



# **CORPORATE COMPLIANCE PLAN DOCUMENT**

## **Introduction & Compliance Policy Statement**

AMI Atlanticare has established this compliance plan to ensure that all facilities comply with all applicable federal and state rules and regulations regarding regulatory compliance including but not limited to Medicare and Medicaid Fraud and Abuse Statutes, the Stark Self-Referral Act, the False Claims Act and the Health Insurance Portability and Accountability Act of 1996 ("HIPAA"), as well as the Health Information Technology for Economic and Clinical Health Act of 2009 ("HITECH").

This compliance plan is not intended to be a comprehensive explanation of the Fraud and Abuse Laws nor will it provide answers to every possible fraud and abuse issue that may arise. Rather, it is intended to provide AMI Atlanticare with a framework for potential fraud and abuse problems so that advice can be sought if such issues arise. The Company expects full compliance with the guidelines set forth in this policy statement, and encourages owners and staff of AMI Atlanticare to seek further information or clarification when compliance questions arise.

All owners and employees of AMI Atlanticare should understand that AMI Atlanticare has an active Corporate Compliance Plan and it is particularly important for all owners and employees to understand what standards of behavior are required. Accordingly, it is mandatory for each owner and employee to review the statement and sign an acknowledgment form to signify that he or she understands the requirements of the plan document.

## **Compliance Plan Contents**

AMI Atlanticare's Corporate Compliance plan will include all seven (7) core components as recommended by the Centers for Medicare and Medicaid Services (CMS) and in line with CMS's Final Compliance Program Guidelines. These seven core components include:

- 1) Written Policies, Procedures and Standards of Conduct
- 2) Compliance Officer and High Level Oversight
- 3) Effective Training and Education
- 4) Effective Lines of Communication
- 5) Well-Publicized Disciplinary Standards
- 6) Effective System for Routine Monitoring, Auditing and Identification of Compliance Risks
- 7) Procedures and System for Prompt Response to Compliance Issues

### **SECTION 1- Written Policies, Procedures and Standards of Conduct**

The AMI Atlanticare Code of Conduct provides the guiding standards for AMI Atlanticare employees' decisions and actions. Although the Standards of Conduct can neither cover every situation in the daily conduct of AMI Atlanticare's many and varied activities, nor substitute for common sense, individual judgment or personal integrity, it is the duty of each AMI Atlanticare employee to adhere, without exception, to the principles set forth herein.

#### **AMI Standards of Conduct**

The following list contains Standards of Conduct that apply to all employees and owners of AMI Atlanticare and delineates AMI Atlanticare's policies regarding legal compliance. These standards will be made available to all employees of AMI Atlanticare. Additionally, all employees and owners shall be given, and shall abide by, AMI Atlanticare's written Standards of Conduct.

(1) AMI Atlanticare will work diligently to ensure that all claims submitted to Medicare or other third party payers are accurate and correctly identify the services or procedures ordered and performed. It is important to point out that AMI Atlanticare currently has an agreement with a third party billing vendor to handle coding and billing functions. When billing Medicare and other payers, the code that most accurately describes the service or procedure must be used. AMI Atlanticare will adhere to radiology coding guidelines as defined by CMS, the American Medical Association (AMA), and other organizations including the American College of Radiology (ACR). If an employee is concerned about a coding issue or coding practices in general, the

employee should raise the issue to their supervisor who can direct the inquiry to the Corporate Compliance Officer if necessary.

(2) AMI Atlanticare and its employees possess and have access to a variety of sensitive and proprietary information, the confidentiality of which, they are obligated to protect. All AMI Atlanticare staff must adhere to the appropriate laws, regulations, policies, and procedures to ensure that confidential information is properly maintained and to prevent inappropriate or unauthorized release.

(3) Employees of AMI Atlanticare cannot offer any remuneration, which means any kind of payment, including kickbacks, bribes or rebates, either in cash or in kind, in any manner or form to any physician or other party in order to induce the referrals of any health care business, patients, or other items or services to AMI Atlanticare. If any employee of AMI Atlanticare becomes aware of any gift, kickback or remuneration offered to physicians or employees, this must be reported immediately to the Chief Compliance Officer. Offering, giving, soliciting or receiving any form of bribe or other improper payment is prohibited.

