Government knows or should have known about the illegal conduct, but in no event later than ten years after the illegal activity.

WHAT MONEY CAN BE RECOVERED

A person who brings a False Claims Act case is entitled to a proportional share of the funds that are recovered for the government. As a part of the process, the individual must provide the government with all of his or her information.

PROTECTIONS FOR PEOPLE WHO BRING FCA CASES

Anyone who lawfully acts to bring suit is protected from:

- a) Discharge, demotion, suspension, threats, harassment, and discrimination.
- b) If violated, an employee is entitled to reinstatement with seniority, double back pay, interest on back pay, compensation for discriminatory treatment, and attorney's fees.

MICHIGAN FALSE CLAIMS ACT

An Act to prohibit fraud in the obtaining of benefits or payments in connection with the medical assistance program; to prohibit kickbacks or bribes in connection with the program; to prohibit conspiracies in obtaining benefits or payments; to authorize the Attorney General to investigate alleged violations of this act;...to provide for civil actions to recover money received by reason of fraudulent conduct;...to prohibit retaliation; to provide for certain civil fines; and to prescribe remedies and penalties.

Any person may bring a civil action in the name of the State to recover losses.

At the time of filing, the person shall disclose, in writing, substantially all material evidence and information supporting the complaint.

The Attorney General may proceed, or if not, the individual may proceed with action.

If a person other than the Attorney General prevails in an action that the person initiates, the court shall award that person: Costs, reasonable attorney's fees, and based on effort, a percentage of monetary proceeds.

If the court finds an action under this section based primarily on information from other than the person bringing the action, the court shall award costs, reasonable attorney's fees, and not more than 10% of monetary recovery. If court finds that the person bringing the action planned, initiated, or participated in the conduct upon which the action is brought, then court may reduce or eliminate the share of proceeds.

A person other than the Attorney General shall not bring an action that is already the subject of a civil suit, criminal investigation, prosecution, or administrative investigation.

Frivolous Actions:

If a person proceeds with an action after the Attorney General declines, and the court finds it to be frivolous, the court shall award prevailing defendant actual and reasonable attorney's fees and expenses and impose a civil fine of not more than \$10,000.

No Retaliation:

An employer shall not discharge, demote, suspend, threaten, harass, or otherwise discriminate against an employee who initiates, assists, or participates in a proceeding or court action.

An employer who violates this is liable to the employee for all of the following:

- Reinstatement to position without loss of seniority
- 2x back pay
- Interest on back pay
- Compensatory damages
- Other relief as necessary to make employee whole

WHISTLEBLOWERS' PROTECTION ACT

An Act to provide protection to employees who report a violation or suspected violation of state, local or federal law; to provide protection to employees who participate in hearings, investigations, legislative inquiries, or court actions; and to prescribe remedies and penalties.

An employer shall not discharge, threaten or otherwise discriminate against an employee regarding compensation, terms, conditions, location, or privileges of employment because the employee reports or is about to report a violation.

A person who alleges a violation of this act may bring a civil action for appropriate injunctive relief, or actual damages, within 90 days after the occurrence of the alleged violation.

An employer is not required to compensate an employee for participation in an investigation, hearing or inquiry held by a public body in accordance with this Act.

WHAT SHOULD I DO IF I RECOGNIZE A PROBLEM EXISTS?

You play a critical role in upholding the public trust by bringing compliance and ethics questions, issues and suggestions for correcting them to the attention of the following appropriate person(s). If you

recognize a problem similar to those mentioned in this training, please inform any one of the following, as applicable:

CONTACT INFORMATION FOR SUSPECTED COMPLIANCE VIOLATIONS

Please report suspected compliance violations to the CMHCM Corporate Compliance Officer:

Bryan Krogman, Deputy Director for Administration
301 S. Crapo Street, Suite 100, Mt. Pleasant, MI 48858
989-772-5938
bkrogman@cmhcm.org

Reports can also be made to the Mid-State Health Network (MSHN) Compliance Officer:

Kim Zimmerman
530 W. Ionia Street, Suite F
Lansing, MI 48933
P: 517.253.7525 C: 616.648.0485
kim.zimmerman@midstatehealthnetwork.org

MSHN COMPLIANCE LINE 1-844-793-1288

Complaints can also be made to:
MDCH Medicaid Fraud Hotline: 1.855.MI.FRAUD (643.7283)
HHS/OIG Hotline: 1.800.HHS.TIPS (447.8477)

The complexity of our operations demands a constant vigilance on everyone's part to assure a strong future in mental health service delivery.

All employees are responsible for reporting suspected fraud and ethical violations, and should do so without fear of retaliation.

Concerns may be reported via email, can be verbal or on an anonymous basis through U.S. mail.

Thank YOU for your commitment to fiscal integrity and ethical practices to uphold the public trust and support quality service.

You have finished reviewing the Corporate Compliance, Ethics and Deficit Reduction Act training.

Remember, this course is **NOT complete** until you sign, date, and submit the form documenting completion.

I have read and understand the training on Corporate Compliance, Ethics & Deficit Reduction Act.

Signed: _____ Date: _____

Print Name: _____

My Employer is: _____