



Department: COMPLIANCE AND HUMAN RESOURCES	Version #: 3
Title: Compliance Program Disciplinary Standards	
Process Owner: Chief Compliance Officer	Date Created: 2/27/2019 Last Reviewed Date: 11/16/2021
Document Type: Policy	Approver(s): Policy Review Committee
References: Medicare Managed Care Manual, Chapter 21, Sections 50.5; Prescription Drug Benefit Manual, Chapter 9, Section 50.5; Human Resources Corrective Action Form	Approved 12/6/2021

Printed copies are for reference only. Please refer to the S/Policies and Work Instructions for the most recent version.

Purpose: To ensure that ATRIO Health Plans (ATRIO) maintains well-publicized disciplinary standards for noncompliant and/or unethical behavior.

Summary: ATRIO requires all Employees to report issues of Non-Compliance, fraud, waste, abuse, or unethical behavior and assist in the investigation and resolution of such matters.

ATRIO takes a comprehensive approach regarding discipline and will attempt to consider all relevant factors before making decisions regarding disciplinary action.

Scope: This policy applies to all Employees.

Definitions:

Compliance Program: ATRIO’s Compliance Program outlines the activities that ATRIO has implemented in order to ensure it is operating an effective Compliance Program that meets regulatory requirements. These activities include measures to prevent, detect and correct Part C and D non-compliance, Fraud, Waste and Abuse (FWA) and/or privacy/security violations.

Employee(s): Full time employees, part-time employees, temporary employees, contracted employees, and volunteers.

Fraud, Waste and Abuse (FWA):

- *Fraud:* Knowingly and willfully executing, or attempting to execute, a scheme or artifice to defraud any health care benefit program or to obtain (by means of false or fraudulent pretenses, representations, or promises)

any of the money or property owned by, or under the custody or control of, any health care benefit program.

- *Waste*: The overutilization of services or other practices that directly or indirectly, result in unnecessary costs to the Medicare program. Waste is generally not considered to be caused by criminally negligent actions but rather the misuse of resources.
- *Abuse*: Includes actions that may directly or indirectly, result in unnecessary costs to the Medicare Program, improper payment, payment for services that fail to meet professionally recognized standards of care, or services that are medically unnecessary. Abuse involves payment for items or services when there is no legal entitlement to that payment and the provider has not knowingly and/or intentionally misrepresented facts to obtain payment. Abuse cannot be differentiated categorically from fraud, because the distinction between “fraud” and “abuse” depends on facts and circumstances, intent and prior knowledge, and available evidence, among other factors.

HIPAA violation is a failure to comply with any aspect of HIPAA standards and provisions detailed in detailed in 45 CFR Parts 160, 162, and 164.

Non-compliance is failure to adhere to any laws, regulations, CMS requirements, contractual requirements, company policies and procedures, and/or ATRIO’s Code of Conduct. Non-Compliance also means actions that may result in adverse impact to ATRIO members. Non-compliance includes but is not limited to:

- Members receiving untimely services or inaccurate plan information
- Inappropriate denial of benefits, services, medications
- Members being inappropriately held responsible for cost-sharing
- Failure to provide members access to due process (appeal)
- Failure to adhere to regulatory timeframes

Generally, a Corrective Action Plan (CAP) will be required when an issue of non-compliance results in one or more of the following:

- Regulatory or Contractual violations
- Measurable beneficiary/member harm (financial liability, inability to access drugs or benefits)
- Repetitive/systemic issues, rather than a one-time occurrence

Issues that fall outside of the above parameters should be documented and addressed by the applicable operational owner(s) in a Process Improvement Plan (PIP).

Policy:

Employee Responsibilities-

ATRIO requires all Employees to support and comply with the Employee Handbook, ATRIO Code of Conduct, Compliance Program, and all Compliance policies and Work Instructions. ATRIO's Employee Handbook, Code of Conduct, Compliance Program, and all Compliance policies are distributed to new Employees within 90 days of hire or contracting, when there are changes, and at least annually.

ATRIO Employees must:

- Participate in required general compliance, Fraud, Waste and Abuse (FWA) and Privacy/Security training within 90 days of hire or contracting, and at least annually;
- Report suspected or detected incidents of Non-Compliance, including FWA, HIPAA Violation and/or unethical behavior;
- Cooperate with audits, investigations, and document department actions to remediate and correct any potential or actual Non-Compliance, FWA, or HIPAA violation; and
- Provide evidence upon request and ensure that documentation of corrective or remediation is documented and available for future audit.

ATRIO maintains a policy of non-intimidation and non-retaliation for good faith participation in the ATRIO Compliance Program. This includes, but is not limited to:

- Reporting actual or suspected Noncompliance, FWA, HIPAA violation(s) and/or unethical behavior; and/or
- Participating in the investigation of such issues, conducting self-evaluations, audits and remedial actions.

Disciplinary Standards:

ATRIO timely, fairly, and consistently enforces these disciplinary standards when noncompliant and/or non-ethical behavior is detected.

For issues of Non-compliance, ATRIO may impose one or more of the following disciplinary actions in a timely manner to effectively stop the activity or correct the behavior:

- Education and training;
- Payment suspension as part of an ongoing investigation;
- Termination of employment or contract;
- Corrective Action Plan;
- Revision of Policy, Procedures and/or implement monitoring;
- Prepayment review of claims, as part of an ongoing investigation;
- Recommendations to add or modify system edits;
- Recoup improper claim payments; and/or
- Referral to the appropriate regulatory agency or law enforcement.

ATRIO is committed to appropriate corrective action to prevent future reoccurrences. If an Employee fails to comply with the standards set forth in this Policy, ATRIO will

conduct an investigation. If it is confirmed that a state law, federal law, or documented policy or policies have been violated, the Employee will be subject to appropriate disciplinary action based on the severity of the violation. Any disciplinary action will be in coordination with Human Resources policies and will be applied in a fair and equitable basis.

Any compliance action that results in a disciplinary action against an Employee will be recorded in the Employee's personnel file.

Resources:

Compliance Investigations Work Instructions
Corporate Code of Conduct Policy
Compliance Program
Record Retention Policy
Employee Handbook