Corporate Compliance Handbook

Our Commitment to Ethical Standards

OUR MISSION

Making ***Everyday Life*** possible for individuals with profound disabilities.

OUR VISION

A happy, safe, purpose-filled life for every individual with intellectual and developmental disabilities.

EFF. 11/2019

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Corporate Compliance

What is Corporate Compliance?

The process of making sure your organization and its employees follow the laws, regulations, standards, and ethical practices that apply to your organization. This covers both internal policies and rules and state and federal laws.

Marklund's Code of Ethics

Marklund seeks to observe the highest standards of ethical conduct in order to retain the trust of the public and confidence of those this organization seeks to help. Marklund is committed to operations conducted with legal and ethical integrity.

Questions or Concerns?

Please address questions to:
Compliance Officer c/o Marklund
1S450 Wyatt Drive
Geneva, IL 60543
Phone: 630.593.5500
Hotline: 877.767.7781
Email: compliance@marklund.org

Corporate Compliance Handbook

Introduction

This handbook is required reading for all employees of Marklund. It is also required for independent contractors and any others who work for, or do business with the organization. The purpose of this handbook is to summarize the key components of our organization's corporate compliance program, highlight a few of the laws that govern how we do business, and let you know the standards of conduct expected of everyone associated with this organization.

Commitment to Corporate Compliance

Marklund is committed to conducting its business with transparency and integrity, in accordance with all applicable federal, state, and local laws and regulations, as well as our organization's policies and procedures. Marklund is also committed to exercising due diligence to prevent and detect criminal conduct. All employees, independent contractors, vendors, members of the Board of Directors, and other associates are held to the same standards.

To assure that Marklund's operations are being conducted in compliance with applicable law and the highest ethical standards, Marklund has established a Compliance Program under the direction of a Compliance Officer.

What is my responsibility?

You have three primary responsibilities:

1. To know and follow the legal requirements of your job role.
2. To know and follow the agency standards of conduct.
3. To report misconduct by self or others.

What should I do if I am aware of violations?

If you are aware of a violation, or something you suspect to be a violation, you should do the following:

1. Follow the agency chain of command. Speak to your supervisor or director, who will check out the situation and take corrective action.
2. If the supervisor or director does not correct the problem, or may be involved in the problem, contact the (a) Compliance Liaison, (b) the Compliance Officer, or (c) the Compliance Hotline at 877.767.7781; use Marklund's Compliance Notification Form to submit your concern to the Compliance Officer; or mail your concern to Compliance Officer, Marklund, 1S450 Wyatt Drive, Geneva, IL 60134.

Confidentiality regarding employee concerns and problems is maintained at all times, insofar as legal and practical, informing only those personnel who have a need to know. There will be no retaliation against individuals for any issue brought in good faith.

What is the Compliance Hotline?

The Compliance Hotline is a toll free 24-hour phone hotline for taking compliance complaints or question. This enables individuals wishing to remain anonymous to report any suspected violations of the law, federal or state healthcare regulations, policies or procedures, or Marklund's Code of Conduct. All calls are followed up, even if it is determined that the call was not compliance-related.

All calls to the hotline are confidential, and the identity of the call, if disclosed, will be protected to the fullest extent of the law. Anyone making a good-faith call to the hotline will be protected under the organization's policy against retaliation. The caller does not have to leave their name, but should leave sufficient evidence so the issue can be investigated.

The hotline number is 877.767.7781

What is the Compliance Notification Form?

The Compliance Notification Form can be used to report potential violations. The form can be found at the front desk and nursing stations of all Marklund facilities, on the Marklund intranet, and in the payroll system for download. This form can be used to report anonymously and should be turned in to the Compliance Officer.

What are the consequences for non-compliance?

Marklund is very clear about the consequences for non-compliance by staff, independent contractors, and other associates of the organization. Failure to comply will result in disciplinary action, up to and including termination. Depending on the nature of the non-compliance, criminal prosecution is a possibility.

Marklund takes non-compliance very seriously, because the consequences for the organization and the people served are very serious. Non-compliance can lead to large fines, loss of funding, loss of services, loss of jobs, and negative publicity for the organization.

Disciplinary action will be taken against an employee or contractor who:

1. Authorizes or participates directly in a violation of a Standard;
2. Deliberately fails to report a violation of a Standard;
3. Deliberately withholds relevant and material information concerning a violation of a Standard;
4. Deliberately fails to cooperate in an investigation of a suspected violation of a Standard;
5. Retaliates or seeks or causes retribution against any employee or contractor who has either reported a suspected violation of a Standard or participated in an investigation of a suspected violation of a Standard; and
6. Fails to participate in required training programs.

Disciplinary action will be taken in accordance with Marklund's policies and procedures, and will be taken on a fair, equitable, and appropriate basis. Disciplinary action will be appropriate to the level of the employee's culpable conduct. Notwithstanding the foregoing, this statement is not a guaranty of progressive discipline and Marklund reserves the right to terminate any employee at any time for lawful reason.

Who sets and enforces the rules?

