



COUNSELING ASSOCIATES

EMPLOYEE ETHICAL CODE OF CONDUCT

PURPOSE

The purpose of the overarching **Ethical Codes of Conduct** is to strengthen the ethical environment of CA by providing guidance on the principles, standards, and responsibilities of conduct of all employees and members of the CA workforce in the performance of their duties. These expectations are directly derived from CA's core values and business philosophies, which are:

- We believe that our clients are our highest priority. They are the reason CA exists.
- We believe in the preservation of human dignity, self-respect and client rights in a caring environment.
- We believe that services should be consumer-based, easily accessible and continually evaluated for improvement.
- We believe in the person-centered approach to care. The clients and families are encouraged to become involved in their loved one's treatment efforts.
- We believe that CA should be responsive to the mental health care needs of its communities and should direct its resources to meet those needs in a cost effective manner.
- We believe in advocating for clients in a manner that will reduce stigma and promote the elimination of discrimination through the education of the community and other stakeholders.
- We believe that CA should be a good corporate citizen of the community, maintaining communications with the various communities we serve and participating actively in community affairs, particularly related to behavioral health care.
- We believe that workforce members are entitled to work in an environment characterized by clear communication, teamwork and trust.

POLICY

The CA Ethical Codes of Conduct policy applies to all members of the CA workforce. *The CA workforce includes employees, physicians, students, and independent contractors.* These policies are intended to provide staff members with guidelines for conducting business in a manner that fulfills this commitment. It cannot anticipate all circumstances and situations that employees or staff may encounter. The exercise of good judgment is still expected. All workforce members shall be required to abide by the provisions of the Code of Ethics of their respective professions (e.g. psychiatry, psychology, social work, counseling, peer support and nursing). All clinical, administrative and support staff shall be committed to ethical standards no less stringent than those contained in this policy.

PROCEDURES

CA takes seriously the standards set forth in the Ethical Codes of Conduct. All staff members have a moral and ethical responsibility to immediately report to the appropriate supervisor any violations of the Code of Ethics. Violations of any Code of Ethics are subject to disciplinary action up to and including termination of employment. All supervisors must take responsibility for the prevention and detection of fraud, abuse or waste whether it is intentional or unintentional.

Supervisors are responsible for helping to control fraud/abuse by: (1) assessing the risk of fraud/abuse in their areas, (2) promoting employee awareness of ethical principles, (3) educating employees about fraud/abuse prevention and detection, and (4) facilitating the reporting of suspected fraud/abuse activities.

Internal Reporting Process/Access to the Chief Clinical Officer/Corporate Compliance Officer

The CEO, Chief Clinical Officer/Corporate Compliance Officer and Senior Management have established open lines of communication to all staff; CA espouses an open door management philosophy. *CA's Confidentiality and Non-Retaliation/Whistleblower Protection* policies will be accessible to all employees to encourage communication and the reporting of incidents of potential violations of CA's policies. CA has independent reporting methods for employees to report potential problems so that such reports cannot be passed over by supervisors or other personnel.

The Compliance Officer holds the responsibility to provide an outlet for personnel to seek clarification in the event of any confusion or question with regard to practice policies or procedures. Questions and answers will be documented, dated, and maintained in the compliance file. All members of the CA workforce have the responsibility to report suspected fraud. CA staff members may elect one of the following options to report:

- Immediately report concerns of suspected fraud to the direct supervisor.
- If the member of the staff is uncomfortable going to the direct supervisor, concerns of suspected fraud can be reported directly to a member of Senior Management.

Reports can be made in a variety of ways to protect anonymity: a written report may be sent to the Chief Clinical Officer/Corporate Compliance Officer in a sealed envelope. Reports may also be made via phone, text, or email:

Lee Koone, LCSW
Chief Clinical Officer/Corporate Compliance Officer
350 Salem Rd., Suite 9
Conway, AR. 72032
Cell: 501-208-2382
Fax: 501-327-4492
lkoone@Caiinc.org

All suspected reports of fraud or violations of ethical codes must be sent to the Chief Clinical Officer/Corporate Compliance Officer through either the employee or supervisor.