(4) AMI Atlanticare and its employees will conduct all activities in accordance with the highest ethical standards of the community and their respective professions at all times and in a manner that will uphold AMI's reputation and standing. No member of the AMI Atlanticare employee community will make false or misleading statements to any patient, person, or entity doing business with AMI Atlanticare.

(5) AMI Atlanticare employees must faithfully conduct their duties, in their assigned roles and tasks, for the purpose, benefit and interest of AMI Atlanticare and those whom it serves. All AMI Atlanticare employees have a duty to avoid conflicts with interests of AMI Atlanticare and may not use their positions and affiliations with AMI Atlanticare for personal benefit. AMI Atlanticare employees are required to disclose any such conflicts of interest to their immediate supervisor or to the Human Resources Department.

(6) Before AMI Atlanticare enters into any agreement with any referring physicians or other party that may refer business, AMI Atlanticare should obtain approval that such a relationship does not violate the Anti-Kickback statute.

(7) If an employee becomes aware of or discovers any lease, purchase agreement, or order for goods or services for any amount other than fair market value, the employee must call the Chief Compliance Officer.

(8) Routine waivers of patient deductibles or copays will not be permitted. AMI Atlanticare personnel should abide by the companies policies for waivers of deductibles and copays for all patients.

(9) If employees know of or discover any claims billed for an amount in excess of permitted rates, it must be reported to the Chief Compliance Officer. This includes any double billing, which means billing two or more times for the same service or procedure, or balance billing, which means billing Medicare for a service or procedure and then billing the patient for the difference between the usual and customary charge and the amount that Medicare pays for the services.

(10) Employees of AMI Atlanticare shall attend periodic (at least annually) training and educational programs regarding fraud and abuse issues.

(11) It is the policy of AMI Atlanticare to recruit, hire, train, promote, assign, and transfer, layoff, recall and terminate employees based on their own ability, achievement, experience and conduct without regard to race, color, sex, ethnic origin, age, disability, or any other classification prohibited by law. No form of harassment or discrimination on the basis of race, color, sex, ethnic origin, age, disability, or any other classification prohibited by law will be permitted. Every complaint of harassment or discrimination will be promptly investigated.

(12) Individuals who have been convicted of a criminal offense related to health care or who are listed by a Federal agency as debarred, excluded or otherwise ineligible for participation in federally funded health care programs will not be employed by, or have an ownership interest in AMI Atlanticare.

Current employees who are charged with criminal offenses related to health care or proposed for exclusion or debarment should be removed from direct responsibility for or involvement in any federally funded health care program until resolution of such criminal charges or proposed debarment or exclusion. If resolution results in conviction, debarment or exclusion of the individual, AMI Atlanticare will terminate its employment of that individual.

(13) It is a violation of the Code of Conduct to take any actions in reprisal against anyone who reports, in good faith, suspected violations of the Standards of Conduct or other AMI Atlanticare policies and procedures.

(14) All records required either by Federal or State law or by this compliance plan will be appropriately created and maintained. Where patient confidentiality will not be compromised, reports summarizing the records should be created and maintained. If there is any question whether patient confidentiality will be compromised, legal counsel should be consulted.

The Code of Conduct augments, but does not limit, specific policies and procedures of AMI Atlanticare, and AMI Atlanticare employees must perform their duties in accordance with such policies and procedures. It is the duty of each AMI Atlanticare employee to uphold the Standards of Conduct and to report violations to their immediate supervisor.

The AMI Atlanticare owners, managers and supervisors have a special duty to adhere to the principles set forth in the Standards of Conduct, to support other AMI Atlanticare employees in their adherence to the Code, to recognize and detect violations of the Code, and to enforce the standards set forth herein.