Marklund is governed by laws and regulations set by the federal, state, and local governments. The Marklund Board of Directors approves the policies and procedures put in place to address the laws and regulations that govern us. Some laws and regulations apply to all of our programs and some apply to specific programs. There are many entities authorized to review our compliance with these laws and regulations and enforce the rules.

Some of the entities that enforce the rules are:

Illinois State

- Illinois Department of Public Health
- Illinois Department of Human Services
- Illinois Department of Healthcare and Family Services
    - Office of the Inspector General
- Illinois State Board of Education
- Attorney General

Federal Government

- Health & Human Services Office of the Inspector General
- HHS Centers for Medicaid & Medicare Services
- Federal Bureau of Investigation
- Department of Justice, U.S. Attorneys

What is the Federal False Claims Act and the Illinois False Claims Act?

The Federal False Claims Act imposed civil liability upon any person (individual or entity) for knowingly making a false claim to the United States government. This law covers Medicaid and Medicare billing claims, and prohibits:

- Billing for services not provided
- Falsifying treatment plans or time records to maximize payments
- Billing for medically unnecessary services
- Failing to report overpayments or credit balances
- Charging more than once for the same service
- Unlawfully giving or receiving inducements in exchange for referrals for service

Penalties under the Federal False Claims Act are severe. They range from $10,957 to $21,916 per each false claim, plus up to an additional three times the original claim amount. Violators may also be permanently excluded from the Medicare and Medicaid programs.

The Federal False Claims Act provides protections for whistleblowers (people who bring alleged wrongdoing to the attention of management or outside authorities.) Under this act, whistleblowers can share in the recovery of monies received fraudulently by organizations.

The Illinois False Claims Act prohibits false claims against the State of Illinois and allows private individuals who know about fraud against the Illinois state government to bring a claim against the offending party on behalf of the State. It is modeled after, and has similar provisions to the Federal False Claims Act.

What is Exclusion Status checking?

The Office of the Inspector General maintains a list of all currently excluded individuals and entities. These individuals/entities have been excluded from Federally funded health care programs for a variety of reasons, including a conviction for Medicare or Medicaid fraud. Those that are excluded can receive no payment from Federal healthcare programs for any items or services they furnish, order, or prescribe.

Marklund runs periodic checks on employees, independent contractors, and vendors to ensure that they do not appear on government listings of excluded individuals and firms.

What else does the agency do to detect and prevent fraud, waste, and abuse of Medicaid monies?

In addition to the compliance hotline, compliance notification form, exclusion status and other background checks on employees, independent contractors, and others, Marklund has the following systems in place:

- All employees and applicable others receive their initial training on compliance as part of their orientation to the organization. Ongoing training occurs in several ways, including, but not limited to email of compliance information, periodic compliance section in the biweekly Connections Newsletter, in-service training sessions, and meetings.
- All Departments of Marklund implement systemic processes and internal controls to audit potential compliance issues, take corrective if needed, and continually monitor compliance.
- Ongoing auditing by the Compliance Officer includes, but is not limited to, review of: (1) documentation and billing related to Medicaid claims; (2) departmental internal controls; (3) exclusion list checking; and (4) policies and procedures.
- There is a Compliance Committee that assists the Compliance Officer with the implementation and maintenance of the Compliance Program.

Why is auditing and monitoring important?

Auditing and monitoring are essential controls to prevent, detect, and correct non-compliance or irregularities in an organization. Auditing is a formal, systematic, disciplined approach that is designed to evaluate and improve the effectiveness of processes and related controls. It is generally carried out by individuals independent of the process they are auditing or external to the organization. Monitoring is a less formalized, on-going process usually directed by management to ensure processes are working as intended. It is often carried out by individuals who may not be independent of the process being reviewed on a routine or continuous basis.

How does Marklund protect the privacy of information?

Marklund is committed to maintaining the confidentiality and privacy of persons served in accordance with the Health Insurance Portability and Accountability Act (HIPAA) of 1996, as amended. It is the goal of Marklund to assure that individuals' health information is properly protected while allowing the flow of health information needed to provide and promote high quality health care.

Responsibility of Staff and Others - All staff employed by Marklund, as a condition of employment, will maintain the confidentiality and privacy of the person served. This includes not only regular employees of Marklund, but also consultants, interns and volunteers providing services. Failure to maintain confidentiality and privacy may result in developmental action.

Responsibility of Marklund - Upon Orientation, after being hired by any program within Marklund, each employee will be required to read the current Marklund Confidentiality Privacy Rule Policy and to sign an agreement to adhere to it. This procedure will also be followed for all interns and consultants who may be exposed to confidential Client information. Registered volunteers will receive confidentiality training and sign an agreement to adhere to such practices.

Marklund will provide additional, on-going training on confidentiality and privacy issues to all Marklund employees to ensure the continued implementation of confidentiality policies.

Marklund will designate one person to assume responsibility for ensuring the confidentiality of Protected Health Information (PHI). This person will be designated as the Security Officer. All staff and individuals served or their legal guardian will receive a Notice of Privacy Practices. Marklund's Notice of Privacy Practices will be posted on the organization's website.