During the investigation, staff should cooperate fully with the CEO, Chief Clinical Officer/Corporate Compliance Officer and Board of Directors. Should any criminal activity be detected, that activity will immediately be:

- Stopped
- Disciplinary action shall be implemented
- Notify regulatory authorities if appropriate
- Undertake a program of education for staff to prevent similar problems.

Further information can be obtained in the *CA Corporate Compliance Policy and Prevention of Fraud and Misappropriation of Funds Policy*. In the event that fraud is suspected, the CEO and CCO will be notified. An internal audit will immediately be initiated and conducted under the direction of the CEO. Findings will be forwarded immediately upon completion of the audit to the CEO for review and report to the Board of Directors as deemed appropriate.

FRAUD, WASTE, ABUSE, OTHER WRONGDOING

In an effort to protect the welfare of the clients that CA serves and the integrity of the Center, CA is committed as an organization to prevent fraud and misrepresentation. The purpose of this policy is to advance the prevention of fraud, abuse and detect misconduct or wrongdoing as soon as it occurs so that the problem can be quickly remedied and adverse consequences minimized. *Fraud means an intentional dishonest act or omission done with the purpose of deceiving.* Please see CA Policy on *Prevention of Fraud and Misappropriation of Funds Policy*.

CA considers acts of abuse, deception, fraud, or misrepresentation committed by its workforce to be wrongful and unethical and, in response, will take all disciplinary or other action that CA deems appropriate. CA shall provide training to all staff on the consequences of fraud, how to prevent fraud, and the correct procedures to report suspected fraud. This training shall be provided to all new employees during new employee orientation and on an annual basis. Fraud may include, but not limited to the following examples:

- Falsifying services such as intervention visits;
- Unauthorized alterations to electronic medical records;
- Violation of physician self-referral laws;
- Overbilling/Upbilling of units;
- Falsifying timesheets or travel;
- Falsifying signatures;
- Falsifying billing claims;
- Abuse of sick leave;
- Violation of the **Health Care Fraud Statute**;
- Violation of the **False Claims Act**;
- Violation of the **Anti-Kickback Statute**;

Health Care Fraud Statute

The health care fraud statute makes it a criminal offense to knowingly and willfully execute a scheme to defraud a health care benefit program. Health care fraud is punishable by imprisonment for up to 10 years.[9] It is also subject to criminal fines of up to \$250,000.[10] Specific intent to violate this section is not required for conviction.

False Claims Act

The False Claims Act establishes civil liability for offenses related to certain acts, including knowingly presenting a false or fraudulent claim to the government for payment, and making a false record or statement that is material to the false or fraudulent claim.[11] “Knowingly” includes not only actual knowledge but also deliberate ignorance or reckless disregard for the truth or falsity of the information. No specific intent to defraud the government is required.[12] Depending on the circumstances, some examples of potential False Claims Act violations in the health care fraud context include upcoding, billing for unnecessary services, billing for services or items that were not rendered, and billing for services performed by an excluded individual.[13] Individuals and entities that make false claims are subject to civil penalties of up to \$11,000 for each false claim, plus three times the amount of damages the government sustains by reason of each claim.[14] Violation of the False Claims Act may lead to exclusion from Federal health care programs.[15]

Civil legal actions for penalties and damages under the False Claims Act may be brought not only by the government, but by private persons, such as competitors or employees of a provider, on behalf of the government. If the legal action is successful, the private person is entitled to a percentage of the recovery. The False Claims Act protects all persons from retaliation for reporting false claims or bringing legal actions to recover money paid on false claims.[16] Failure to return overpayments may lead to liability under the False Claims Act. Under section 1128J(d) of the Social Security Act, persons who have received an overpayment from a Federal health care program must report and return the overpayment within 60 days of the date the overpayment was identified. Failure to do so may make the overpayment a false claim.[17] False claims made knowingly may also be subject to criminal prosecution. Persons who knowingly make a false claim may be subject to criminal fines up to \$250,000[18] and imprisonment of up to 5 years.[19]