## **SECTION 2- Compliance Officer and High Level Oversight**

### **A. Corporate Compliance Officer**

The Executive Committee of Atlantic Medical Imaging (AMI) shall appoint a Corporate Compliance Officer for AMI Atlanticare. The Corporate Compliance Officer will report to the Executive Committee and oversee the compliance program. This individual will be responsible for:

- (1) Exercising reasonable oversight of AMI Atlanticare's Compliance Plan;
- (2) Developing compliance policies and standards;
- (3) Ensuring that compliance policies are distributed as needed;
- (4) Responding to questions of AMI Atlanticare employees regarding compliance matters;
- (5) Appointing employees to serve in various roles and to complete any tasks as needed to promote and conform to the compliance program; and
- (6) Performing other functions as specified throughout this compliance policy.

AMI has appointed David Begleiter, M.D. as its Corporate Compliance Officer for AMI Atlanticare.

### **SECTION 3- Effective Training and Education**

There will be periodic compliance, educational and training programs offered to all employees of the AMI Atlanticare, but especially to personnel involved at the front desk, marketing and test ordering.

Training will be conducted at least annually to ensure that all employees fully comprehend the implications of failing to comply with AMI Atlanticare's compliance plan and all applicable health care program requirements. New employees of AMI Atlanticare will receive training within 90 days of the start date of employment.

These programs will be designed to:

- (1) Teach employees what practices and procedures are not allowed under the fraud and abuse statutes and what procedures should be used under the compliance policy;
- (2) Emphasize AMI Atlanticare's commitment to compliance with all laws, regulations and guidelines of Federal and State programs; and
- (3) Reinforce the fact that strict compliance with the law and AMI Atlanticare's policies is a condition of employment.

Employees will be informed that failure to comply may result in disciplinary action, including termination.

Specifically, training of marketing personnel will highlight the prohibition against offering remuneration in return for referrals, and the fact that the AMI Atlanticare will take appropriate disciplinary action up to and including termination for violations of the laws or failure to report a potential violation by another employee, supervisor or outside contractor or provider.

Employees will be encouraged to attend any continuing education programs offered for their occupation, as such programs will help ensure a knowledgeable and more productive staff.

Compliance topics will also be addressed as needed at manager meetings.

Finally, AMI Atlanticare will post compliance topics in common work areas and other prominent places accessible to all employees as well as a notice clearly reminding employees of the AMI Atlanticare's commitment to compliance with all laws and regulations.

## **SECTION 4- Effective Lines of Communication**

All employees are encouraged to freely discuss any identifiable issues or questions they have which are associated with AMI Atlanticare's policies, practices, or procedures believed by an individual to be a potential violation of criminal, civil or administrative law. Employees are encouraged to openly and candidly report to their immediate supervisor or directly to AMI Atlanticare's Corporate Compliance Officer as soon as they become aware of them. All such communications will be kept as confidential as possible, but there may be times when the reporting individual's identity may become known or may have to be revealed to any third party assisting in the investigation or a governmental authority.

Individuals who, in good faith, report possible compliance violations will not be subjected to retaliation or harassment as a result of their reports. Retribution related to reporting of good faith compliance concerns is prohibited, and anyone who engages in such prohibited activity will be subject to disciplinary action up to termination of employment or contractual relationship. AMI Atlanticare employees are not permitted to intentionally make false or misleading accusations of compliance concerns with the purpose of harming an AMI Atlanticare employee or owner.

AMI Atlanticare employees must recognize that AMI Atlanticare's Corporate Compliance Officer may seek advice and guidance directly from legal counsel to assist in the investigation of compliance concerns regarding AMI Atlanticare employee members who may have participated in illegal conduct or committed other wrongdoings.

## **SECTION 5- Well-Publicized Disciplinary Standards**

Strict compliance with AMI Atlanticare's Corporate Compliance Plan and all policies and components is a condition of employment. Alleged violations of the Standards of Conduct or other policies and procedures of AMI Atlanticare will be investigated by the AMI Atlanticare Corporate Compliance Officer.