Marklund will provide the technical and training resources to protect PHI from compromise.

Release of Information - No protected information may be released about a person served by telephone, in person, or in writing unless there is a written release signed by the person served or the guardian if one has been appointed.

Exceptions to Confidentiality - In cases in which there is a clear danger to the person served or others, and the person served and/or guardian are unable to give consent for release of information, confidentiality may be suspended. This would include but not necessarily be limited to:

- Emergency treatment at a hospital
- Notifying police or appropriate agencies for a missing person
- Notifying state department representatives (DCFS, DOA, DPH, OIG) or other appropriate agencies in suspected abuse cases
- Other circumstances where the safety of the individual or others is at risk

When an agency which provides services is being reviewed for purposes of funding, accreditation, reimbursement or audit by a state or federal agency or accrediting body, the record of the person served may be used by the surveyor and personally identifiable information may be disclosed without consent, provided that it is necessary to accomplish the purpose of the review.

For the purposes of statistical compilation, research, evaluation or other similar purpose, information will not be disclosed unless the person who consents to the disclosure specifically consents to the re-disclosure of the information.

What is the Marklund Code of Ethics/Standards of Conduct?

Marklund seeks to observe the highest standards of ethical conduct in order to retain the trust of the public and confidence of those this organization seeks to help. The Board and staff provide the public face of the organization and are committed to the following standards of conduct:

- *Integrity* - We will act in the best interest of the Marklund mission. We will communicate candidly and honestly. We will keep our promises.
- *Respect* - We will treat others equitably in all aspects of our activities. We will listen carefully and promote openness to a diversity of views. We will practice: "Seek first to understand and then be understood". All personnel shall respect and safeguard the personal property of residents/clients/students, visitors, and other personnel as well as the property of Marklund. Employees will not use or allow the use of Marklund property or equipment for other than activities approved by the organization. Theft and destruction of property may be addressed through treatment planning (residents/clients/students), disciplinary action (personnel), and/or by contacting law enforcement, as appropriate. Marklund is not responsible for personal property that is not safeguarded or is left unattended.
- *Loyalty* - We will be loyal to the Marklund mission and not any particular group or individual. We will not engage in any conduct that would undermine the public's trust or would tarnish the image of Marklund. We will not engage in any activities or relationships that would create a potential or actual conflict of interest.
- *Confidentiality* - We will not disclose confidential or proprietary information to unauthorized groups or individuals. Personnel shall not act as a witness to documents such as Power of Attorney, guardianship, advance directives, and/or agency contracts without the expressed written approval of the President and CEO of Marklund. Personnel are authorized to countersign documents such as intake forms, authorizations (i.e., release of information form), treatment plans, etc., as directly related to their job duties.

- *Responsibility* - We will be honest and faithful fiduciaries of our resources and utilize them in the most ethical, cost effect way possible. We will report any improper use or misuse of Marklund resources.
- *Transparency* - We will openly and candidly report the activities, decisions and operations of Marklund. We will make our annual report, IRS Form 990 and annual audit available to the public.
- *Governance* - We will strive for excellence and professionalism in all Marklund-related activities. We will be committed to the Marklund mission and promote it competently, efficiently and professionally.

Our Promise…

Marklund MISSION

Making *everyday life* possible for individuals with profound disabilities.

Marklund VISION

A happy, safe, purpose-filled life for every individual with intellectual and developmental disabilities.

Marklund CORE VALUES

What we believe, how we behave
ACT:
Attitude / **A**ccountability
Compassion / **C**reativity
Teamwork

Our Guiding Principles:

- We will have a *Person-Centered Focus*
- We will strive to be an *Employer of Choice*
- We will conduct business in a way that is *Transparent* and with *Integrity*
- We will be *Committed to Excellence* in all we do
- We will have *Responsible Stewardship* of our resources
- We will encourage *Supported Independence* for our residents, clients, and students
- We will develop relationships and *Partnerships* in the *Community*

Who we are

Marklund is a 501(c)(3) nonprofit organization that serves infants, children, teens and adults with serious and profound developmental disabilities and special healthcare needs.

With three residential locations–the Marklund Hyde Center in Geneva, the Marklund Philip Center in Bloomingdale, and the Marklund Wasmond Center in Elgin–it is currently home to nearly 174 residents. The Hyde Center is licensed as an Intermediate Care Facility (ICF) while the Philip and Wasmond Centers are licensed as Medically Complex/Skilled Nursing facilities for adults and children with developmental disabilities (MC/DD). Each of our locations has on-site Community Day Services for adults that provides individualized programming that focuses on daily living and vocational skills to improve each individual's level of independence.

Marklund Day School, with locations in Bloomingdale and Elgin, is a State Board of Education Licensed Therapeutic Day program that partners with area school districts to serve children with multiple medical needs, learning, emotional and developmental disabilities, and those diagnosed on the Autism Spectrum.

Marklund®

Contact Us

Marklund's Administrative offices are located within the Marklund Hyde Center Building:
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Geneva, IL 60134
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