Anti-Kickback Statute

The Anti-Kickback Statute, found in Section 1128B(b) of the Social Security Act, prohibits the knowing and willful offer, payment, solicitation, or receipt of any remuneration, in cash or in kind, to induce or in return for referring an individual for the furnishing or arranging of any item or service for which payment may be made under a Federal health care program. Remuneration means anything of value and can include gifts, under-market rent, or payments that are above fair market value for the services provided. Criminal penalties for violation are a fine of up to \$25,000 and imprisonment for up to 5 years.[20] Compliance with the Anti-Kickback Statute is a condition of payment in Federal health care programs.

NON-RETALIATION/WHISTLEBLOWER PROTECTION

This Non-Retaliation/Whistleblower Protection Policy applies to all of CA's staff, whether full-time, part-time, or temporary employees, to all students, to all who provide contract services, and to directors, each of whom shall be entitled to protection. No person entitled to protection shall be subjected to retaliation, intimidation, harassment, or other adverse action for reporting information regardless of the seriousness of the violation or the level of employee or agent responsible for it.

Any person entitled to protection who believes that he or she is the subject of any form of retaliation for such participation should immediately report the same as a violation of and in accordance with this Policy.

Employees are encouraged to report concerns of fraud or unethical behavior. All reported allegations of suspected fraudulent behavior will be thoroughly and carefully investigated with the consequences to be determined by management. Any individual within the Organization who retaliates against another individual who has reported a Violation in good faith or who, in good faith, has cooperated in the investigation of a Violation is subject to discipline, including termination of employment or student status.

Disciplinary Action

Employees found to have violated the code of ethics, standards of conduct or taken part in acts of fraud or deception are subject to disciplinary action to be determined by management including the possibility of termination of employment, reporting to the specific licensing board, and subject to criminal prosecution.

EMPLOYEE CODE OF ETHICS

Standards of Conduct

It is expected that all CA staff members will conduct themselves as to represent the following ethical standards. Further, staff should take measures to discourage, prevent, expose, and correct unethical conduct, as well as defend and assist colleagues unjustly charged.

- All CA staff members will interact with clients in a courteous and respectful manner. This interaction should facilitate the therapeutic treatment process in a positive manner and enhance the dignity of each client.
- The primary obligation of each employee will be the welfare of the clients of CA. At no time is it acceptable for employees to engage in non-professional/dual relationships with clients. This applies to current and terminated clients. There shall be no relationships of a romantic nature (such as dating or intimate relationships) between members of the CA clinical staff and a client of any CA program.

Such relationships are always considered inappropriate behavior and are grounds for immediate dismissal. All staff are expected to abide by the CAI policy on *Boundaries* in efforts to maintain appropriate professional relationships with persons served.

- Clinical staff members (professional, paraprofessional and medical) will refrain from having contacts with current or past clients on their caseload on social media sites (including but not limited to being *Facebook* Friends, etc).
- Client privacy and confidentiality are protected by both Federal and State law. Staff members are not permitted to disclose any information on a current or past client to other clients, staff not involved in the client's care, and persons outside the agency for whom there is no signed consent to release information. All CA staff are expected to comply with the Privacy Regulations of the Health Insurance Portability and Accountability Act (HIPAA). Without a business related reason, staff should not be in the medical record or seek client health information unless directly involved in the care and treatment of the consumer.
- No employee will discriminate in the performance of job responsibilities, whether with clients or fellow staff members because of race, color, national ancestry, religion, sex, sexual orientation, age, or disability. Further, CA is an Equal Opportunity Employer; employees have a right to a work environment free from harassment, as well as the right to a nondiscriminatory work place.
- Each employee will hold him/herself responsible for the quality and extent of services performed at CA. There will be proper documentation of diagnosis and treatment.
- Respect for the rights and views of other professionals. Each employee will treat with respect the findings, views, and actions of fellow employees and will use appropriate channels to express judgment on these matters.
- Respect for the property of the client, visitors, personnel and CA.
- Each employee will distinguish clearly in public between his/her statements and actions as an individual and as a representative of CA. No employee can use CA funds or time to contribute or support a political candidate. (Individuals can do so on personal time/funds; however, the employee should distinguish between their opinions and CA). This includes information displayed on social media sites.
- Respect for the Center policies and cooperation with administrative functions.
- A commitment to take personal responsibility for continued professional growth through further education and training.
- A commitment to provide the highest quality of care through both personal effort and utilization of other health professionals or services, which may assist the client.
- A commitment to document client progress immediately after provision of service in a concise, professional manner.
- A commitment to provide service promptly, with respect and kindness.
- A commitment to punctuality and regular work attendance. These help to establish professional relationships with both clients and other staff members.
- A commitment of staff members to adhere to drug free work place standards.