AMI Atlanticare will develop a policy regarding the appropriate disciplinary actions for misconduct, violating this compliance plan, or violating Federal or State fraud and abuse laws. Disciplinary actions will be determined on a case-by-case basis and may include involuntary termination.

## **SECTION 6- Effective System for Routine Monitoring, Auditing and Identification of Compliance Risks**

AMI Atlanticare's Corporate Compliance Officer shall thoroughly monitor the implementation of this plan and report regularly to senior executives and the Executive Committee. One such monitoring technique will be regular periodic audits which are designed to ensure compliance with AMI Atlanticare's compliance plan and policies, and all Federal and State laws.

The audit reports should specifically identify areas where corrective actions are needed and the audit findings will be thoroughly reviewed and any corrective measures necessary will be made. There are three specific audit areas which will be included in AMI Atlanticare's routine auditing program including:

- 1) **Coding, Documentation & Billing Audit**- This audit will be conducted at a minimum of annually and will be focused on physician documentation and coding accuracy by the third party billing company and by AMI Atlanticare.
- 2) **Health Insurance Portability and Accountability Act (HIPAA) Audit**- HIPAA audits will occur at a minimum of quarterly (i.e. 4 times per year) to assess potential patient confidentiality gaps in the current workflow and structure at AMI Atlanticare.
- 3) **Independent Financial Audit**- Assess the financial statements in accordance with the auditing standards generally accepted in the United States of America. The audit encompasses an assessment of risk of material misstatement of the financial statements and evaluation of the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management in preparation and presentation of the financial statements for AMI Atlanticare.

Follow-up audits may be conducted if necessary to ensure that the corrective measures were implemented and remedied the situation.

## **SECTION 7- Procedures and System for Prompt Response to Compliance Issues**

When a compliance issue has been identified which requires remedial action, AMI Atlanticare's Corporate Compliance Officer will develop a corrective action plan. This corrective action plan will identify specifics with respect to the type of action to be taken, the timing of such action(s) and the persons responsible for instituting such action(s). The Compliance Officer may consult with legal counsel to seek legal advice



related to the development of such plan. A critical part of this corrective action plan is a procedure to ensure, to the extent possible, that the specific problem or issue does not recur.

If any AMI Atlanticare employee receives an oral or written inquiry from any source regarding AMI Atlanticare's compliance with any federal or state law or regulation or private payer requirement, the employee will immediately notify AMI Atlanticare's Corporate Compliance Officer. The Chief Compliance Officer will promptly investigate any potential violations or misconduct to determine whether a material violation has in fact occurred, and if so, will take steps to rectify it, report it to the government if necessary, and make any appropriate payments to the government. Depending on the nature of the allegations, the investigations may include interviews and review of relevant documents, such as submitted claims, procedure and service order forms, and medical reports. If necessary, the Chief Compliance Officer will engage outside auditors or counsel to assist in the investigation.

If the integrity of the investigation may be at stake because of the presence of employee(s) under investigation, the employee(s) allegedly involved in the misconduct can be removed from his or her current work activity until the investigation is completed. In addition, the Chief Compliance Officer will take steps to prevent the destruction of documents or other evidence relevant to the investigation. Once an investigation is completed, if disciplinary action is warranted, it will be immediate.

### **ANNUAL PLAN ASSESSMENT**

The Plan and all Policies and Procedures of AMI Atlanticare are subject to periodic review. At a minimum, these Policies and Procedures will be reviewed by the Compliance Officer on an annual basis. The Compliance Officer may make any changes deemed appropriate to the Policies and Procedures and this Plan. These changes will take effect as of the date noted on the new Policies and Procedures and/or Plan.

## **Amendment to AMI Atlanticare Corporate Compliance Plan**

Effective June 1, 2010, AMI Atlanticare engaged Zotec Partners, LLC to provide all billing and accounts receivable management services.

Zotec Partners has an active Corporate Compliance Program which is attached to this amendment and includes a Code of Conduct, Billing, Coding & Claims Submission Policies, Document Retention Guidelines, Auditing and Monitoring of Systems etc.