BUSINESS CODE OF ETHICS

Standards of Conduct

It is expected that all CA staff members will conduct themselves as to represent the following ethical standards. Contractual Ethics are included in this section.

- Each employee will conduct business according to laws and regulations. As a 501(C)(3) nonprofit organization, we will comply with all IRS requirements.
- Medicare and Medicaid Anti-kickback Laws stipulate that no employee will offer, pay, ask or receive any money or other benefit for referrals. Further, there will be no tolerance of conflict of interest; avoid any relationship, influence or activity that might impair, or appear to impair the employee's ability to make objective and fair decisions when acting on behalf, or in the capacity, of CA. If there is any question, discuss with supervisor and Chief Clinical Officer.
- Financial records, reports, research reports, expense accounts, time sheets, and other documents shall accurately and honestly represent the performance of CA operations.
- Co-payment waivers: CA has stated through the Mission Statement to provide quality behavioral services. The Arkansas Community Mental Health Centers Standards require that CA provide services regardless of ability to pay. Therefore, co-payments may be waived under **certain conditions**:
 1. Client must show proof of income and meet indigent status.
 2. Therapist states that due to severity of symptoms, client should be seen even if the client does not have the required co-payment; the therapist must then decide to waive or to bill client.
 3. The cost of collecting would exceed the co-payment and/or deductible amount.
- All "bad debt" will be written off in accordance with Federal statutes, regulations, guidelines, and policies. *(See CA Financial Policies)*.
- **Accurate Public Disclosures:** We will make certain that all disclosures made in financial reports and public documents are full, fair, accurate, timely and understandable. This obligation applies to all employees, including all financial executives, with any responsibility for the preparation for such reports, including drafting, reviewing and signing or certifying the information contained therein.
- **Corporate Recordkeeping:** We create, retain and dispose of our company records as part of our normal course of business in compliance with all CA policies and procedures, as well as all regulatory and legal requirements. All corporate records must be true, accurate and complete, and company data must be promptly and accurately entered in our books in accordance with CA's and other applicable accounting principles.
- We must not improperly influence, manipulate or mislead any unauthorized audit, nor interfere with any auditor engaged to perform an internal independent audit of CA's books, records, processes or internal controls.

- **Confidential and Proprietary Information:** Integral to CA’s business success is our protection of confidential company information, as well as nonpublic information entrusted to us by employees, clients and other business partners. Confidential and proprietary information includes such things as policies and procedures, pricing and financial data, client names/addresses or nonpublic information about other companies. We will not disclose confidential and nonpublic information without a valid business purpose and proper authorization. CA Board of Directors also must attest to maintaining confidentiality of all proprietary information. Disclosure forms are signed by the Directors during their new board member orientation.

Internal Controls

A financial statement will be submitted to the Board of Directors monthly.

CA will conduct periodic pre and post submission random testing to examine or reexamine submitted claims for accuracy.

WORKFORCE CODE OF ETHICS

Standards of Conduct

It is expected that all CA staff members will conduct themselves as to represent the following ethical standards. These standards will be utilized to ensure staff members meet all necessary guidelines for practice. *Please see CA Policies and Procedures in the Workforce Management section.*

CA will follow the guidelines of the following:

- CA will comply with all federal and state legislation, regulations and guidelines regarding nondiscrimination in employment practices.
- CA will make thorough background checks of employees; this will be of previous employers, criminal background checks of those working with adolescents, children and other vulnerable populations, and primary source verification of licensed personnel.
- CA will comply with the **OIG Exclusion Provision** requirements.

Exclusion Provisions

Under Section 1128 of the Social Security Act, HHS-OIG has authority to exclude individuals from participating in Federal health care programs, including Medicaid, for various reasons. These reasons include conviction of certain crimes, loss of license for reasons having to do with professional competence or financial integrity, or engaging in conduct prohibited by program rules.[24] Generally, Federal health care programs will not pay for items or services furnished, ordered, prescribed, or supplied by an excluded individual or entity.[25] If someone on a physician’s staff has been excluded from participation in a Federal health care program, the Federal health care programs should not be billed for any items or services furnished, ordered, or prescribed by the excluded individual. “Furnished” is a key word that refers to items or services provided or supplied, directly or indirectly, by an excluded individual or entity.[26]

While a health care professional who provides services through Medicaid may employ an excluded individual who does not provide any items or services paid for, directly or indirectly, by Federal health care programs,[27] practitioners should exercise caution here. A professional who contracts with or employs “a person that the provider

knows or should know is excluded by OIG ... may be subject to CMP [Civil Monetary Penalty] liability if the excluded person provides services payable, directly or indirectly, by a Federal health care program.”[28] The prohibition is not limited to items or services involving direct patient care, but extends for example to filling prescriptions, providing transportation services, and performing administrative and management services that are not separately billable.[29] Under the Civil Monetary Penalties Law, Social Security Act Section 1128A, HHS-OIG may impose civil monetary penalties of up to \$10,000 per item or service claimed while excluded. HHS-OIG may also impose an assessment of up to three times the amount claimed.[32]

It is in the best interest of physicians and other providers to screen potential employees and contractors prior to employment or hiring to ensure they are not excluded from participating in Federal health care programs. In addition, providers should regularly check the exclusions database to ensure that none of the practice’s employees or contractors has been excluded. CMS has issued guidance to State Medicaid agencies that they should require providers to screen their employees and contractors for exclusions by checking the database on a monthly basis. The guidance further advises States to require all providers to report any exclusion information discovered immediately.[33] The List of Excluded Individuals/Entities (LEIE) database is available at <http://exclusions.oig.hhs.gov/> on the HHS-OIG website. Both licensed and unlicensed individuals may be excluded, so it is best to check for both. In addition to checking the LEIE, providers should check the Excluded Parties List System, which can be accessed by visiting <https://www.sam.gov/> on the System for Award Management website.

MARKETING CODE OF ETHICS

Standards of Conduct

It is expected that all CA staff members will conduct themselves as to represent the following ethical standards.

- Management must approve courtesies, including meals, refreshments or entertainment of reasonable value.
- Any marketing practice must not violate any law or regulation or the standards of conduct of the recipient’s organization
- Any employee who offers a business courtesy must assure that it cannot reasonably be interpreted as an attempt to gain an unfair business advantage or otherwise reflect negatively upon CA.
- An employee may never use personal funds or resources to do something that cannot be done with CA resources.

FUNDRAISING

All personnel engaging in fundraising for a CA program are required to follow the *Fundraising Policy* found in the CA Policies and Procedures manual. All capital fundraising efforts are prior approved by the CA Board of Directors; additionally, Executive Management regularly report efforts in fundraising projects, and external auditors review our financial documentation and report to the Board through the yearly audit.

CONFLICT OF INTEREST

CA staff members are not permitted to involve themselves in situations, which might present a conflict of interest. Staff members must avoid any relationship or activity that might impair, or even appear to impair, our ability to make objective and fair decisions when performing our jobs. At times, we may be faced with situations where the business actions we take on behalf of CA may conflict with our own personal or family interests. We owe a duty to CA to advance its legitimate interests when the opportunity to do so arises. We must never use CA property or information for personal gain or personally take for ourselves any opportunity that is discovered through our position with CA.

Here are some other ways in which conflicts of interest could arise:

- Being employed (you or a close family member) by, or acting as a consultant to, a competitor, regardless of the nature of the employment, while you are employed with CA.
- Hiring or supervising family members or closely related persons.
- Serving as a board member for an outside competitor company or organization.
- Owning or having a substantial interest in a competitor or contractor.
- Having a personal interest, financial interest or potential gain in any CA transaction.
- Personal fundraising such as soliciting funds for employees fundraising project, having clients selling items on behalf of the organization, or allowing persons served to raise funds for personnel or other clients.
- Placing company business with a firm owned or controlled by a CA employee or his or her family.
- No employee shall witness legal documents for a client.
- Accepting gifts, discounts, favors or services from competitor or supplier, unless equally available to all CA employees.
- No officer or member of the Board shall receive reimbursement.
- No Board member or immediate family member shall be employed by CA or by any organization directly administered by the Board.
- No Board member shall sit on the Board nor serve as a staff member of a contracting agency.
- CA is prohibited from contracting with a Board member.

Determining whether a conflict of interest exists is not always easy to do. Employees with a conflict of interest question should seek advice from senior management. Before engaging in any activity, transaction or relationship that might give rise to a conflict of interest, employees must seek review from their senior management supervisor or the Chief Clinical

Officer/Corporate Compliance Officer who in turn will consult with the CEO for final approval as necessary.

MONEY, GIFTS and GRATUITIES

CA is committed to competing solely on a merit of our services. Employees should avoid any actions that create a perception that favorable treatment of outside entities by CA was sought, received or given in exchange for personal business courtesies.

Employees will not solicit or accept donations, gratuities, or support of any amount or kind from clients, visitors, or competitor representatives without the prior approval of CA management. The policy of CA is that the natural course of business may include meals, refreshments, or entertainment that is not considered lavish, extravagant, or inappropriate, and is offered to all employees of CA. Employees are not permitted to accept funds in any form or amount, or any gift with an amount that could be considered by anyone as an attempt to affect the judgment of the recipient. The conflict of interest is extended to the Board of Directors and any contractors of CA.

We will neither give nor accept business courtesies that constitute, or could reasonably be perceived as constituting, unfair business inducements that would violate law, regulation or policies of CA or would cause embarrassment or reflect negatively on CA's reputation. Any question should be brought to the attention of Senior Management, Chief Clinical Officer/Compliance Officer or the CEO.

MEDIA INQUIRIES

CA is a well-known agency within our community, and from time to time, employees may be approached by reporters and other members of the media. In order to ensure that we provide accurate information about the company, we should direct all media inquiries to the CEO. The CEO is the one person who has the authority to speak on behalf of CA in the case of disaster, media relations, and to authorize press releases.

EDUCATION

Education is provided on Ethical Codes of Conduct at several intervals of employment. Training is completed for new employees during New Hire Orientation, the Codes are included in the CA Employee Handbook, and on CA's internal website for all staff to access at any time. CA shall provide training to all staff on the consequences of fraud, how to prevent fraud, and the correct procedures to report suspected fraud. This training shall be provided to all new employees during new employee orientation and annually thereafter, including training on the **False Claims Act** and the **Whistleblower Protection**. In addition, training is provided on ethics on a yearly basis for employees. The ethics policy is also on the external website of CA so that persons served and community stakeholders can be educated on our policy and expectations of the staff at CA.



COUNSELING ASSOCIATES

ETHICAL CODES OF CONDUCT SIGNATURE PAGE

My Signature below indicates that I have reviewed Counseling Associates, Inc. policies on ethics, conduct, and fraud. I understand the consequences of violating any one of these policies. Furthermore, I understand if I have knowledge regarding alleged fraudulent activity, I must report such information according to the provisions of these policies.

Signature

Date

Revised 11-12-2018